MODESTO CITY COUNCIL
RESOLUTION NO. 98-261

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY FOR THE UTILIZATION OF PERSONAL PROPERTY TAX FROM AIRCRAFT BASED AT THE MODESTO CITY-COUNTY AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the County of Stanislaus for the utilization of personal property tax from aircraft based at the Modesto City-County Airport, be, and 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 19th day of May, 1998, 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, Smith, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-262

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 1998-1 (ENTERPRISE BUSINESS PARK) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT

WHEREAS, Marvin L. Oates (the "Property Owner") has filed with the City Clerk of the City of Modesto (the "City") a petition and supplement thereto, requesting the City Council (the "Council") to form Community Facilities District No. 1998-1 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 the construction and acquisition of certain street improvements, water, sewer and storm drainage improvements, and service extensions for electric power, natural gas and telephone connections, including planning, design and engineering costs and all other expenses incidental thereto (the "Facilities"), which are further described in Exhibit B hereto; and (ii) to finance certain services (the "Services"), which are described in Exhibit C hereto; and

WHEREAS, the Property Owner is the owner of more than 10 percent of the area of land proposed to be included within the District; and
WHEREAS, pursuant to Section 53320 of the California Government Code, upon receipt of such petition requesting the institution of proceedings for the establishment of a community facilities district, the Council is required to adopt a resolution of intention to establish a community facilities district; and

WHEREAS, in the event the District is established, it is the intention of the Council to: finance the costs of the construction and acquisition of the Facilities through the authorization, issuance and sale of bonds to be approved at an election to be held within the boundaries of the District, (ii) through the levy of a special tax, pay the principal of and interest on such bonds and (iii) through the levy of a special tax, finance such Services; and

WHEREAS, this Council has adopted local goals and policies concerning the use of the Act;

NOW, THEREFORE, that the Council hereby finds and determines and orders as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The petition submitted by the Property Owner and referenced in the above recitals is signed by a landowner owning the requisite portion of the area to be included within the proposed community facilities district in compliance with Sections 53318 and 53319 of the Act.

SECTION 3. The District is proposed to be established under the terms of the Act. The name proposed for the District is "Community Facilities District No. 1998-1 (Enterprise Business Park)."

SECTION 4. The boundaries of the District are shown on a map, entitled "Proposed Boundaries of Community Facilities District No. 1998-1 (Enterprise Business Park)"
the City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk. 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 15 days after the adoption of this Resolution and not later than 15 days prior to the date of the public hearing referred to in Section 9, file a copy of the map with the County Recorder of the County of Stanislaus.

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 5. The Facilities proposed to be provided by the District are public facilities authorized to be acquired or constructed under the Act that have a useful life of five (5) years or longer. The proposed Facilities are governmental facilities which the Council is authorized by law to contribute revenue to, or construct, own or operate; or which a local public agency is authorized by law to provide. The Council further determines that such Facilities are necessary to meet increased demands placed upon the City and other local agencies as a result of development occurring within the boundaries of the District.

The Facilities are proposed to include any and all incidental expenses related thereto, as authorized by the Act.

The Services proposed to be provided by the District are in addition to those provided in the District before its creation, since no such services have been or will be provided in the District before its creation.
SECTION 6. The Council determines that the public interest will not be served by allowing property owners to enter into a contract pursuant to Section 53329.5(a) of the Act.

SECTION 7. (a) It is the intention of the Council that, except where funds are otherwise available to pay for the Facilities, including the incidental expenses thereof, and/or the principal and interest as it becomes due on the bonds of the District issued to finance the Facilities, and the Services, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment and manner of collection of such proposed special tax is set forth in Exhibit A. Exhibit A provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Facilities and the Services.

(b) There is no land that will be used for residential property in the District.

(c) The landowners may prepay the amount needed to discharge the special tax lien securing that portion of the special tax levied for the Facilities pursuant to the procedures set forth in Exhibit A.

(d) If the special tax is so prepaid and permanently satisfied as to a particular parcel of land, this Council shall prepare and record in the office of the County Recorder of the County of Stanislaus, who shall accept for recordation, a Notice of Cancellation of Special Tax Lien as to that parcel. The Notice of Cancellation of Special Tax Lien shall identify with particularity the special tax which has been prepaid and permanently satisfied, shall state the book and page number in the records of the County Recorder where the Notice of Special Tax Lien being canceled is recorded, shall contain the legal description and assessor's parcel number of the particular parcel of land subject to the lien, and shall contain the name of the owner of
record of the parcel. The County Recorder shall mail the original Notice of Cancellation of Special Tax Lien to the owner of the property after recording the document. This Council may specify a charge for the preparation and recordation of the Notice.

SECTION 8. The landowners within the District who have advanced funds or provided work-in-kind shall be reimbursed, and the District also shall be reimbursed for money and services advanced for the formation of the District and its ongoing administration, and the acquisition, purchase, modification, expansion, improvement, rehabilitation, leasing and/or construction of the Facilities, all in accordance with and subject to the Act (including without limitation Section 53314.9 thereof) or other applicable law.

SECTION 9. 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 4:00 p.m., or as soon thereafter as practicable, on Tuesday, June 23, 1998, at the regular meeting place of the City Council, City Council Chambers, 801 11th Street, 1st Floor, Modesto, California 95354, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 10. The Engineering and Transportation Director, as the officer of the City who will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established, is directed to study the proposed District, and, at or before the time of the hearing, cause to be prepared and filed with the Council a report containing: (a) a brief description of the Facilities and Services by type which will in such officer's opinion be required to adequately meet the needs of the District; (b) an estimate of the cost of providing the Facilities and Services; (c) an estimate of the fair and reasonable cost of any of the Facilities to be purchased; and (d) an estimate of the fair and reasonable cost of incidental expenses.
The report shall be made a part of the record of the hearing to be held pursuant to Section 9 hereof.

SECTION 11. At the time and place set forth in this Resolution for the hearing, any interested persons, including taxpayers, property owners and registered voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Facilities and Services, or the proposed rate, method of apportionment and manner of collection of the special tax will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 12. The City Clerk is directed to publish a notice (the "Notice") of the hearing described in Section 9, 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 13. (a) If fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of the District, and the protests are not withdrawn so as to reduce the value of the
protests to less than a majority, no further proceedings to create the District, or to levy the
specified special tax, shall be taken for a period of one year from the date of the decision of the
Council.

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

(c) 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 14. (a) If, after the hearing described in Section 9, 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, unless such procedures are waived in writing by 100% of those eligible
to vote. The City Clerk shall, within three 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.
(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 election official conducting the election shall be required.

(c) Such time limits, or requirement 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.

(d) The special election on (i) the proposition of the District incurring a bonded indebtedness in an amount not to exceed $2,025,000, (ii) the proposition with respect to the levy of a special tax on the land within the District, and (iii) the proposition with respect to the establishment of an appropriations limit for the District in the amount of $300,000, per fiscal year, if the District is established and such election is held, shall be consolidated.

(e) 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.

(f) 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.

(g) 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 official conducting the election may certify the proper mailing or personal delivery of ballots by
an affidavit, which shall constitute conclusive proof of such mailing or personal delivery 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.

(h) 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.

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: (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 an official ballot and is to be opened only by the canvassing board.

The procedures set forth in this Section 14 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 15. This Council may, by ordinance, authorize contributions by the City from any sources of revenue not otherwise prohibited by law, of any specified amount, portion or percentage of such revenue for the purpose of acquiring or constructing the Facilities, the acquisition of interests in real property, or the payment of debt service with respect to the financing of either, the provision of authorized Services, and the payment of expenses incidental thereto.

SECTION 16. This Council reserves to itself the right and authority to allow any interested owner of property within the District, subject to the provisions of Section 53344.1 of the Act and to those conditions it may impose, and any applicable prepayment penalties as described in the bond indenture or comparable instrument or document, to tender to the District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1
(ENTERPRISE BUSINESS PARK)

RATE, METHOD OF APPORTIONMENT AND MANNER OF COLLECTION OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-1 (herein "CFD No. 1998-1") shall be levied and collected according to the tax liability determined by the City, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-1, unless exempted by law except as provided in Section I below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

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 map recorded at the County.

"Administrator" shall mean the person or firm designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax.

"Annual Administrative Expenses" means the annual cost of any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds of CFD No. 1998-1; the expenses of the City associated with carrying out its duties for such Bonds, including, but not limited to, the levy and collection of Special Tax, the fees and expenses of its counsel, amounts needed to pay rebate to the federal government with respect to any of such Bonds, and costs associated with continuing disclosure; and all other costs and expenses of the City in any way related to the establishment and administration of CFD No. 1998-1. The total Annual Administrative Expenses may be collected as a part of the Facilities Special Tax Requirement, Maintenance Special Tax Requirement or both, but in no event shall the total amount collected in any Calendar Year exceed the total estimated expenses for that year.

"Annual Maintenance Special Tax Requirement" means the amount necessary in any Calendar Year (i) to pay for authorized maintenance expenses, (ii) to pay Annual Administrative Expenses, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in the prior Quarter or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Quarter in which the tax will be collected.
"Assessor's Parcel" or "Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number at the time tax bills are prepared by the City to levy Special Taxes within the CFD. A Parcel which has been created by the recordation of a final subdivision map at least sixty (60) days prior to the start of any Quarter, but for which an Assessor's Parcel number has not yet been assigned, may also be considered an Assessor's Parcel for purposes of Section B.

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

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by the City for CFD No. 1998-1.

"Bond Maturity Date" means the date on which the Bonds mature as identified in the Bond sale documents.

"Bond Maturity Quarter" means the Quarter immediately preceding the Bond Maturity Date.

"Bond Maturity Special Tax" means the Maximum Facilities Special Tax that can be levied in the Bond Maturity Quarter.

"Calendar Year" means the period commencing on January 1 and ending on December 31 of any given year.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-1.

"County" means the County of Stanislaus.

"Delinquent Parcel" means any Parcel of Taxable Property for which Special Taxes have not been collected within ten (10) days after the date on which the Special Taxes were due as indicated on the tax bill sent by the City.

"Facilities Special Tax" means a Special Tax levied in any Quarter to pay the Facilities Special Tax Requirement.

"Facilities Special Tax Requirement" means the amount necessary in any Quarter (i) to pay interest on the Bonds for the preceding Quarter (and, in the Bond Maturity Quarter, to pay interest and principal on the Bonds in the following Quarter), (ii) to pay any additional interest costs required to bring the Interest Expense Fund to its full amount after depositing the amount for the previous
Quarter’s interest payment, (iii) to pay one-fourth (1/4) of the Annual Administrative Expenses, and (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 1988-1 which have occurred in the prior Quarter and which have not yet been cured from a draw on the Letter of Credit. The Facilities Special Tax Requirement shall be reduced by the following: (i) any credit from interest earnings on the Interest Expense Fund or other Bond funds the earnings on which are available to pay debt service on the Bonds, (ii) proceeds of Special Tax prepayments which are not used or reserved to redeem Bonds, and (iii) the collection of delinquent Special Taxes and associated penalties.

“Interest Expense Fund” means an amount equal to 150 days of interest on the Bonds assuming an annual interest rate of twelve percent (12%).

“Letter of Credit” means the letter of credit relating to the Bonds which shall be issued by a qualified bank, delivered on the closing date of the Bonds, and name the trustee for the Bonds as beneficiary. “Letter of Credit” shall also mean any substitute letter of credit that is issued in the future to replace all or a portion of the original letter of credit issued when Bonds are first sold for CFD No. 1998-1.

“Maintenance Special Tax” means a Special Tax levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

“Maximum Quarterly Facilities Special Tax” means the maximum Facilities Special Tax that can be collected in any Quarter, not including the Bond Maturity Quarter, to pay the Facilities Special Tax Requirement.

“Maximum Quarterly Facilities Special Tax Revenues” means the total amount of Facilities Special Tax that can be collected in any Quarter by levying the Maximum Quarterly Facilities Special Tax or the Bond Maturity Special Tax against all Taxable Property within the CFD.

“Maximum Quarterly Maintenance Special Tax” means the Maximum Special Tax that can be levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Quarter on Taxable Property.

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

“Quarter” means each of the four three-month periods beginning January 1, April 1, July 1 and October 1 of any Calendar Year.

“Taxable Property” means, in any Quarter, all Parcels within CFD No. 1998-1 that are not exempt from the Special Tax pursuant to law except as provided in Section I below.
B. IDENTIFICATION OF TAXABLE PROPERTY

Thirty (30) days prior to the beginning of each Quarter, the Administrator shall prepare a list of Assessor's Parcels within the CFD and shall identify the Acreage for all Parcels of Taxable Property against which a Special Tax will be levied in the upcoming Quarter. The Administrator shall also identify the name and address for the record owner of the Parcel to whom the Special Tax bill shall be sent.

C. MAXIMUM SPECIAL TAX

1. Maximum Quarterly Facilities Special Tax

The Maximum Quarterly Facilities Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $1,019 per Acre.

2. Bond Maturity Special Tax

The Bond Maturity Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $32,601 per Acre.

3. Maximum Quarterly Maintenance Special Tax

The Maximum Quarterly Maintenance Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $21.53 per Acre in Calendar Year 1998. Beginning in January 1999 and each January 1 thereafter, the Maximum Quarterly Maintenance Special Tax shall be adjusted by applying the 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. Each annual adjustment of the Maximum Quarterly Maintenance Special Tax shall become effective immediately after the adjustment is made.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

Thirty (30) days prior to the start of a given Quarter, the Administrator shall calculate the Facilities Special Tax Requirement for the Quarter. If the levy is for other than the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Maximum Quarterly Facilities Special Tax set forth in Section C.1 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals the Facilities Special Tax Requirement for that Quarter.
In the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Bond Maturity Special Tax set forth in Section C.2 above, in an equal amount on each Acre of Taxable Property until the amount of the levy equals the Facilities Special Tax Requirement for the Bond Maturity Quarter.

2. **Maintenance Special Tax**

Commencing in 1998 and each following Calendar Year, the Administrator shall determine, or shall cause to be determined, the Annual Maintenance Special Tax Requirement for that Calendar Year. The Administrator shall then levy a Maintenance Special Tax, not to exceed the Maximum Quarterly Maintenance Special Tax set forth in Section C.3 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals one-fourth (1/4) of the Annual Maintenance Special Tax Requirement calculated for that Calendar Year.

E. **TERMINATION OF SPECIAL TAX**

The Maximum Quarterly Facilities Special Tax shall be levied and collected until the Bond Maturity Quarter which shall, in no event, occur later than Calendar Year 2030. The Bond Maturity Special Tax shall be levied and collected in the Bond Maturity Quarter, which shall begin no later than July 1, 2030. The Maximum Quarterly Maintenance Special Tax shall continue to be levied unless and until the City determines that revenues from the Maintenance Special Tax are no longer needed to pay for authorized maintenance services.

F. **MANNER OF COLLECTION**

All Special Taxes shall be directly billed and collected by the Administrator on a Quarterly basis. Tax bills shall be mailed within seven (7) working days after the start of each Quarter and shall be due and payable within twenty-three (23) days after bills have been mailed. On the day the Quarterly tax bills are mailed, the tax bills shall also be sent via facsimile to each record owner for whom the Administrator is able to obtain a facsimile number; however, failure to fax a tax bill shall in no way affect the obligation of the owner to pay the Special Tax indicated in the amount and by the date indicated on the bill. Notwithstanding the above, after the Bond Maturity Date, the City may elect to levy the Maintenance Special Tax in the same manner and at the same time as ordinary ad valorem property taxes in an annual amount not to exceed four times the then current Maximum Quarterly Maintenance Special Tax.

G. **ENFORCEMENT**

1. **Facilities Special Tax**

If a Parcel becomes a Delinquent Parcel, the Bonds secured by the Maximum Facilities Special Tax levied on the Parcel shall be called from proceeds generated from a draw on the Letter of Credit. The following steps shall be applied to implement the call of Bonds:
Step Number:

1. Using the prepayment formula set forth in Section H below, the Administrator shall calculate the Prepayment Amount associated with the Delinquent Parcel.

2. The Administrator shall notify the Trustee of the Prepayment Amount calculated in Step 1.

3. The Trustee shall draw on the Letter of Credit in an amount equal to the Prepayment Amount and shall use the proceeds of the draw to retire Bonds secured by Special Taxes on the Delinquent Parcel.

4. The Administrator shall direct the County Recorder to record a Notice of Cessation of Special Tax against the Delinquent Parcel, which shall state that the obligation to pay the Facilities Special Tax has ceased, but the Maximum Quarterly Maintenance Special Tax shall continue to be levied against the Delinquent Parcel. After recordation of the Notice of Cessation of Special Tax, the Delinquent Parcel will no longer be subject to the Facilities Special Tax levy.

2. Maintenance Special Tax

All delinquent Maintenance Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1½% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 10, after which date any amounts on the tax roll which have not been paid will incur additional penalties and interest. 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.

H. PREPAYMENT OF FACILITIES SPECIAL TAX

Only the Facilities Special Tax may be prepaid; the Maintenance Special Tax shall continue to be levied on an annual basis on all Taxable Property in the CFD.

The Facilities Special Tax obligation applicable to an Assessor’s Parcel in CFD No. 1998-1 may be prepaid and the obligation of the Assessor’s Parcel to pay the Facilities Special Tax permanently satisfied as described herein, provided that a voluntary prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment.
Notwithstanding the above, the Facilities Special Tax shall be immediately prepaid from the proceeds of a draw on the Letter of Credit if a Parcel becomes a Delinquent Parcel.

For voluntary prepayments, an owner of an Assessor's Parcel intending to prepay the Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City shall notify the owner of the required prepayment amount. Prepayment must be made not less than 60 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Facilities Special Taxes.

The “Prepayment Amount” shall be calculated as follows (capitalized terms as defined below):

\[
\text{Bond Redemption Amount} + \text{Redemption Premium} + \text{Defeasance} + \text{Administrative Fees and Expenses} - \text{Interest Expense Fund Credit} = \text{Prepayment Amount}
\]

As of the proposed date of prepayment or upon notification from the Administrator that a Parcel has become a Delinquent Parcel, the Prepayment Amount shall be determined by applying the following steps:

**Step Number:**

1. Compute the total Maximum Quarterly Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Facilities Special Tax in the Quarter in which the prepayment will be received by the City.

2. Divide the Maximum Quarterly Facilities Special Tax computed pursuant to Step 1 for such Assessor's Parcel by the Maximum Quarterly Facilities Special Tax Revenues that can be generated in the Quarter in which the prepayment will be received by the City.

3. Multiply the quotient computed pursuant to Step 2 by the principal amount of Bonds that remain outstanding when the Prepayment Amount is calculated to determine the amount of Bonds to be redeemed (the "Bond Redemption Amount").

4. Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Bonds to be redeemed (the "Redemption Premium").

5. Compute the amount needed to pay interest on the Bond Redemption Amount from the last interest payment date on the Bonds until the earliest redemption date on the Bonds.
6. Identify the amount of Facilities Special Taxes levied with respect to the Assessor's Parcel during the current Quarter. If the current Quarter's Facilities Special Tax for that Parcel has not been paid, the amount of such Facilities Special Tax shall be included in the Prepayment Amount.

7. Compute the amount the City reasonably expects to derive from the reinvestment of the Bond Redemption Amount plus the Redemption Premium until the redemption date for the outstanding Bonds that the City expects to redeem with the prepayment.

8. Take the amount computed pursuant to Step 4, add the amounts calculated in Steps 5 and 6, and subtract the amount computed pursuant to Step 7 (the "Defeasance").

9. The administrative fees and expenses of CFD No. 1988-1 are as calculated by the City and include the costs of computing the prepayment, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses"). For a Delinquent Parcel, the Administrative Fees and Expenses shall also include any costs associated with the draw on the Letter of Credit.

10. An Interest Expense Fund credit shall be calculated as a reduction in the required Interest Expense Fund for the Bonds to be redeemed pursuant to the prepayment (the "Interest Expense Fund Credit").

11. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 4, 8, and 9, less the amount computed pursuant to Step 10 (the "Prepayment Amount").

I. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on property owned by a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.
EXHIBIT B
DESCRIPTION OF FACILITIES

The development of the Enterprise Business Park will require public streets, water system, sanitary sewer and storm drainage improvements. The project will also require new service extensions for electric power, natural gas and telephone connections. Street improvements include asphaltic concrete, pavement and base, concrete curb, gutter and sidewalk, street lighting, irrigation line reconstruction, sound wall installation (masonry wall), signage, striping and landscaping.

The streets to be improved include Morgan Road, Nelson Way, the new cul-de-sac Rockefeller Court, the extension of Glenn Avenue to the east and Crows Landing Road. In addition to the streets to be improved, water and sewer main extensions will be required from the end of the new cul-de-sac, Rockefeller Court, through proposed easements to and across the Union Pacific Railroad.
EXHIBIT C
DESCRIPTION OF SERVICES

The maintenance of parks, parkways and open space within the District as permitted under Section 53313(d) of the Act.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-263

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO INCUR A BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED $2,025,000 WITHIN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 1998-1 (ENTERPRISE BUSINESS PARK)

WHEREAS, this Council (the "Council") has adopted its Resolution No. 98-262 (the "Resolution of Intention to Establish the District") stating its intention to establish Community Facilities District No. 1998-1 (Enterprise Business Park) (the "District") pursuant to Chapter 2.5 of Part 1 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"), for the purpose of financing the construction and acquisition of certain public improvements (the "Facilities") described in the Resolution of Intention to Establish the District and the incidental expenses thereof; and

WHEREAS, in order to finance the Facilities and all costs incidental thereto, it is necessary to incur bonded indebtedness in an amount not to exceed $2,025,000, the repayment of which is to be secured by special taxes levied in accordance with Section 53328 of the Act and the rate, method of apportionment and manner of collection described in the Resolution of Intention to Establish the District;

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

SECTION 1. The above recitals are true and correct.
SECTION 2. It is necessary to incur bonded indebtedness within the boundaries of the proposed District for the purpose of financing the Facilities described in the Resolution of Intention to Establish the District, and all costs incidental thereto.

SECTION 3. The bonded indebtedness is proposed to be incurred for the purpose of financing the cost of the Facilities, including acquisition and construction costs, and all costs incidental to, or connected with the accomplishment of such purposes and the financing thereof as permitted by Section 53345.3 of the Act.

SECTION 4. The whole of the proposed District shall pay for the bonded indebtedness according to the rate and method of apportionment of the special tax as provided in the Resolution of Intention to Establish the District.

SECTION 5. The bonded indebtedness shall be in an aggregate principal amount not to exceed $2,025,000 at an interest rate or rates not to exceed the maximum rate permitted by law at the time the bonds are issued. The term of the bonds will be determined pursuant to a resolution or resolutions of this Council issuing the bonds, or series thereof, but the term of each such series will in no event exceed thirty (30) years from the date of such series.

SECTION 6. A public hearing on the proposed bonded indebtedness will be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, June 23, 1998, at the regular meeting place of the City Council, City Council Chambers, 801 11th Street, 1st Floor, Modesto, California 95354.

SECTION 7. At the time and place set forth above for the hearing any person interested, including all persons owning property in the area, may appear and be heard on the proposed debt issuance.
SECTION 8. The City Clerk is directed to publish a notice of the hearing, in the form required by the Act, one time, pursuant to Section 6061 of the Government Code, in a newspaper of general circulation published in the area of the proposed District, being The Modesto Bee. Such publication shall be completed at least seven (7) days prior to the date set for the hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE GRACEADA PARK PLAYGROUND RENOVATION PROJECT MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Graceada Park Playground Renovation Project Master Plan be, and it 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING THE FISCAL YEAR 1998 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), EXCEPTING ITEMS 24 (CHDO) and 52 (STANCO) OF SAID PLAN; APPROVING THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM, AND EMERGENCY SHELTER GRANT (ESG); AUTHORIZING SUBMITTAL OF APPLICATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 26, 1998, to consider the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production, and Homeless Assistance,

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

1. That the Annual Action Plan as presented to the Council for the Community Development Block Grant (CDBG), excepting items 24 and 52 of said plan, and the Home Investment Partnership (HOME) Program, and the Emergency Shelter Grant (ESG) are hereby approved, and a copy of said Annual Action Plan is on file in the office of the City Clerk.

2. That the City Manager or his authorized designee are hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development
(HUD) pertaining to the 1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-266

A RESOLUTION APPROVING ITEMS 24 (CHDO) AND 52 (STANCO) OF THE FISCAL YEAR 1998 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), AND AUTHORIZING SUBMITTAL OF APPLICATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 26, 1998, to consider the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production, and Homeless Assistance, and

WHEREAS, by Resolution No. 98-265, the Fiscal Year 1998 Annual Action Plan for Community Development Block Grant, with the exception of Items 24 (CHDO) and 52 (STANCO), the Home Investment Partnership (HOME) Program, and the Emergency Shelter Grant (ESG) were approved, and a copy of the Annual Action Plan was filed in the office of the City Clerk.

WHEREAS, the Council of the City of Modesto desires to approve Items 24 (CHDO) and 52 (STANCO) of the Fiscal Year 1998 Annual Action Plan for Community Development Block Grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Items 24 (CHDO) and 52 (STANCO) of the Annual Action Plan for the Community Development Block Grant (CDBG) are hereby approved.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
City Manager or his authorized designee are hereby authorized to execute any and all documents
necessary in relation to grant agreements relating to Items 24 (CHDO) and 52 (STANCO), and
City staff is hereby authorized to submit an application to the U.S. Department of Housing and
Urban Development (HUD) pertaining to Items 24 (CHDO) and 52 (STANCO) of the 1998
Fiscal Year Annual Action Plan for Community Development Block Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved
its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:  
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-267

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(411), AS AN
ADDITION TO PLANNED DEVELOPMENT ZONE,
P-D(411). (MID-VALLEY ENGINEERING)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the
Zoning Map was filed by Mid-Valley Engineering on February 24, 1998, to reclassify from
Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(411), as an
addition to Planned Development Zone, P-D(411), to allow expansion of the Sierra Vista
Children's Center, property located at 908 Sierra Drive on the south side of Sierra Drive
between Rosedale and Roselawn Avenues, described as follows:

R-2 to P-D(411), as an addition to P-D(411)

All that real property situate in a portion of the Southwest one-quarter of Section
32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lots 3 and 4, in Block 333, as per Book 15 of Maps of Stanislaus County
Records;

Including also all of the Southern one-half of 60.00-foot-wide Sierra Drive and
Northern one-half of the 20.00-foot-wide alley, all immediately adjacent to the
above-described property.

and

WHEREAS, after a public hearing held on April 20, 1998, in the City Council
Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by
the Planning Commission, by its Resolution No. 98-32, that rezoning of the property as
requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed expansion of the planned development zone, by reason of its plot plan design and conditions of approval is compatible with existing and potential surrounding development.

2. That the requested planned development zone expansion for child education classrooms is within a residential area, as designated by the General Plan, which includes provision for such school facilities.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 26, 1998, in the City Council Chambers, City Hall, 801 11th 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 Mid-Valley Engineering 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. 98-32 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3090-C.S. on the 26th day of May, 1998, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(411), as an addition to Planned Development Zone, P-D(411).

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(411), as an addition to Planned Development Zone, P-D(411), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Development Sketch Sierra Vista Children's Center" as amended in red, stamped approved by the City Council on May 26, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   
   Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the west and east property lines.

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

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

6. Trash cans shall be screened from view from any public street.

7. All signs shall comply with the sign requirements of the R-2 Zone.

8. All conditions of City Council Resolution No. 86-1347 not in conflict with this action shall remain in full force and effect.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(411), as an addition to Planned Development Zone, P-D(411):

The entire construction program be accomplished in one phase, construction to begin on or before April 20, 2000, and completion to be not later than April 20, 2001.

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(411), as an addition to Planned Development Zone, P-D(411), 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 May, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department Development Services
P-D RESOLUTION

1 Applicant
2 Attorney
1 CDD - George Osner
1 PW&T - Engineering Services
1 CDD - Building Inspection
1 CDD - NPU - Virginia M.
1 PW&T - Jeff Barnes
1 PW&T - Const. Admin.
1 Parks & Recreation - Fred Allen
10
MODESTO CITY COUNCIL
RESOLUTION NO. 98-268

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 32-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(411), AS AN ADDITION TO P-D(411), PROPERTY LOCATED AT 908 SIERRA DRIVE ON THE SOUTH SIDE OF SIERRA DRIVE BETWEEN ROSEDALE AND ROSELAWN AVENUES TO ALLOW EXPANSION OF THE SIERRA VISTA CHILDREN’S CENTER. (MID-VALLEY ENGINEERING)

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, Mid-Valley Engineering has proposed that the zoning designation for the property located at 809 Sierra Drive on the south side of Sierra Drive between Rosedale and Roselawn Avenues, be amended to rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(411), as an addition to P-D(411) in the City of Modesto ("the project"), to allow expansion of the Sierra Vista Children's Center, 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

3/13/98
WHEREAS, on March 30, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-15 reviewed the proposed amendment to the Zoning Map and rezone to P-D(411) 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(411) 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 May, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request for rezoning from R-2 to P-D as an addition to P-D(411). 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 Mid-Valley Engineering to Rezone From R-2 to P-D As An Addition to P-D(411), Property Located on the South Side of Sierra Drive Between Rosedale and Roselawn Avenues at 908 Sierra Drive

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

C. Contact person, address and phone number:
Mid-Valley Engineering/Dennis E. Wilson
900-H Street, suite G
Modesto, CA 95354
phone (209) 526-4214

D. Project Location:
the South Side of Sierra Drive Between Rosedale and Roselawn Avenues at 908 Sierra Drive

E. Project sponsor:
Dennis E. Wilson

F. General Plan Designation:
residential(R)
G. Zoning:
existing R-2, Medium Density Residential

H. Description of Proposed Project:
This is an application to rezone from R-2 to P-D as an addition to P-D(411) for expansion of the sierra vista children’s Center. This expansion will be provided on a noncontiguous 6500 square foot parcel located at 908 Sierra Drive. The expansion will consist of providing a modular classroom for approximately 20 children, a playground area to the side and rear of the modular unit, and a off-street parking area for four cars served from the rear alley.

I. Surrounding land uses:
This property is immediately adjacent to residential uses and one lot removed from the existing P-D(411), sierra Vista children’s enter.

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
Development of the proposed P-D zone expansion will generate a small increase of traffic in the area. A site traffic mitigation study was not required for this development as part of this development. Development of the proposed P-D zone expansion 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 expansion use 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.

2
C. Generation of Noise
The proposed P-D zone expansion use is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this P-D use, nor will the adjacent residential 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 expansion use 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 for R-2 uses. The requested P-D zone expansion will allow a children’s care/school facility, subject to conditions of approval. This property is also within a Residential (R) 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 expansion use 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 P-D zone expansion use 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 expansion use is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.
H. Disturbance of Archaeological and Historic Sites
This proposed P-D zone expansion use 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 P-D zone expansion use will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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 P-D zone expansion use will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space
This proposed P-D zone expansion use 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 expansion use will not impact the Modesto School system, as this facility will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore still valid.
M. Increased Demand for Police Services
This proposed P-D zone expansion use 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
proposed P-D zone expansion use will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 is located across the street. 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 proposed P-D zone expansion use 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 expansion 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
The proposed P-D zone expansion 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 proposed P-D zone expansion 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, 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 rezoning from R-2 to P-D as an addition to P-D(411) for a children's classroom building, playground, and adjacent parking area is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: [Signature] Date: 3/30/98
EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Person's Name in Charge of the Project

3
MODESTO CITY COUNCIL
RESOLUTION NO. 98-269

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:

Information Services Manager

Systems Engineer

The job specifications for the classification of Information Services Manager (Range 442), as shown on the attached Exhibit “A”, and Systems Engineer (Range 438), 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 this Position 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:

Water Distribution System Operator

Cross-Connection Specialist

The job specifications for the classification of Water Distribution System Operator (Range 116), as shown on the attached Exhibit "D", and Cross-Connection Specialist (Range 122), 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 3. CLASSIFICATIONS ADDED. The Position Classification Plan of the City of Modesto is hereby revised to add the following classifications:

Deputy Director-Engineering & Transportation

Deputy Director-Utilities

The job specifications for the classification of Deputy Director- Engineering & Transportation and Deputy Director-Utilities (Range 452), as shown on the attached Exhibit “C”, which is hereby made a part of this resolution by reference, are hereby approved and made a part of this Position Classification Plan of the City of Modesto.

SECTION 4. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:
Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

SECTION 5. EFFECTIVE DATE. This resolution shall become effective on and after May 26, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

MICHAEL D. MILICH, City Attorney
INFORMATION SERVICES MANAGER

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

DEFINITION

Under general direction, to direct, administer, plan, design, install, maintain, and manage the activities of the City's information systems including: systems analysis, application systems design, programming, network management and computer operation; and to provide highly technical and responsible staff assistance to various City Departments in the area of information systems, management and organization.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and support staff.

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

Essential Functions:

Develop and direct the implementation of goals, objectives, policies and work standards for the City's central information management function.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in the selection of staff.

Design work plans, including work activities and project implementation schedules, monitor work flow, and review and evaluate work product.

Prepare and administer the division budget; prepare professional reports, correspondence and memoranda as required.

Provide excellent customer service to both internal and external customers.

Exhibit "A"
Essential Functions (Continued)

Keep abreast of "state-of-the-art" information technology; develop and recommend long-term plans and strategies for effective utilization of information technology systems.

Analyze technical reports and legislation related to information system matters; evaluates impact upon City operations, recommend and implement equipment, policy and procedural improvements.

Maintain or coordinate with city departments backup systems for files from all critical applications, with appropriate depth to allow recovery from the advent of multiple disasters.

Analyze the City department business operations and evaluate the need for and recommend the most effective use of equipment and personnel.

Establish City-wide standards for hardware, software and local-area-networking technologies of use by City departments.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of information technology systems used in a municipal government setting, including state of the art hardware, software, peripheral equipment, and applications for computer, telephone and data communication systems.

Administrative principles and methods, including goal setting, program and budget development, and management and supervision of technical personnel.

Methods and techniques for project management as applied to computer systems development and installation.

Systems analysis methods and techniques.

General operating principles and parameters of the centralized and departmental personal computers used by the City.

Applicable laws and regulations.
QUALIFICATIONS: (Continued)

Ability to:

Assess user department needs, set priorities and allocate staff to meet such needs in a timely and effective manner providing excellent customer service.

Administer work plans, monitor progress and as required, take action to meet established completion dates.

Analyze a variety of technical documents; prepare comprehensive reports; prepare and administer a budget and maintain detailed records.

Exercise sound independent judgement within general policy guidelines.

Select, train and evaluate professional and technical staff.

Analyze complex problems, evaluate alternatives and make creative recommendations.

Establish and maintain effective 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:

Five years of increasingly responsible experience in the management, supervision and administration of information system design, development, implementation, and operations in a centralized operating environment. Experience in a public sector environment is desirable.

Training:

Equivalent to a Bachelor’s Degree from an accredited college or university with major coursework in Computer Science, Information Systems Management, Public Administration, Business Administration or a closely related field.
License or Certificates

Possession of or the ability to obtain, a valid California Class C Driver’s License.

Additional Requirement

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

WORKING CONDITIONS:

   Environmental Conditions:

Office environment.

   Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time.
SYSTEMS ENGINEER

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

DEFINITION

Under general direction, to analyze, plan, install, evaluate, monitor, test and maintain systems and application software in a personal computer and client/server environment.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Information Services Manager. May exercise functional and technical supervision over assigned staff.

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

Essential Functions:

Plan, install, evaluate, monitor and maintain client/server operating system releases, enhancements and/or application software.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in the selection of staff.

Oversee, direct and train staff in the analysis, monitoring and fine tuning of the City's UNIX systems.

Work with department management, internal customers, and information technology professionals to define automated solutions to short and long range computer services and integrated network needs.

Manage and support client/server application software products installed throughout the City including connectivity with multiple remote sites.

Perform data base administration on the City's client/server environment.

Exhibit "B"
Provide resolution to systems errors and/or problems as they occur; apply "fixes" to system and program product software.

Work with the organizational team and vendor personnel as appropriate regarding changes to existing systems or to resolve technical questions related to the operating system.

Establish operational and technical procedures for the utilization of client/server systems and program products.

Monitor system performance and evaluate system status and resources; develop and write Unix/Perl scripts to address the monitoring and evaluation function as needed.

Coordinate hardware installation, configuration and maintenance.

Prepare and develop budget recommendations related to client/server environment.

Keep abreast of "state-of-the-art" in information technology.

**Marginal Functions:**

Perform related duties as assigned.

**QUALIFICATIONS**

**Knowledge of:**

Principles, practices and techniques of information systems management including applications, design, hardware and software options for administrative and business-oriented application.

Methods and techniques for project management including identifying project task, scope, team building, resource allocation, scheduling/timelines, and communicating the deliverables/results.

Principles and practices of supervision including selection, training, evaluation and discipline.

Accounting principles, statistical methods, business administration principles, organization techniques and management procedures.

Computer operating environments including UNIX, Windows NT and Windows 95.
QUALIFICATIONS (Continued)

Knowledge of:

Telecommunications including WAN and LAN topologies, hubs, routers, bridges, modems and high speed data communication technology.

Network protocols including TCP/IP and IPX/SPX.

Data base administration concepts.

Analyzing problems and developing solutions.

Principles and techniques of budgeting.

Systems documentation procedures and methods; systems and network security administration.

Ability to:

Solve complex hardware and software problems given minimal diagnosis.

Provide excellent customer service and technical direction to other staff members.

Prepare and present oral and written reports effectively.

Understand technical material and present it in a clear and concise manner to technical and non-technical persons.

Remain abreast of current trends and developments in computer technology.

Reason logically, draw valid conclusions and make appropriate recommendations.

Organize work, establish priorities, and meet deadlines.

Supervise, train, plan, organize and review the work of assigned 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:

Three years of experience related to the required knowledge involving automated business systems, including technological project management, and the implementation of new systems using client server technology.

Training:

Equivalent to graduation from an accredited four-year college with a major in computer science, mathematics, accounting, public or business administration, or a related field.

License or Certificate:

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

Additional Requirement:

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

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for
Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist the Director of Engineering and Transportation in the planning, directing, supervising, and coordinating of departmental functions and engineering activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the Director of Engineering and Transportation.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Engineering and Transportation.

Exercises direct supervision over professional, technical and clerical staff.

Exercises responsible charge of assigned engineering functions.

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

Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of divisional Work Plans; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

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

Assist with the preparation of operating and capital improvement budgets and control of expenditures.
Essential Functions: (Continued)

Supervise and assist subordinate supervisors in the planning, design, and maintenance of City buildings, equipment and City street, transportation, traffic, water, waste water and drainage systems; establish long-range plans and goals.

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

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Engineering and Transportation; prepare and present staff reports and other necessary correspondence.

Monitor franchises and service agreements related to solid waste, telecommunications or other utilities.

Establish performance expectations and evaluate performance of subordinate personnel.

May be assigned special projects requiring engineering design calculations and using the judgment of a registered professional engineer.

Prepare a variety of correspondence including general and special reports.

Serve as Director of Engineering and Transportation, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.

Principles of budget preparation and expenditure control.

Engineering principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.
QUALIFICATIONS: (Continued)

Knowledge of:

Technical, legal, and financial issues related to the conduct of municipal public works program.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

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

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

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

Perform a variety of technical and engineering research and prepare reports of findings.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during 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:

Five years of increasingly responsible professional civil engineering experience, including at least two years in a supervisory or administrative capacity.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate

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

Possession of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, candidates will have six (6) months to obtain California Registration.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.
WATER DISTRIBUTION SYSTEM OPERATOR

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

DEFINITION

Under general supervision, perform skilled and semi-skilled labor in the full range of assigned duties related to the Water Distribution System. This may include construction, maintenance, repair, and meter reading activities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff. May exercise technical and functional supervision of other maintenance staff.

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

Essential Functions:

Lay and fit pipelines, make water line taps, install water services, fire hydrants, blow-offs, valves, meters, vaults, boxes, exercise valves, locate and mark services and mains for Underground Service Alert.

Flush water mains and services to maintain a safe, potable water system.

Respond to emergencies including flood, line breaks and overflows, and repair and restore system as required.

Respond to customer water problems including leaks, low water pressure, meter connects and disconnects, and unusual meter readings.

Collect water samples from wells, mains and services for lab testing.

Read and update water distribution maps and as-built plans and blueprints; analyze projected new routes.

Exhibit "D"
Essential Functions: (Continued)

Identify and locate service and main leaks for heavy crews; operate pipe locators and gas-sensing equipment; install and inspect backflow devices; raise and maintain water meters above ground.

Excavate trenches and install shoring; back fill trenches with proper material to achieve correct compaction.

Operate construction equipment and power tools such as dump trucks, front end loaders, tampers, tap machines, pavement saw, cutting torch and welder.

Operate hand-held and office computers to enter and retrieve data; prepare written and computerized records and reports, and review reports for accuracy.

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

Tactfully respond to requests and inquiries from customers of the water utility and from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform work in emergency situations as required.

Perform on-call duties as required.

Marginal Functions:
Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, techniques, and tools, and the operational characteristics of mechanical equipment used in the construction, maintenance and repair of water utility facilities and meters.

Methods and procedures used in monitoring water systems.
Knowledge of: (Continued)

Practices for collection of water samples.

Basic arithmetic principles.

Disinfection (chlorination) rules and regulations.

Safe work practices.

Ability to:

Perform skilled and semi-skilled maintenance, construction, and repair work in the area of work assigned.

Handle contaminated materials and equipment.

Identify equipment, tools and materials needed for each project.

Fabricate tools and equipment if needed for project.

Identify possible or potential sources of contamination and how to deal with it to ensure a safe water system.

Disassemble water meters, clean meter parts; reassemble meters; test and adjust meters; install and remove meters; check for proper operation of meters.

Perform heavy manual labor, including but not limited to lifting and carrying 100 pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Work in deep trenches and follow trenching and shoring safety standards.

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

Read and interpret basic maps and blueprints.

Establish and maintain cooperative relationships with those contacted during 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:

One year of increasingly responsible experience performing field maintenance duties. Work experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to graduation from High School or possession of a G.E.D. certificate.

License or Certificate

Possession of an appropriate and valid California driver's license.

Possession of a Grade I Water Distribution Operator Certificate issued by the American Water Works Association (AWWA) is required within 18 months of appointment.

Possession of a Backflow Tester Certificate issued by the American Water Works Association (AWWA) is highly desirable.

WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather; exposure to heavy traffic and other hazards in confined spaces with possible hazardous materials.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 100 pounds of weight, maintaining physical condition necessary for walking, standing for long periods of time, crawling; operating motorized equipment and vehicles.
WORKING CONDITIONS: (Continued)

Work Assignment:

Must be willing to work overtime and off hours in emergency situations.
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 inspect cross connection devices and to inspect, test and certify backflow prevention devices; to read, repair and maintain water meters; and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory staff. Exercises 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:

Essential Functions:

Administer Cross Connection Control Program

Enforce public health regulations relating to backflow and cross connection control within the City of Modesto’s water distribution system.

Conduct cross connection surveys and inspections in order to identify water user premises where cross connections are likely to occur.

Inspect premises for cross connections and certify backflow preventers on new construction or remodels when building permits are issued.

Provide information to contractors, architects and engineers, concerning the City’s Cross Connection program.

Maintain the City of Modesto list of certified backflow assembly testers.

Maintain accurate records of backflow preventer locations, testing and repairs.
Maintain annual backflow testing and maintenance schedule with monthly notification program.

Test, maintain and repair backflow preventers on city property and buildings.

Troubleshoot and respond to complaints on backflow preventers within the city's water distribution system.

Inspect water tank trucks to ensure that the trucks have proper air-gap separations.

Maintain records on water trucks relating to its holding capacity in gallons and air gap separation.

Meet with State Health Inspector yearly for review and audit of the City's cross connection and backflow program.

**Hydrant Meter Program Duties**

Issue hydrant permits.

Enforce hydrant meter program.

Maintain records of repairs, maintenance and calibration of hydrant meters.

Obtain hydrant meter readings for billing.

Repair and test hydrant meters.

**Subdivision Meter Program Duties**

Repair and maintain meter and check valve assembly.

**Other Duties**

Work as Maintenance Mechanic - Pumps, if needed.

Operate water automation control board.

Obtain water samples.

Weld and fabricate.
Essential Functions (Continued)

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Inspection, testing, repair and certification of backflow prevention devices, water meters, motors, and pumps.
- Inspection and testing of cross connection devices.
- Principles, practices, tools, equipment and parts used in maintenance and repair of backflow prevention devices, water meters and lift stations.
- Municipal water system and water service components.
- Pertinent state, federal and local laws, codes and regulations.
- Pertinent safety principles and practices including working in confined spaces.
- Principles and practices of electricity, hydraulics, metal cutting and welding.
- Basic mathematics.
- Basic writing skills including grammar, punctuation, and spelling.

Ability to:

- Perform a variety of skilled and complex work in the repair, testing, and certification backflow devices in accordance with state, county and city ordinances and regulations.
- Perform skilled and complex work in the inspection, diagnosis, repair and maintenance of cross connection devices, meters, pumps, motors, and computerized and pneumatic controls.
- Work independently.
- Maintain records and prepare reports.
QUALIFICATIONS (Continued)

Ability to:

Understand and carry out oral and written instructions.

Establish and maintain effective working relationships with others.

Communicate effectively both orally and in writing.

Tactfully deal with the public.

Enforce regulations relating to cross connection and backflow devices.

Perform medium-heavy manual labor, including lifting and carrying up to 75 pounds.

Read and interpret blueprints.

Work in confined spaces.

Experience and Training Guidelines:

Experience:

Two years experience equivalent to Water Distribution System Operator (formerly Meter Reader/Repair or Water Lineworker) or 1 year of experience in the inspection repair and maintenance of backflow prevention devices. Three to six months experience in program administration is desirable.

Training:

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

License or Certificate

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

Possession of an American Water Works Association (AWWA) Backflow Prevention Assembly Tester’s Certificate.
Experience and Training Guidelines: (Continued)

License or Certificate

Possession of an American Water works Association (AWWA) Cross Connection Control Specialist Grade I Certification.
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. 98-270

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 98-258 ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 97-375."

WHEREAS, by Resolution No. 98-258, effective June 23, 1998, the City Council granted salary and benefit changes to Management And Confidential Employees, Including Council Appointees, and now wishes to further amend Exhibit "A" of Resolution No. 98-258, the Council of the City of Modesto, as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 98-258 Exhibit "A" of Resolution No. 98-258 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 23, 1998", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes, Effective May 26, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Information Services Manager (Range 442) and Systems Engineer (Range 438) to the Class Range Table, adopts class specifications which reflect title changes for the positions of Deputy Director-Engineering & Transportation and Deputy Director-Utilities (Range 452), and deletes Deputy Director Public Works - Engineering, Deputy Director Public Works - Operations, and Deputy
Director Public Works - Transportation (Range 450) from the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 26, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
## CITY OF MODESTO
### CLASS RANGE TABLE
#### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective May 26, 1998**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<td>411</td>
<td>Microfilm Services Supervisor</td>
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<td>412</td>
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<tr>
<td>413</td>
<td>Senior Personnel Clerk</td>
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<tr>
<td>414</td>
<td>Administrative Technician (Confidential)</td>
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<td>415</td>
<td>Secretary</td>
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<td>418</td>
<td>Legal Secretary</td>
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<td>Public Information Technician (Confidential)</td>
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<td>Police Training and Records Technician (Confidential)</td>
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<td>Accountant I (Confidential)</td>
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<td>Employee Benefits Coordinator</td>
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<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"
Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Custodian Supervisor
    Police Support Services Supervisor

424 Assistant Planner
    Asst. City Clerk/Auditor
    Buyer
    Workers’ Compensation Claims Examiner II

425 Administrative Analyst I
    Executive Assistant

426 Stores Manager

427 Events Supervisor
    Legal Services Administrator

428 Parks Maintenance Supervisor
    Airport Maintenance Supervisor
    Trees Maintenance Supervisor
    Equipment Maintenance Supervisor I
    Senior Buyer
    Accountant II
    Budget Analyst
    Public Works Supervisor
    Building Maintenance Supervisor
    Customer Services Specialist
    Customer Services Supervisor

429

430 Associate Planner
    Junior Civil Engineer
    Junior Traffic Engineer
    Neighborhood Preservation Supervisor
    Senior Crime Analyst
    Social Services Program Supervisor

431 Administrative Analyst II
    Affirmative Action Officer
    Personnel Analyst
    Assistant Risk Manager
    Recycling Program Coordinator
    Senior Budget Analyst
    Senior Community Development Program Specialist
    Systems Analyst
| 432 | Plant Mechanic Supervisor  
Recreation Supervisor II  
Senior Accountant  
Youth Program Supervisor  
Industrial Waste Supervisor |
|---|---|
| 433 | Organizational Development Specialist  
Laboratory Manager |
| 434 | Senior Programmer Analyst  
Electrical Supervisor  
Engineering Systems Manager  
Sr. Housing Rehab. Specialist  
Secondary Treatment Site Supv.  
Operations Supervisor  
Arborist  
Land Surveyor  
Equipment Maintenance Supervisor II  
Systems Manager  
Assistant Civil Engineer  
Assistant Traffic Engineer |
| 435 | Management Analyst  
Senior Personnel Analyst  
Administrative Services Officer  
Integrated Waste Specialist  
Business Analyst  
Cultural Services Manager |
| 436 | Senior Planner |
| 437 | Deputy City Attorney I |
| 438 | Asst. Water Quality Control Supt.  
Transportation Planner  
Housing Program Supervisor  
Parks Planning and Development Manager  
Communications and Marketing Manager  
Property Agent  
Budget Officer  
Financial/Investment Officer  
Systems Engineer |
| 439 | |
| 440 | Purchasing Officer  
Associate Civil Engineer  
Associate Traffic Engineer |
Class Range Table  
Management and Confidential Non-Sworn Class  
Page 4

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  
Water Superintendent  
Building Maintenance Superintendent  
Police Records Manager  
Fire Marshal  
Golf Services Manager  
Deputy City Attorney II

442  
Supv. Building Inspector  
Finance Data Processing Manager  
Supv. Construction Inspector  
Manager of Budget and Financial Analysis  
Information Services Manager

443  
Deputy Chief Bldg. Official  
Sr. Deputy City Attorney I

444  
General Services Manager  
Principal Planner

445  
Customer Services Division Manager  
Accounting Division Manager  
Housing and Neighborhoods Division Manager

446  
Water Quality Control Superintendent

447  
Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. - Civic Center  
Asst. Parks & Recreation Dir. - Parks  
Asst. Parks & Recreation Dir. - Recreation  
Business Development Division Manager  
Development Services Division Manager  
Strategic Planning Division Manager  
Senior Civil Engineer  
Traffic Engineer
Sr. Deputy City Attorney II

Deputy Director - Engineering & Transportation
Deputy Director - Utilities

Assistant 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. 98-271

A RESOLUTION ADOPTING THE SPECIAL ASSIGNMENT OF POLICE DEPUTY CHIEF.

WHEREAS, the Modesto Police Department has seen significant growth over the past few years and currently has 335 full-time employees, and

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

WHEREAS, the City Council desires to adopt the Special Assignment of Police Deputy Chief, to provide necessary leadership, as more fully set forth in Exhibit “A” attached hereto, and made a part hereof by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adoption of the Special Assignment of Police Deputy Chief, as set forth in Exhibit “A” attached hereto, and made a part hereof 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Police Deputy Chief  
Special Assignment

Subject to the approval of the City Manager, the Police Chief shall have the authority to appoint employees to the assignment of Police Deputy Chief, as follows:

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

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

Employees assigned as Police Deputy Chiefs shall be compensated at salary Range 1624, 7.5% above current class of Captain. All benefits for Deputy Chiefs shall be commensurate with those currently provided to Police Captains.

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

The total number of special assignments shall be at the sole discretion of the City Manager.
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. 98-272

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LIFEGUARD HEALTH CARE TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lifeguard Health Care to provide employee group health coverage effective August 1, 1998 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-273

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL HEALTH PLANS TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Health Plans to provide employee group health coverage effective August 1, 1998 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE OF CALIFORNIA TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PacifiCare of California to provide employee group health coverage effective August 1, 1998 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE BEHAVIORAL HEALTH FOR SUPPLEMENTAL HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PacifiCare Behavioral Health for supplemental health coverage effective August 1, 1998 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-276

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LANDMARK HEALTHCARE TO FOR SUPPLEMENTAL CHIROPRACTIC CARE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Landmark Healthcare for supplement chiropractic care effective August 1, 1998 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-277

A RESOLUTION APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND VISION SERVICE PLAN EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the administrative services agreement between the City of Modesto and Vision Service Plan effective August 1, 1998 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-278

A RESOLUTION APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS DENTAL FOUNDATION EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the administrative services agreement between the City of Modesto and Stanislaus Dental Foundation effective August 1, 1998 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-279

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING AND SURVEYING FOR PROFESSIONAL SURVEY SERVICES FOR CAPITAL IMPROVEMENT PROGRAM PROJECTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Delamare-Fultz Engineering and Surveying for professional survey services for Capital Improvement Program projects be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-280

A RESOLUTION DECLARING A SURPLUS IN
IMPROVEMENT DISTRICT NO. 24.

WHEREAS, the City Council of the City of Modesto has conducted proceedings and completed construction for certain works of improvement in special assessment districts pursuant to the terms and provisions of the “Municipal Improvement Act of 1913”, being Division 12 of the Streets and Highways Code of the State of California (the “Act”); said special assessment district known and designated as Assessment District No. 24, and

WHEREAS, after completion of the improvements and payment of all the claims from the Improvement Fund for said Assessment Districts, there remains a surplus in the Improvement Funds, and this legislative body is desirous at this time to make the disposition of said surplus as so provided by Section 10427 of the Act,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the work of improvements, as set forth and described in the Resolution of Intentions for these proceedings, have been completed to the satisfaction of this legislative body, and all payments have either been made or set aside for all existing or potential claims, costs and expenses.

SECTION 3. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be applied as a credit or payment to property owners within the boundaries of the Assessment Districts on a pro-rata basis generally determined as follows:

A. To those who paid in cash, the proportionate share of the surplus
shall be returned in cash to the person or persons owning the property for which the assessment or installment has been paid;

B. Where any part of an individual assessment remains unpaid and is payable in installments, the amount apportioned to each parcel shall be used to reduce the original assessment filed at the County of Stanislaus.

SECTION 4. That a portion of the surplus monies, at this time remaining in the Improvement Fund, shall be applied towards a bond call in the Assessment Districts.

SECTION 5. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be transferred to a special Department of Public Works Maintenance Account to be used for maintenance projects within the Assessment Districts.

SECTION 6. Prior to any distribution as set forth above, the lesser amount of $1,000 or five percent (5%) of the amounts expended from the Improvement Funds shall be transferred to the General Fund of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-281

A RESOLUTION DECLARING A SURPLUS IN IMPROVEMENT DISTRICT NO. 28.

WHEREAS, the City Council of the City of Modesto has conducted proceedings and completed construction for certain works of improvement in special assessment districts pursuant to the terms and provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California (the "Act"); said special assessment district known and designated as Assessment District No. 28, and

WHEREAS, after completion of the improvements and payment of all the claims from the Improvement Fund for said Assessment Districts, there remains a surplus in the Improvement Funds, and this legislative body is desirous at this time to make the disposition of said surplus as so provided by Section 10427 of the Act,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the work of improvements, as set forth and described in the Resolution of Intentions for these proceedings, have been completed to the satisfaction of this legislative body, and all payments have either been made or set aside for all existing or potential claims, costs and expenses.

SECTION 3. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be applied as a credit or payment to property owners within the boundaries of the Assessment Districts on a pro-rata basis generally determined as follows:

A. To those who paid in cash, the proportionate share of the surplus
shall be returned in cash to the person or persons owning the property for which the assessment or installment has been paid;

B. Where any part of an individual assessment remains unpaid and is payable in installments, the amount apportioned to each parcel shall be used to reduce the original assessment filed at the County of Stanislaus.

SECTION 4. That a portion of the surplus monies, at this time remaining in the Improvement Fund, shall be applied towards a bond call in the Assessment Districts.

SECTION 5. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be transferred to a special Department of Public Works Maintenance Account to be used for maintenance projects within the Assessment Districts.

SECTION 6. Prior to any distribution as set forth above, the lesser amount of $1,000 or five percent (5%) of the amounts expended from the Improvement Funds shall be transferred to the General Fund of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEIL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-282

A RESOLUTION DECLARING A SURPLUS IN
IMPROVEMENT DISTRICT NO. 29.

WHEREAS, the City Council of the City of Modesto has conducted proceedings and completed construction for certain works of improvement in special assessment districts pursuant to the terms and provisions of the “Municipal Improvement Act of 1913”, being Division 12 of the Streets and Highways Code of the State of California (the “Act”); said special assessment district known and designated as Assessment District No. 29, and

WHEREAS, after completion of the improvements and payment of all the claims from the Improvement Fund for said Assessment Districts, there remains a surplus in the Improvement Funds, and this legislative body is desirous at this time to make the disposition of said surplus as so provided by Section 10427 of the Act,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the work of improvements, as set forth and described in the Resolution of Intentions for these proceedings, have been completed to the satisfaction of this legislative body, and all payments have either been made or set aside for all existing or potential claims, costs and expenses.

SECTION 3. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be applied as a credit or payment to property owners within the boundaries of the Assessment Districts on a pro-rata basis generally determined as follows:

A. To those who paid in cash, the proportionate share of the surplus
shall be returned in cash to the person or persons owning the property for which the assessment or installment has been paid;

B. Where any part of an individual assessment remains unpaid and is payable in installments, the amount apportioned to each parcel shall be used to reduce the original assessment filed at the County of Stanislaus.

SECTION 4. That a portion of the surplus monies, at this time remaining in the Improvement Fund, shall be applied towards a bond call in the Assessment Districts.

SECTION 5. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be transferred to a special Department of Public Works Maintenance Account to be used for maintenance projects within the Assessment Districts.

SECTION 6. Prior to any distribution as set forth above, the lesser amount of $1,000 or five percent (5%) of the amounts expended from the Improvement Funds shall be transferred to the General Fund of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-283

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WALGREENS AT 1620 STANDIFORD AVENUE TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Walgreens at 1620 Standiford Avenue to sell monthly bus passes 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WALGREENS AT 840 OAKDALE ROAD TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Walgreens at 840 Oakdale Road to sell monthly bus passes 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-285

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE NEW OWNER OF PAK MAIL AT 3801 YOSEMITE BOULEVARD, SUITE E, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the new owner of PAK Mail at 3801 Yosemite Boulevard, Suite E, to sell monthly bus passes 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-286

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $2,500 FOR FINANCIAL ASSISTANCE TO THE STANISLAUS COUNTY ORCHESTRA FROM CSU STANISLAUS

WHEREAS, the Stanislaus Symphony Orchestra is in the process of raising funds for its upcoming performance tour to Kurume, Japan and have requested a contribution from the City; and

WHEREAS, the Stanislaus Symphony Orchestra will be representing the City of Modesto during its performance tour.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expense:
#010-800-8000-8003 $(2,500)
#010-360-3622-1004 $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 26th day of May 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-287

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT APPLICATIONS AND GRANT-RELATED DOCUMENTS FOR ALL SOLID WASTE-RELATED GRANTS AVAILABLE THROUGH THE STATE OF CALIFORNIA.

WHEREAS, the State of California collects fees which provide funds to cities and counties for establishing and maintaining solid waste programs throughout the state, and

WHEREAS, the California Integrated Waste Management Board has the responsibility for the administration of the solid waste programs within the state and setting up necessary procedures governing application by cities and counties under these programs, and

WHEREAS, to simplify the application process, the California Integrated Waste Management Board allows jurisdictions to adopt a single resolution authorizing a designated official to execute and submit applications and related documents for such funding,

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 are hereby authorized to execute and submit applications and grant-related documents for all solid waste-related grants available through the State of California.

RESOLVED
2-10-2003

THE RESOLUTION WAS RESOLVED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-58

5/27/98
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $50,000.00 TO FULLY FUND BOILER REPLACEMENT

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

FROM: 621 480 H374; $50,000
TO: 621 480 J303; $50,000

After an evaluation of an automated BOD system, it was determined not to be cost effective. Therefore, this project has been postponed. A better use of the funds would be replacing the existing natural gas fueled boiler at the Water Quality Control Plant with a raw digester gas fueled boiler. This will save $7,000 per month and have a 7-month pay-back.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BALL JANIK LLP FOR PROVISION OF FEDERAL LEGISLATIVE ADVOCACY FOR THE CITY OF MODESTO FOR FISCAL YEAR 1998-99

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball Janik LLP for provision of Federal Legislative Advocacy for the City of Modesto for Fiscal Year 1998-99 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
RESOLUTION NO. 98-290

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED EXPRESS/SKYWEST AIRLINES INC. TO PROVIDE AIR SERVICE TO MODESTO CITY-COUNTY AIRPORT AS THE UNITED EXPRESS CARRIER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and United Express/Skywest Airlines Inc. to provide air service to Modesto City-County Airport as the United Express carrier 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 May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: J. Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-291

A RESOLUTION APPOINTING JOSEPH GARDELLA TO THE BOARD OF ZONING
ADJUSTMENT

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 RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. Joseph Gardella is hereby appointed to the Board of Zoning
Adjustment, with a term expiration of January 1, 2002.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 26th day of May, 1998, by
Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-292

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE COFFEE/CLARATINA SPECIFIC PLAN AND GENERAL PLAN AMENDMENTS AND THE PREZONE OF THE SPECIFIC PLAN AREA TO A SPECIFIC PLAN-OVERLAY ZONE.

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

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409, adopted the City of Modesto Urban Area General Plan, which contains Community Development policies including the Coffee/Claratina Comprehensive Planning District and which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, in September, 1997, the applicant, California Equity Management Group, initiated a proposal for development of the Coffee/Claratina Comprehensive Planning District consisting of 170 acres, and

WHEREAS, this project requires a Modesto Urban Area General Plan Amendment to exempt the project from the policy requiring preparation of a Focused EIR, adoption of a Specific Plan for the development of the Coffee/Claratina Comprehensive Planning District, a Prezone of the Specific Plan Area to a Specific Plan-Overlay Zone, and Annexation of the project area to the City of Modesto, and
WHEREAS, the Public Review Documents dated February 1998, which include the Coffee/Claratina Draft Specific Plan, have been revised to include the Final California Environmental Quality Act ("CEQA") review document in the form of a "Results of Public Review" Mitigated Negative Declaration (final document plus comments and responses to comments (SCH #98022079), and

WHEREAS, the Initial Study, which included a Traffic Impact Analysis by K.D. Anderson Transportation Engineers, analyzed potentially new significant effects for Traffic and Circulation that were not analyzed in the Master EIR, and

WHEREAS, the Planning Commission is required to make a recommendation on this proposed project to the City Council, and the Planning Commission may review and consider the Mitigated Negative Declaration in draft or final form, pursuant to CEQA Guidelines Section 15025(c), and

WHEREAS, on May 4, 1998, the Modesto Planning Commission, after a duly noticed public hearing, adopted Resolution No. 98-36 recommending to the City Council approval of a Mitigated Negative Declaration for the Coffee/Claratina Specific Plan and General Plan Amendments and Prezone, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on June 2, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study and the Mitigated Negative Declaration, and hereby approves the Mitigated Negative Declaration and makes the following findings:

1. That the subsequent project is identified in the Master EIR.

2. That the cumulative impacts, growth inducing impacts and irreversible significant effects analysis in the Master EIR are adequate for the subsequent project.

3. That the project incorporates all applicable mitigation measures or project alternatives from the Master EIR.

4. That in certifying the Master EIR, the City of Modesto adopted a statement of overriding considerations for each significant and unavoidable effect identified in the Master EIR as traffic circulation needs, degradation of air quality, generation of noise, loss of productive agricultural land, and increased demand for water supplies, increased demand for storm drainage, flooding and water quality in the baseline developed area.

5. That an Initial Study prepared pursuant to CEQA State Statute 21157.1 and CEQA Guidelines Section 15177 identified additional significant effects of the subsequent project that were not analyzed in the Master Environmental Impact Report. The additional significant effects are Traffic and Noise.

6. That feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project before the Mitigated Negative Declaration is released for public review in order to avoid or mitigate the effects to a level of insignificance of the identified additional significant environmental effects that were not analyzed in the Master EIR.
7. That a mitigation monitoring program will be adopted to incorporate the mitigation measures into the Coffee-Claratina Specific Plan.

8. That as revised by mitigation measures incorporated into the Initial Study (Section E of Attachment 3 to the Staff Report), the project will not have new or additional significant effects on the environment.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
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<th>Initiating Department - Attention: Person’s Name in Charge of the Project</th>
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E.A. RESOLUTION

6/3/98
E.A. RESOLUTION

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Person’s Name in Charge of the Project
MODESTO CITY COUNCIL
RESOLUTION NO. 98-293

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO EXEMPT THE COFFEE/CLARATINA SPECIFIC PLAN FROM THE REQUIREMENT TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT.

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 Resolutions No. 95-584, No. 96-20, 96-338, 96-639, 97-3, 97-137, and 97-158, copies of which are on file in the office of the City Clerk, and

WHEREAS, the Community Development Policies of the General Plan, specifically, the Principal Comprehensive Planning District policies text on page III-12, and the Comprehensive Planning District policy on page III-21, state that a Focused Environmental Impact Report, as defined by Section 21158 of the Public Resources Code, shall be required for each Comprehensive Plan, and

WHEREAS, City staff determined that with the addition
of a project specific traffic impact analysis, the development of the 170-acre Coffee/Claratina Comprehensive Planning District could be adequately reviewed for purposes of CEQA by the preparation of an Initial Study which leads to a Mitigated Negative Declaration under the City's General Plan Master EIR, and

WHEREAS, a Draft Initial Study/Mitigated Negative Declaration (SCH#98022079) was prepared and circulated for a 30-day public review period from February 23 to March 25, 1998, and a "Results of Public Review" document was prepared which provided response to comments and all necessary project-specific mitigation in order to mitigate to a level of insignificance the identified additional significant environmental effects that were not analyzed in the Master EIR, and

WHEREAS, pursuant to provisions of Government Code Section 65402 of the State of California, the Modesto 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

WHEREAS, on May 4, 1998, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban General Plan to exempt the Coffee/Claratina Specific Plan from the requirement to prepare Focused EIR, and
WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 98-36, recommending to the City Council an amendment to the General Plan to exempt the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on June 2, 1998, in the City Council Chambers, City Hall, 801 11th 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 it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to exempt the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds and determines that the Mitigated Negative Declaration is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

BE IT FURTHER RESOLVED that the proposed amendment to the General Plan to revise the text of the Principal Comprehensive Planning District Policies and Coffee/Claratina
Comprehensive Planning District Policies are hereby amended to read as shown on the attached Exhibit "A".

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

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance No. 3091 C.S., prezoning the Coffee/Claratina Specific Plan, introduced by the Council on June 2, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

GENERAL PLAN AMENDMENT
EXEMPT COFFEE/CLARATINA SPECIFIC PLAN
FROM PREPARATION OF A FOCUSED EIR

REPLACEMENT PAGES
d. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on-and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

e. Comprehensive Plans, as defined in Chapter VIII, shall be used for the implementation of the Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in Section 65450 et. seq. of the California Government Code, are particularly suited for this purpose. Other options are available, provided that they present sufficient guidance for future development.

f. More than one Comprehensive Plan may be processed within a given Comprehensive Planning District (CPD), as long as the remaining area within the CPD can still comply with the General Plan policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement more than one Comprehensive Planning District.

g. A "Focused Environmental Impact Report" as defined by Section 21158 of the Public Resources Code shall be required for each Comprehensive Plan to implement the policies of each Comprehensive Planning District. Each Focused EIR shall concentrate on those resources and issues presented in the Master Environmental Impact Report prepared and certified for the General Plan.

Note: The North Beyer Specific Plan, because a previous EIR was prepared (SCH #91102032), is exempt from this requirement.

h. Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review of that Comprehensive Plan, if the City as Lead Agency can make the following finding:

"No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available." (Section 21157.6(a) of Public Resources Code.)

i. All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District's narrative.
(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,000 dwelling units.

(2) Development in this Comprehensive Planning District should be considered an extension of the existing development immediately to the south.

c. **Housing Policy Implementation:**

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. **Provision of Public Facilities and Services:**

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District will be served by a subtrunk in Coffee Road that ties into the existing sanitary sewer system.

6. **Focused EIR: Mitigated Negative Declaration:**

The Feasibility Plan Policy, III(D)[1][2] specifically exempts the Olive View Specific Plan from the requirement to prepare a Focused EIR. CEQA review for this Comprehensive Planning District shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 21061.5 of CEQA.

The Focused Environmental Impact Report, Mitigated Negative Declaration for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of 1,000 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 800 employees was assumed for this Comprehensive Planning District.

7. **Special Considerations Unique to this Comprehensive Planning District:**

None.
DISTRIBUTION LIST

RES. AMENDING URBAN AREA GENERAL PLAN

2- Clerk
2- Attorney
1- CDD-Strategic Planning, Brian Smith
1- County Board of Supervisors

6 - Please Distribute as noted above.
A RESOLUTION ADOPTING THE COFFEE/CLARATINA SPECIFIC PLAN.

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 August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Coffee/Claratina Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, in September, 1997, the California Equity Management Group initiated a proposal for development of the Coffee/Claratina Comprehensive Planning District consisting of 170 acres, the principal components being Single-Family Residential and Regional Commercial uses, an elementary school, and neighborhood park, and

WHEREAS, Public Review Documents dated February, 1998, which include a Draft Specific Plan, also include the Final CEQA review document in the form of a "Results of Public Review" Mitigated Negative Declaration (final document plus comments and
responses to comments (SCH# 98022079), were distributed to the Planning Commission on April 24, 1998, prior to the public hearing, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 4, 1998, to receive evidence both oral and documentary to consider making a recommendation to the City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, staff prepared and presented a revised Draft Specific Plan dated May 4, 1998, which contained recommended revisions to the public review document to address additional concerns from agencies, property owners, and the applicant, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines, the Planning Commission reviewed and considered the Mitigated Negative Declaration for the Coffee/Claratina specific Plan dated April, 1998, and

WHEREAS, the Planning Commission reviewed and considered the May 4, 1998, Draft Specific Plan document along with the staff report, and

WHEREAS, by Resolution No. 98-37 adopted on May 4, 1998, the Planning Commission recommended to the City Council the adoption of the Coffee/Claratina Specific Plan dated May 4, 1998, along with the incorporation of recommended revisions, and

WHEREAS, City staff created a document for the City Council to review and consider which included the Planning Commissions recommended revisions, dated June 2, 1998, and
WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on June 2, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. That the Mitigated Negative Declaration (SCH# 98022079) is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the revised Draft Specific Plan, consisting of the June 2, Specific Plan (Exhibit "A") along with proposed revisions/additions, Exhibit "B", are consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Coffee Claratina Specific Plan dated June 2, 1998, (Exhibit "A") along with the incorporation of the recommended revisions, (Exhibit "B"), copies of which are attached hereto, however, all references in the text of the Specific Plan to specific parcel numbers for the school and park sites shall be deleted.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days from the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific Plan to the Board of Supervisors of the County of Stanislaus.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: 
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
EXHIBIT A
Planning Commission
Recommended Specific Plan
June 2, 1998
City of Modesto

COFFEE/CLARATINA
Draft Specific Plan

JUNE 2, 1998

This document includes revisions recommended by
The Modesto Planning Commission
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Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

The Coffee/Claratina Specific Plan is a tool to guide the orderly development of land within the plan area. The purpose of the Coffee/Claratina Specific Plan is to implement the City of Modesto’s General Plan as authorized by Section 65450 et. seq. of the State Government Code. The Specific Plan provides a bridge between the General Plan's broad base goals and policies and the City's precise zoning and subdivision regulations. The Coffee/Claratina site is located within a "Comprehensive Planning District (CPD)", therefore in accordance with the City of Modesto's General Plan adopted policies the adoption of a Specific Plan is required prior to any development. This Specific Plan ensures that the city-wide effects of development projects, especially the need for providing adequate infrastructure, are addressed.

The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in the State Government Code Section 65451 et seq.

The Specific Plan area is within the Coffee/Claratina CPD (see Figure 2) and subject to the CPD policies and provisions of the City's General Plan (Exhibit Ill-15) which include:

1. 130 acres designated "residential" for a maximum of 1,000 dwelling units.
2. 40 acres designated "regional commercial".
3. Implementing adopted City General Plan policies.

The Coffee/Claratina Specific Plan will guide development of land within the Plan area. The Specific Plan will implement Modesto's long-range objective of orderly growth by providing housing, commercial and professional uses for City residents.

B. PLAN AREA DESCRIPTION

The Coffee/Claratina CPD is located on the south side of Claratina Avenue (See Figure 1). The site is bound by Coffee Road on the east and McHenry Avenue (State Hwy. 108) on the west, and the Modesto City limits to the south. The project site contains approximately 170 acres.
COFFEE/CLARATINA C.P.D.

(As shown in the City of Modesto Urban Area General Plan)

FIGURE 2
The existing land use is primarily open, fallow land, formerly in agricultural crops, with the following exceptions:

Southwest Corner: Modesto Mobilehome Park
Southeast Corner: Silverwood Mobilehome Park
East Side, Center: 20 Ac. Almond Orchard
Northeast Corner: P.G. & E. Coffee/Claratina Regulation Station

Five rural residences are existing within the boundaries of the subject area.

C. SURROUNDING LAND USE

The surrounding land uses existing as of January 1, 1998 (see Figure 3) are as follows:

(Starting at the northeast corner of McHenry Avenue and Claratina Avenue, going easterly and clockwise around the subject area.)

To the North: United Furniture Warehouse, Parkwood Seventh Day Adventist Church, homesite, Liberty Landmark Missionary Church, grape vineyard, pasture, homesite, grape vineyard, peach orchards and the Funworks Amusement Park.

To the East: Claratina Golf Driving Range, Christmas Tree Farm, fruit stand, open ground and single-family residential.

To the South: Single-family residential and Food-4-Less Shopping Center.

To the West: Modesto European Auto Dealership, Festival Theaters Auxiliary Parking, McHenry Mobile Manor, Geweke Used Car Sales, McHenry Furniture Store, Car Pretty Auto Detailing.

D. PLANNING PROCESS

Adoption of the Specific Plan establishes and defines the planning criteria and necessary mitigation measures that will be used to guide the subsequent stages of the established planning process, when initiated by private developers and public agencies, as follows:

- Tentative Subdivision Map Application
- Land Use and Site Design Review, Where Applicable
EXISTING LAND USE DIAMGRAM

Figure 3

Coffee/Claratina Specific Plan
City of Modesto

Chapter 1. Specific Plan Introduction
June 2, 1998
A discussion of each of these subsequent components of the planning process following Specific Plan adoption is found in the Implementation Section of the Plan (Chapter 4).

E. STATUTORY AUTHORITY

A Specific Plan is a policy document used to implement the "Comprehensive Planning District" concept presented in Section III-D of the City's General Plan. The General Plan acknowledges specific plans (as defined by Section 65450 of the Government Code) as an appropriate form of comprehensive plan to implement CPD policies. Specific Plans are authorized under Section 65450 of the Government Code for the systematic implementation of all or part of a general plan.

The Coffee/Claratina Specific Plan is intended to facilitate development within the Plan area by: 1) defining the types and distribution of land uses and the location and type of infrastructure, 2) setting development standards, and 3) documenting financing of public improvements. The Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a specific plan include, at minimum, text and diagrams to describe the following:

1. The distribution, location and extent of land uses, including open space, within the plan area.

2. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, energy, and other essential facilities proposed to be located within the plan area and needed to support land uses described in the specific plan.

3. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.

4. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to implement the specific plan.

5. A statement of the relationship between the specific plan and the City's general plan.
F. RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN

The City adopted its current General Plan and certified the Master EIR in August 1995. The General Plan identified 25 Comprehensive Planning Districts, including Coffee/Claratina, within the City’s Planned Urbanizing Area. Collectively, the CPDs cover 17,600 acres and represent the City’s major urban growth area. The City’s General Plan contains a comprehensive range of goals and policies to manage future growth in these districts. In addition to overall community development policies affecting all CPDs (Chapter III), the City’s General Plan includes policies for developing its community services and facilities (Chapter V), and managing the City’s environmental resources and open space (Chapter VII).

These proposed uses in this Specific Plan are consistent with the Coffee/Claratina Comprehensive Planning District text and map, Exhibit III-3.

G. SPECIFIC PLAN ADOPTION

Adoption of the Coffee/Claratina Specific Plan establishes the standards, criteria, and mitigation measures for tentative and final subdivision map approval, rezoning, and development of the Plan area.

Should any regulation, condition, program, or portion of this Specific Plan be ruled invalid or unconstitutional by a California or federal court of competent jurisdiction, such portion will be deemed separate, distinct, and independent provisions. The invalidity of these provisions will not affect the validity of the remaining portions of the Specific Plan or Mitigated Negative Declaration.
Chapter 2. Development Policies and Standards

A. LAND USE (SEE FIGURE 4)

1. General Plan Policies

The Coffee/Claratina area will be developed in compliance with applicable City General Plan community development, CPD, and related policies. Since the Plan Area is the remaining undeveloped portion of an existing developed neighborhood, land use policies relative to the development of existing neighborhoods apply. City General Plan policies regarding land uses implemented through the Specific Plan are: Overall land use policies based on the City's zoning code, Title X of the Modesto Municipal Code (Section III-C(1)), "Neighborhood Plan Prototype" Policies (Section III-C(2)), and the Coffee/Claratina Specific Plan. As this project is the final development of the small remaining area of the Northeast McHenry Neighborhood, and the land uses are consistent with the General Plan, this proposal is consistent with the "Neighborhood Plan Prototype" Policies. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.

2. The Specific Plan Overlay Zone

The purpose of the SP-O Zone is to permit development within the Coffee/Claratina Specific Plan area under Title X of the Modesto Municipal Code and any exceptions as defined in the Specific Plan.

The City Zoning map, as allowed by Section 10-2.305 of the Modesto Municipal Code, shall indicate SP-O zoning for the area of Coffee/Claratina Specific Plan.

Adoption of the Specific Plan shall include Prezoning the area to Specific Plan Overlay (SP-O) Zone, which is prerequisite to annexation.

3. Subsequent Exceptions to Development Regulations

The Planning Commission may grant exceptions to any of the development regulations listed in this chapter, by resolution, based on the following considerations:

a. Exception Guidelines. Exceptions may be granted to achieve the following purposes:

1. To encourage creative and efficient land uses.
2. To encourage mixed or multiple-use projects.
3. To permit variations from the density, height, and other standards.

4. Small lot residential development may be granted as long as the maximum number of residential units set forth herein is not exceeded.

4. Land Use Designations

Following are the Land Use Designations proposed by this Specific Plan including a brief description of the permitted uses. The distribution of these uses is shown on Figure 4 Land Use Diagram.

a. Residential (R). The R designation accommodates single family residential uses. The maximum permitted number of units for the entire Specific Plan area shall be 1,000 as set forth in the Modesto Urban Area General Plan. Areas designated R utilize the City's R-1 zone as its development regulations with the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1000 dwelling unit maximum is not exceeded. Churches, parks and school sites can develop residually and are consistent with this category.

b. School (S). The Sylvan Union School District has stated that the need exists in this area for a 10 acre elementary school site. A portion of the residentially designated area, centrally located within the neighborhood could be purchased by the school district for these purposes. Should the School District determine the site is not needed, the allowed uses for the area would be development as single-family residential as described under the above-referenced Residential designation. The procedure for verification of School District need for the site is contained in Chapter 4, Development Processing policies for tentative maps in Sub-area B2 (desired location shown, Figure 4).

c. Park (P). A neighborhood park sized at approximately seven acres shall be developed in a centrally located area within the plan area. Development standards shall meet the requirements set forth in V-I (3.c.) of the City of Modesto Urban Area General Plan. Should the City determine the park site is not needed, the allowed uses for the area would be developed as single-family residential as described in the above-referenced Residential (R) designation. The procedure for verification of the City's need for the site is contained in Chapter 4, Development Processing Policies for tentative maps in Sub-area B2 (desired location shown, Figure 4).

d. Regional Commercial (RC). The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning designation contained in Article 12 of the Modesto Zoning Ordinance. Performance standards deemed necessary by the commission shall be required at that time.
5. Land Use Regulations

The City of Modesto's Title X Planning and Zoning Code latest edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

6. Improvement Standard Regulations

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan as the Plan's Development Standards. All development projects shall be subject to the Standard Specifications that are current at the time of application. The City may grant exemptions from the certain code provisions at its discretion in order to implement the plan.

7. Designation of Sub-Areas

The Coffee/Claratina Specific Plan area has been divided into four sub-areas, as shown in Figure 5. These sub-areas are based on the probable sequence (phasing) of annexation and development of properties. It is the intent of this Specific Plan that any of the four (4) designated sub-areas may annex in any order.

Following are the sub-areas:

Sub-area "A," approximately 12.0 acres, is the existing 'Modesto Mobilehome Park,' consisting of 150 spaces. Sub-area "B1," approximately 59.0 acres, is primarily open ground and two rural home sites. Sub-area "B2," approximately 76.3 acres, is comprised of a 20-acre almond orchard, open ground and four rural home sites. Sub-area "C" is comprised of 22.7-acre 'Silverwood Mobilehome Park,' 98 spaces, and commercial uses. Acreage shown are gross and are to centerline of adjacent roadways.

All Residential designated areas will comply with "Neighborhood Plan Prototype" policies as presented in Section III-C(2) of the City of Modesto Urban Area General Plan, and regional commercial area will comply with standards set forth in Section III-B(7) of the General Plan.

The plan area is proposed to be annexed to the City of Modesto and served by Urban-Level Public Infrastructure. Access to the plan area would be from McHenry Avenue (State Hwy. 108), Pelandale Expressway (currently Claratina Avenue) and Coffee Road. City water, sewer, police and fire services are proposed to be extended to the plan area. Solid waste collection services also would be extended to the site by a private provider. Other services, including energy, parks and schools, also would be provided by public agencies or special districts.
8. Annexation of Sub-Areas

The Coffee/Claratina Specific Plan has been crafted so that these four separate and distinct sub-areas may request annexation individually. It is possible that (i) all of the sub-areas will desire to annex at one time, (ii) some of the sub-areas will desire to annex at one time, or (iii) any one of the sub-areas may desire to annex independently. While it is not assured, it is possible that Sub-area B1 or B2 may ultimately request to be annexed without the additional annexation of Sub-areas A or C. If this occurs, an island could be created.
Chapter 3. Public Facilities

A. OVERVIEW

The Coffee/Claratina Specific Plan area infrastructure system is an extension of the existing neighborhood area's infrastructure. Buildout of the plan area was planned for as part of the existing neighborhood planning areas. This chapter describes development of the transportation and circulation, wastewater collection, water delivery, storm water drainage, utilities (electricity, street lighting, natural gas, telephone, cable television, irrigation, solid waste collection), schools, and parks and recreation necessary to support development in the Plan Area. Improvement of Coffee/Claratina infrastructure will be as described in the General Plan policies in Chapter V, Community Services and Facilities of the Modesto Urban Area General Plan.

B. INFRASTRUCTURE PLAN

The Coffee/Claratina Infrastructure Plan is shown on Figures 6, 7 and 8. The figures serve as a design schematic for the planning area infrastructure and does not represent specific alignments or locations for facilities. Sub-area boundaries as shown on Figure 5 will not affect the ability to provide infrastructure to the area. The figures indicate the preliminary sizing and design for backbone infrastructure in the planning area. Exact phasing and design will be determined as development occurs. Prior to the recording of subdivision maps, improvement plans consistent with the general design in this Specific Plan shall be approved by the City.

1. Sanitary Sewer Service (See Figure 6)

The existing 18" subtrunk sewer main at Coffee Road and Sylvan Meadows Drive will be utilized to serve the North Beyer Park Plan Area. A sewer lift station will be installed in order to obtain the depth required to accommodate the expected construction and build-out of the Plan Area. A "sub-trunk" sewer line has been extended from the pump station north up Coffee Road to the proposed Claratina Expressway, and then east down the Expressway to serve the North Beyer Park project and west to serve the Coffee/Claratina Area. The pump station and "sub-trunk" sewer system in Coffee Road are sized to serve both the North Beyer Park Plan Area and the Coffee/Claratina Plan Area. The "sub-trunk" system and sewer lift station and force main shall be funded by the City with fees collected for that purpose.

A 10" sanitary sewer line exists in McHenry Avenue, terminating at Coralwood Avenue. However, this line does not have adequate capacity to serve the regional commercial area according to the 1995 Wastewater Master Plan. Sewer service to the Regional Commercial Area shall be provided with the extension of the line in Claratina Avenue which shall also be constructed to serve the balance of the Specific Plan Area.
The overall sewer facilities needed to serve the Specific Plan Area consist of approximately:

a.) One lift station on Coffee Road
b.) 700 LF of 30" sewer line
c.) 2100 LF of 12" sewer line
d.) 2100 LF of 15" sewer line
e.) 600 LF of 8" sewer line

2. Storm Drainage (See Figures 8 and 8A)

The City has created a master plan for storm drainage to serve the Coffee/Claratina area along with the area to the north and to the east. The master plan requires a regional basin be constructed to serve this area (see Figure 8A).

A positive storm drainage system comprised of catch basins, pipelines and storm drain basins is proposed to serve this project (see Figure 8). The storm drain basins will be constructed as development occurs. The storm drain collection system and basins will be designed in accordance with the City of Modesto Standards and specifications. Exact locations may vary, depending on sub-area annexation to the City. The storm drain basin in the west half will serve the Regional Commercial Area and the Modesto Mobilehome Park (Sub-Areas A & B1) and be installed with the development of the Regional Commercial Area. In the east half the basin will be fully installed prior to any residential development and serve Sub-Areas B2 and C.

The overall storm drainage facilities needed to serve the Specific Plan Area consist of approximately:

a.) One storm drain basin in area B1 of 10-11 ac/ft capacity
b.) One storm drain basin in area B2 of 6-7 ac/ft capacity
c.) 1000 LF of 18" storm drain line
d.) 1000 LF of 24" storm drain line

3. Water (See Figure 7)

City water service will be provided to the entire plan area through connection and extensions of the existing water 12" main in Claratina Avenue, west of Coffee Road. The existing 12" water main and a 24" transmission water main which lie in Claratina Avenue are part of a larger looped water system designed to serve the entire Plan Area. Water system should be looped to tie in with existing water lines in Dragoo Park Drive and Drakeshire Drive. All private wells located on any individual parcel slated for development shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Service Standards.

The overall water facilities needed to serve the Specific Plan Area consist of approximately:
a.) 4700 LF of 12" water line  
b.) 1400 LF of 10" water line

C. TRANSPORTATION AND CIRCULATION

1. Overview

The Coffee/Claratina Plan Area circulation system represents a logical extension of the City's existing arterial and collector street system as specified in the General Plan. The location and classification of streets within this extended street system is shown on Figure 9, Circulation Plan. The plan provides for the dedication of right-of-way (R.O.W.) that is required within Coffee/Claratina Plan Area for the proposed Pelandale Expressway (Claratina Avenue) based on current City standards. Additional dedication for the expressway will be required by the properties north of the Plan Area as future development occurs.

2. Specific Plan Street Classifications

Table 2 (below) Specific Plan Street Classifications, describes the streets which are a part of the Coffee/Claratina Plan Area. The street classifications correspond to Public Works Standards. Street cross-sections shall conform to Public Works Standards and policies with the following exception, the Pelandale Expressway (Claratina Avenue) shall be as shown in the diagram below.
Table 2 - Specific Plan Street Classifications

<table>
<thead>
<tr>
<th>Street / Classification</th>
<th>Street R.O.W.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B Expressway (Pelandale Expressway)</td>
<td>135 Feet</td>
</tr>
<tr>
<td>6 Travel Lanes</td>
<td>159 feet at Intersections</td>
</tr>
<tr>
<td>Principle Arterial (McHenry Avenue - State Hwy. 108)</td>
<td>138 Feet</td>
</tr>
<tr>
<td>8 Travel Lanes</td>
<td>159 feet at Intersections</td>
</tr>
<tr>
<td>Minor Arterial (Coffee Road)</td>
<td>100 Feet</td>
</tr>
<tr>
<td>4 Lanes</td>
<td>120 feet at Intersections</td>
</tr>
<tr>
<td>Collector Street (Dragoo Park &amp; Drakeshire Drive)</td>
<td>60 Feet</td>
</tr>
<tr>
<td>Future E/W Collector</td>
<td>60/100 Feet</td>
</tr>
<tr>
<td>2 Lanes/4 Lanes</td>
<td>(1)</td>
</tr>
<tr>
<td>Minor Residential Street</td>
<td>50 Feet</td>
</tr>
</tbody>
</table>

(1) The future east-west collector will be a four lane major collector in the Regional Commercial area and a two lane minor collector in the Residential area.

a. **Class B Expressway** - Claratina Avenue is designated as an expressway in the General Plan. Public Works analysis has determined Claratina Avenue to be an eastward extension of the Pelandale Expressway to be developed to a 135 foot (6 lanes) Class B Expressway (159 feet at Intersections). The Expressway will ultimately connect from Highway 99 to the Roselle Avenue. The expressway shall include a Class I Bike Path that will link up with the Claratina and Claus Road paths consistent with the City of Modesto's Non-Motorized Transportation Master Plan. As property owners develop within the Plan Area they will be required to dedicate right-of-way for the expressway and construct a sound wall along the property adjacent to the expressway.

b. **Arterial Streets** - The extension of two arterial streets, Coffee Road and McHenry Avenue (State Hwy. 108) are part of the City's circulation system. Coffee Road shall include a Class II Bike Lane consistent with the City of Modesto's Non-Motorized Transportation Master Plan. Coffee Road will be improved as a 100' minor arterial and McHenry Avenue will be a 138' principle arterial per Public Works Standards. Additional right-of-way may be required on the McHenry Avenue frontage and the Coffee Road frontage near their intersection with the new east-west collector to allow for the construction of dual southbound left turn lanes.

c. **Collector Streets** - A new east-west collector street should be developed from McHenry Avenue, through proposed commercial, and residential areas, to Coffee Road. This collector should be situated as far south as possible, near existing

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*Coffee/Claratina Specific Plan*
*City of Modesto*

*Chapter 3. Public Facilities*
*June 2, 1998*
developed areas. However, this collector road shall not be extended through the existing Silverwood Mobilehome Park located within Sub-area C. The new east-west collector will be a four lane major collector in the Regional Commercial area and a two lane minor collector in the Residential area. The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.

Dragoo Park Drive and Drakeshire Drive should terminate at the proposed east-west collector. The Dragoo Park intersection to the east-west collector will be offset a minimum of 200 feet from the intersection of the right-in/right-out access road to Claratina Avenue with the east-west collector. The new east-west collector street will be terminated at its intersection with Coffee Road at the mid point between Claratina and Mable Avenues with right-in and right-out only (per Figure 9). The City of Modesto Transportation Division will determine the specific intersection geometrics at the time of a specific development request affecting this intersection. A short collector street should connect the east-west collector from west of Dragoo Park Drive to the proposed Pelandale Expressway (Claratina Avenue) with "right-turn in" and "right-turn out" only. Developers should minimize the amount of lots having direct access to collector street frontage.

d. Minor Residential Streets - Minor residential streets provide internal neighborhood circulation while minimizing through traffic. This street network will be determined at the time each individual property owner develops. No connection will be permitted between minor residential streets and the proposed Claratina Expressway through the planned residential areas.

e. Non-Motorized Transportation Master Plan - Bike paths shall be installed on expressways, arterials and the Hetch-Hetchy Aqueduct consistent with the City of Modesto's Non-Motorized Transportation Master Plan. Along Claratina Avenue, landscaped areas will be constructed by the City and will include a meandering Class I Bikepath with 8" wide landscaped areas.

**D. TRAFFIC CIRCULATION SYSTEM ANALYSIS**

The following outline shows general traffic circulation system improvement needs anticipated for the next 30 years based on the Traffic Impact Analysis prepared by KDAnderson Transportation Engineers. These needs cover areas adjacent to and outside the project area. A majority of these improvement would be needed even without this project. A listing of these needs does not indicate the project responsibility which can be found in the Coffee/Claratina Financing Plan.
### Improvements Required with Project Development (Sub-area B1)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Required Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>McHenry Avenue/New Project Collector Intersection</td>
<td>LOS F</td>
<td>Signal needed and widening to provide receiving and turning lanes as needed.</td>
</tr>
<tr>
<td>Coffee/Claratina Intersection</td>
<td>LOS F</td>
<td>Signal needed</td>
</tr>
<tr>
<td>Pelandale Expressway (Claratina Avenue)</td>
<td>LOS Degraded on</td>
<td>Dedicate right-of-way along adjacent projects per Specific Plan</td>
</tr>
<tr>
<td></td>
<td>Surrounding Roadways</td>
<td></td>
</tr>
<tr>
<td>Fronting roadways of development:</td>
<td>LOS is degraded</td>
<td>Dedicate and improve roadway to City Standards along fronting projects and provide</td>
</tr>
<tr>
<td>McHenry Avenue (State Hwy. 108)</td>
<td></td>
<td>signal as needed</td>
</tr>
<tr>
<td>Future east-west Collector</td>
<td>New Roadway</td>
<td>Dedicate and improve roadway to City Standards plus additional turn lanes as needed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>prior to development of 50% of Regional Commercial Area.</td>
</tr>
</tbody>
</table>

### Improvements Required with Project Development (Sub-area B2)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Required Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee/Claratina Intersection</td>
<td>LOS F</td>
<td>Signals needed plus four lane improvements</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>Future Turning Movements</td>
<td>Provide adequate setbacks and dedication at northeast corner for future intersection</td>
</tr>
<tr>
<td></td>
<td></td>
<td>turn lanes</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>LOS F</td>
<td>Signals needed plus improvements per study</td>
</tr>
<tr>
<td>Fronting roadways of development:</td>
<td>LOS is degraded</td>
<td>Dedicate and improve roadway to City Standards along fronting projects. Pelandale</td>
</tr>
<tr>
<td>Pelandale Expressway (Claratina Avenue)</td>
<td></td>
<td>Expressway (Claratina Avenue) improvements per Specific Plan.</td>
</tr>
<tr>
<td>Coffee Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Future east-west Collector</td>
<td>New Roadway</td>
<td>Dedicate and improve roadway to City Standards plus additional turn lanes</td>
</tr>
</tbody>
</table>
Year 2025 (Project Buildout)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Required Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee/Claratina Intersection</td>
<td>LOS E</td>
<td>Three through lanes needed and upgrade signals</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>LOS E</td>
<td>Dual southbound turn lanes if no mid-block median break on Coffee Road</td>
</tr>
<tr>
<td>Pelandale Expressway (Claratina Avenue)</td>
<td>LOS F at intersections</td>
<td>Six through lanes needed per Coffee/Claratina Specific Plan</td>
</tr>
<tr>
<td>Fronting roadways of development:</td>
<td>LOS is degraded</td>
<td>Dedicate and improve roadway to City Standards along fronting projects</td>
</tr>
<tr>
<td>Coffee Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>McHenry Avenue (State Hwy. 108)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

E. SCHOOLS

The Coffee/Claratina project will be served by the Sylvan Union School District for grades Kindergarten (K) through 8, and by the Modesto High School District for 9-12. As stated in the City's General Plan (Policy V.H.3.i, Page V-25), the City considers impacts on public school capital facilities fully mitigated when it receives a letter stating that the school district and project proponent have resolved school impacts and the means by which they are resolved. This agreement will be required prior to recordation of final maps or plot plan approvals.

F. PARKS

In Modesto, open space is provided though a comprehensive network of regional, community and neighborhood parks. The Coffee/Claratina Specific Plan is the remaining portion of an existing neighborhood and lies within Park Planning Area No. 8 as shown on Figure V-5 of the General Plan. There are no existing parks within the existing neighborhood, and a neighborhood park shall be provided within the planning area. The Park should be centrally located and have one collector street frontage with the remaining side fronting on residential streets, whenever feasible. Payment of capital facilities fees will mitigate the projects impact to parks and open space demand in the area.

The minimum size for a neighborhood park shall be seven acres.
When a public elementary or junior high school or schools are located within a Park Planning area, up to five acres of open space, at each school which is developed, maintained and is accessible to the public for outdoor recreation activities, may count toward satisfying the Neighborhood Park standard of two acres of Neighborhood Park land per one thousand population within the Park Planning Area. However, regardless of the number of public school open space acres within a Park Planning Area, the City will provide a minimum of one City neighborhood park of seven acres.

G. GAS FACILITIES

Pacific Gas & Electric (PG&E) owns an approximately one-third (1/3) acre parcel, within the Specific Plan area, south of and adjacent to the existing Claratina Avenue right-of-way approximately 180 feet east of the centerline intersection of Claratina Avenue and Coffee Road. This site contains a gas regulator station.

Entering into the gas regulator station from the west in Claratina Avenue are 8-inch and 12-inch gas transmission lines. These facilities enter into the regulator station and then, through a series of valves and distribution facilities, exit the facility as 8-inch (2) and 10-inch gas transmission lines which continue east in Claratina Avenue and then north in Coffee Road to serve the communities of Riverbank, Oakdale and Escalon, and 8-inch and 12-inch gas transmission lines continuing east on Claratina Avenue and then south in Coffee Road to serve the City of Modesto.

Widening Claratina Avenue to a 100-foot right-of-way on its existing alignment could require the relocation of eight mainline valves and five blow-off valves. If additional right of way is required from the centerline of Claratina Avenue, it is possible that more substantial facilities would need to be relocated which could ultimately require the relocation of the entire facility. Ultimately, the City will determine whether or not this facility ultimately needs to be relocated, or whether the Claratina alignment or section can be modified in such a way that the facility can remain, or modification can be minimal.

H. ELECTRICAL FACILITIES

Modesto Irrigation District ("MID") has existing 12kv overhead and underground distribution facilities located within or adjacent to Coralwood Road, McHenry Avenue, Claratina Avenue and Coffee Road with additional facilities that extend into various properties within the proposed Specific Plan area. Facilities will be relocated, placed underground, or otherwise modified consistent with MID and City of Modesto standards. Individual development requests will be analyzed to determine the most appropriate method of providing electrical service.
I. IRRIGATION FACILITIES

Underground irrigation facilities exist at the site. Individual development requests will show the location of existing irrigation facilities and how they will be abandoned or relocated. All facility abandonment or relocation will be consistent with Modesto Irrigation District and City of Modesto standards.
Figure 6

Sanitary Sewer Infrastructure

Coffee/Claratina Specific Plan
City of Modesto

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Proposed storm drainage basin, sized to accommodate 40 ac. of commercial and 20 ac. of residential use.

Proposed storm drainage basin, sized to accommodate 60 ac. of residential land use.

Commercial (40 ac. ± net)

Residential (20 ac. ± net)

Residential (60 ac. ± net)

Existing mobile home park

NOTE: Exact size and location of storm drainage basins may vary from those shown above, depending on which sub-area or combination of sub-areas may actually annex to the city.

STORM DRAINAGE PLAN
REGIONAL STORM DRAIN SYSTEM TO SERVE COFFEE/CLARATINA

FIGURE 8A

Coffee/Claratina Specific Plan
City of Modesto

Chapter 3. Public Facilities
June 2, 1998

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Chapter 4. Specific Plan Implementation

OVERVIEW

Chapters 1-3 of this Specific Plan present the detailed explanation and policy guidance for future land development within the Coffee/Claratina Specific Plan. These descriptions provide coherent statements of the City of Modesto’s intentions in allowing development within the Coffee/Claratina Specific Plan. Therefore, the policies presented in this Chapter represent adopted specific plan regulatory policies. These policies are grouped in the following categories:

A. Public Facility Infrastructure Policies;  
B. Public Facility Financing Plan Policies;  
C. Annexation Policies;  
D. Development Processing Policies; and  
E. Specific Plan Amendment Policies.

Each of the above sets of policies apply to discrete approval documents (i.e., a Tentative Subdivision Map, a Public Facilities Financing Plan, etc.). Preparation of these approval documents will be governed by policies presented in Sections A-E, that follow. In reviewing these subsequent sections, please note that they have been separated into “Overall” specific plan policies and “Sub-area” specific plan policies. This more detailed distinction of policies is established since different sub-areas are (i) currently developed, (ii) proposed to be developed under different land uses, and/or (iii) have other separate and distinct features which permit their independent development. As such, these policies recognize that any of these sub-areas may develop individually and will establish the policies for development in the event of that occurrence. In addition, overall policies are set forth for the entire specific plan area.

A. PUBLIC FACILITY INFRASTRUCTURE POLICIES

The public facilities required as part of this project are discussed in Chapter 3 of this Specific Plan document. In general, it is the intent of this Specific Plan that as many facilities as possible will be constructed by project developers and a minimum amount of facilities will be included in community facilities districts or other financing mechanisms. The following policies will govern the installation of infrastructure for the project.

1. Overall Infrastructure.

a. Development within the Coffee/Claratina Specific Plan will conform to all existing city-wide standards as set forth in the City’s General Plan, Zoning Requirements (Title X of the Modesto Municipal Code), and the City of Modesto Public Works Standards, except as otherwise amended by this Specific Plan.
b. Projects developed in the Coffee/Claratina Specific Plan area will pay all required fees as established by city-wide fee ordinances for infrastructure and public facilities.

c. Sewer, water and storm drainage facilities will be installed as necessary to support development projects contained within the Specific Plan area. The storm drainage basins to be constructed on site will ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8A) and reclaimed for development.

d. Gas, electrical and irrigation facilities will be removed or relocated as necessary to support discrete development projects contained within the Specific Plan area.

e. Roadway facilities shall be installed as necessary to provide adequate circulation and access for individual development proposals.

f. Roadway facilities shall be installed consistent with existing City standards. For McHenry Avenue Improvements, compliance with state standards and issuance of encroachment permits by Caltrans will also be required. This may include a requirement for a Hazardous Materials Study for any right-of-way to be dedicated to the State. It is possible that a Permit Engineering Evaluation Report ("PEER") will be required by Caltrans prior to issuance of an encroachment permit.

2. Infrastructure to Serve Sub-area A

Sub-area A is the existing Modesto Mobilehome Park which is currently serviced by private wells, septic facilities and on-site storm drainage disposal. This Mobilehome Park, as approved by Stanislaus County may continue indefinitely, upon annexation to the City. This area will ultimately be served both water and sewer service by the City of Modesto. Upon annexation of this property to the City of Modesto, the following policies will apply.

a. No new permits for onsite wells or septic systems shall be issued by the City of Modesto. At the time of failure of either the onsite septic system or onsite water system, the City of Modesto shall require connection to existing City facilities in McHenry Avenue. At the time of connection, all appropriate City fees shall be paid.
b. Site storm drainage is currently handled by dry wells. Any proposed onsite development beyond that currently existing at the site will require the installation of a pipeline to the north, toward the proposed new collector road, which will ultimately connect to the storm drain basin proposed in Sub-area B₁.

c. Any development of this proposed property beyond that currently existing will require construction of McHenry Avenue improvements to the appropriate City standards and subject to all appropriate City policies and fees.

3. Infrastructure to Serve Sub-area B₁.

Sub-area B₁ is proposed to be developed as 28 acres net of regional commercial and 30 acres net of Residential.

a. Sewer service for Sub-area B₁ will be provided by the sewer line in Claratina Avenue extended from Coffee Road as shown in Figure 6.

b. Water Service will be provided to Sub-area B₁ from water lines proposed in Claratina Avenue and/or existing McHenry Avenue. Prior to development of Sub-area B₁, the City of Modesto Department of Public Works will determine the most appropriate method for provision of water service.

c. One storm drainage basin of approximately 10 to 11 acre feet of capacity will be installed in Sub-area B₁, sized to provide storm drainage facilities for both Sub-area B₁ and Sub-area A. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figures 8 and 8A), and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-area B₁. This basin shall be installed in its entirety with the first development in Sub-area B₁. Storm drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area A.

d. With the development of Sub-area B₁, signalization of the new project collector road/McHenry Avenue intersection will be required prior to the time at which that intersection would degrade to less than a Level of Service D. The developer's options will be:

   (1) to install the signal with the first phase of development if signal warrants are met, or
(2) to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

e. Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.

f. Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area B1 and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.

g. At the time of development of Sub-area B1, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.

h. The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.

4. Infrastructure to serve Sub-area B2.

Sub-area B2 consists of mostly undeveloped ground and four existing rural home sites which is slated for residential development (a 10-acre school site and 7-acre park site are also planned for this area). The existing rural home sites including any businesses legally established in the County may continue indefinitely upon annexation to the City.

a. Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.
b. Water service will be provided to Sub-area B2 out of water lines proposed in Coffee Road or Claratina Avenue. Prior to development of Sub-area B2, the City of Modesto Department of Public Works will determine the most appropriate method for provision of water service.

c. One storm drainage basin of approximately 6 to 7 acre-feet of capacity will be installed in Sub-area B2 to provide storm drainage facilities for both Sub-area B2 and Sub-area C. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8 and 8A) and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-area B2. This basin shall be installed in its entirety with the first development in Sub-area B2. Storm drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area C.

d. With the development of Sub-area B2, if the new project collector road exists to McHenry Avenue, signalization of the new project collector road/McHenry Avenue intersection will be required prior to the time at which that intersection would degrade to less than a Level of Service D. The developers options will be:

(1) to install the signal with the first phase of development if signal warrants are met, or

(2) to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

e. Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.

f. Development in Sub-area B2 may occur if (i) the east/west collector road is complete to McHenry Avenue, or (ii) the connection to Coffee Road is made, or (iii) the right-in/right-out connection to Claratina Avenue is made. Dragoo Park Drive and Drakeshire Drive will be extended to the new east/west collector. The geometrics of the connection to Claratina Avenue or Coffee Road will be established in consultation with the City of Modesto Transportation Division.
g. Installation of the new east-west collector in Sub-area B2, its alignment and intersection with Coffee Road, shall be as shown in Figure 9. Specific intersection geometrics including signalization will be determined by the City of Modesto Transportation Division.

h. At the time of development of Sub-area B2, additional rights-of-way for Coffee Road or Claratina Avenue, based upon the area proposed for development, will be dedicated consistent with City standards. Additional dedications may be required for the construction of dual left turn lanes on Coffee Road.

i. No development shall be allowed in Sub-area B2 which would affect the gas regulator station until the City determines the ultimate alignment and roadway section for Claratina Avenue.

5. Infrastructure to Serve Sub-area C.

Sub-area C contains the existing Silverwood Mobilehome Park and some small commercial development. It is expected that Sub-area C will ultimately be developed residentially. The existing land uses including the Mobilehome Park, as approved by Stanislaus County, may continue indefinitely, upon annexation to the City.

a. No new permits for onsite wells or septic systems shall be issued. At the time of failure of either the onsite septic system or onsite water system, the City of Modesto shall require connection to existing City facilities in Coffee Road. At the time of connection, all appropriate City fees shall be paid.

b. Site storm drainage is currently handled by dry wells. Any proposed onsite development beyond that currently existing at the site will require the installation of a pipeline to the north, toward the proposed new collector road, which will ultimately connect to the storm drain basin proposed in Sub-area B2.

c. Any development of this property beyond that currently existing will require construction of Coffee Road improvements to the appropriate City standards and subject to all appropriate City policies and fees.

B. PUBLIC FACILITY FINANCING PLAN POLICIES.

The public facilities and infrastructure specified within the previous Section A of this Specific Plan must be financed through future development. This financing will be as set forth in a Public Facility Financing Plan, to be adopted prior to specific project development. Following are the policies which will guide the preparation and adoption of the Public Facility Financing Plan. Adoption of the Financing Plan by the City Council
is a prerequisite to development within the Specific Plan.


a. It is the intent that a majority of the infrastructure financing will be pay-as-you-go financing by individual development proposals. Notwithstanding Community Facilities Districts or other financing mechanism, may select any number of bonding methods. Where applicable, existing City policies regarding oversizing and reimbursement will apply, unless otherwise amended by this Specific Plan.

b. The payment for infrastructure and facilities for the project will generally be as follows: (i) Claratina Avenue will be dedicated by adjacent development with reimbursement as set forth for right-of-way by current City policy; (ii) property owners within the Coffee/Claratina Specific Plan area will be required to pay their fair share of the expressway area-wide circulation system improvements, neighborhood park improvements, water, sanitary sewer, storm drainage, school facilities, and public services that are required to specifically serve the area. The financing plan will identify the specific revenue sources to pay for each of the infrastructure improvements and public services.

c. The sanitary sewer line in Claratina Avenue and the pump station in Coffee Road will be installed or reimbursed through current City fees.

d. The water line facilities in Claratina Avenue will be installed or reimbursed through current City fees.

e. Right-of-way dedication and improvements will be handled through the existing City Capital Facility Fee Program for McHenry Avenue, Claratina Avenue, and Coffee Road, to the extent they are covered under the current fee program. Participation in the City's Capital Facility Fee Program will result in the project's fair share contribution for signalization of the McHenry Avenue/Claratina Avenue, Claratina Avenue/Coffee Road and Coffee Road/Mable Avenue traffic signals.

f. Sub-areas B1 and A, and Sub-area B2 and C, will prepare independent reimbursement programs for the installation of storm drainage facilities to serve these areas.
g. Landowners fronting on the major roadways will be responsible for the financial cost of installing landscaping, walls and medians, with the exception of the Hetch Hetchy Right-of-Way, if these facilities are not contained in a current City fee program.

h. A Community Facilities District will be established to handle the maintenance of landscaping, medians and bikeways and the Hetch-Hetchy Aqueduct.

i. As a part of the formation of any Community Facilities District, a fair share cost allocation for public improvements required for the development of the plan area will be established for each parcel. All parcel owners who develop land within the Coffee/Claratina Specific Plan Area will be required to pay their fair share of costs based on the cost allocation methodology.

j. The new McHenry Avenue/project access road signal (and any required studies, including a Caltrans PEER’s Study) will be in the Area of Benefit.

k. Storm drainage facilities will be included in the Community Facilities District. The financing of storm drainage facilities shall include provisions to have the storm drainage facilities constructed as part of the first infrastructure constructed.

l. Tentative maps for development shall contain the following statement: Prior to recordation of any final maps for development property shall be required to annex to Schools Infrastructure Financing Agency (CFD – 1991-1).

2. Financing Policies Applicable to Sub-area A.

a. Property owners within Sub-area A will be responsible to reimburse property owners within Sub-area B₁, for storm drainage facilities should properties within Sub-area A either develop or desire to connect to the storm drainage facility in Sub-area B₁.

b. Sub-area A will be responsible for no other facilities contained in the Coffee/Claratina Specific Plan Area, other than those previously specified.

3. Financing Policies Applicable to Sub-area B₁.

a. All aforementioned overall financing policies will apply to Sub-area B₁.
   
   a. All aforementioned overall financing policies will apply to Sub-area B₂.
   
   b. Prior to the approval of tentative maps in Sub-area B₂, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.

5. Financing Policies Applicable to Sub-area C.

The Specific Plan assumes that Sub-area C will develop to a residential use.

   a. All aforementioned overall financing policies will apply to Sub-area C.

C. ANNEXATION POLICIES

Once the Specific Plan is adopted, the Council may initiate annexation by any property owner within the Specific Plan area. The following are the policies which will guide the annexation process for properties covered by the Coffee/Claratina Specific Plan.

1. Overall Annexation Policies.
   
   a. Any of the four Sub-areas may independently request annexation from the Modesto City Council and the Modesto City Council may approve independent annexation of any of the four sub-areas.

2. Policies for Annexation within Sub-area A.
   
   a. Property owners within Sub-area A may independently request annexation from the Modesto City Council.

3. Policies for Annexation within Sub-area B₁.
   
   a. Property owners within Sub-area B₁ may independently request annexation from the Modesto City Council.

4. Policies for Annexation within Sub-area B₂.
   
   a. Property owners within Sub-area B₂ may independently request annexation from the Modesto City Council.
5. Policies for Annexation within Sub-area C.

a. Property owners within Sub-area C may independently request annexation from the Modesto City Council.

D. DEVELOPMENT PROCESSING POLICIES

Subject to, or concurrent with, annexation of specific parcels, those properties may also seek development approvals from the City. Following are the policies which will guide development of individual properties, in accordance with this Specific Plan.

1. Overall Development Policies.

a. The City of Modesto's Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

b. The City's zoning map, as allowed by Section 10-2.303 of the Modesto Municipal Code shall indicate SP-O zoning for the area of the Coffee/Claratina Specific Plan.

c. The purpose of the SP-O zone is to permit development within the Coffee/Claratina Specific Plan Area under Title X of the Modesto Municipal Code, and any exceptions as defined in the Specific Plan.

d. Exception Guidelines. The Planning Commission may grant exceptions to any of the development regulations listed in Chapter 2 of the Specific Plan, by resolution, based on the following considerations:
   i. To encourage creative and efficient land uses;
   ii. To encourage mixed or multiple use projects; or
   iii. To permit variations from the density, height or other standards.

e. There are only two principle underlying zones established in conjunction with the adoption of this Specific Plan. These zonings are Low Density Residential zone (R-1), and Regional Commercial (C-3). These zones are set forth in Title X of the Modesto Municipal Code and are as follows: Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et seq., and Highway Commercial zone (C-3) – Article 12, Section 10-2.1201 et seq.
All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

f. Subdivision development within the Coffee/Claratina Specific Plan shall be governed by the City of Modesto’s Subdivision Ordinance, Chapter 4 of Title IV of the Modesto Municipal Code and the State Subdivision Map Act (California Government Code §66410 et seq.). Processing procedures, submittal requirements, and findings required by the City’s subdivision ordinance will be enforced as set forth therein.

g. All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

h. An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.

i. To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the expressway.

2. Policies for Development within Sub-area A.

a. Sub-area A is assumed to remain as a mobilehome park. If Sub-area A were to develop, it would be required to develop subject to the subdivision process set forth under overall development policies and the C-3 zoning standards contained in Title X of the Modesto Municipal Code.


a. Development within Sub-area B1 will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.

b. Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.
c. An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.

   a. Development within Sub-area B2 shall comply with the subdivision development policies set forth above under overall development policies.
   b. Development within Sub-area B2 shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code.
   c. Prior to the approval of tentative maps on Assessor's Parcel Nos. 52-08-02, and 52-08-13 in Sub-area B2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.
   d. Prior to the Approval of tentative maps on Assessor's Parcel Nos. 52-08-15, and 52-08-02 in Sub-area B2, the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.

5. Policies for Development within Sub-area C.
   a. Development within Sub-area C shall comply with the subdivision development policies set forth above under overall development policies.
   b. Development within Sub-area C shall comply with the R-1 zoning standard contained in Title X of the Modesto Municipal Code.

E. SPECIFIC PLAN AMENDMENT POLICIES

The City requires the following steps be completed to amend specific plans:

1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.

2. Documentation of the need for amendments should indicate the economic, social, technical issues that generate that need. Proposals to amend the specific plan also must be accompanied by studies that address such issues as conformance with
specific plan principles and policies, compatibility with adopted land uses, and infrastructure requirements.

3. Applications for specific plan amendments also must provide an impact analysis for levels and types if development other than or in excess of the maximums addressed in the Mitigated Negative Declaration. Depending on the nature of the amendment, supplemental environmental analysis may be necessary (according to CEQA legislation [Section 15162 of the State of CEQA Guidelines]).

4. City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.

5. Both the Planning Commission and City Council must hold public hearings on specific plan amendments (in accordance with Section 65453 of State Government Code).
EXHIBIT B
Proposed Revisions to be Included in
June 2, 1998, Specific Plan
Note: Notwithstanding this Land Use Diagram, within Subarea B2 only, limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.
3. To permit variations from the density, height, and other standards.
4. Small lot residential development may be granted as long as the maximum number of residential units set forth herein is not exceeded.

4. Land Use Designations

Following are the Land Use Designations proposed by this Specific Plan including a brief description of the permitted uses. The distribution of these uses is shown on Figure 4 Land Use Diagram.

a. Residential (R). The R designation accommodates single family residential uses. The maximum permitted number of units for the entire Specific Area General Plan. Areas designated R utilize the City's R-1 zone as its development regulations with the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1000 dwelling unit maximum is not exceeded. Churches, parks and school sites can develop residentially and are consistent with this category. Notwithstanding this Land Use Designation, within Sub-area B2 only limited commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.

b. School (S). The Sylvan Union School District has stated that the need exists in this area for a 10 acre elementary school site. A portion of the residentially designated area, centrally located within the neighborhood could be purchased by the consistent with this category. Notwithstanding this Land Use Designation, within Subarea B2 only, Limited are consistent with the assumptions of the Traffic Analysis school district for these purposes. Should the School District determine the site is not needed, the allowed uses for the area would be development as single-family residential as described under the above-referenced Residential designation. The procedure for verification of School District need for the site is contained in Chapter 4, Development Processing policies for tentative maps in Sub-area B2 (desired location shown, Figure 4).

c. Park (P). A neighborhood park sized at approximately seven acres shall be developed in a centrally located area within the plan area. Development standards shall meet the requirements set forth in V-I (3.c.) of the City of Modesto Urban Area General Plan. Should the City determine the park site is not needed, the allowed uses for the area would be developed as single-family residential as described in the above-referenced Residential (R) designation. The procedure for verification of the City's need for the site is contained in Chapter 4, Development Processing Policies for tentative maps in Sub-area B2 (desired location shown, Figure 4).

d. Regional Commercial (RC). The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning...
(2) to satisfy the city traffic department, with appropriate traffic
analysis, that the intersection will not degrade below level of
Service D with the proposed development without the
installation of the signal.

e. Signals shall be installed at the intersections of McHenry Avenue
and Claratina Avenue, and Claratina Avenue and Coffee Road,
when the signals warrants are met, in consultation with the City of
Modesto Transportation Division.

f. Any development beyond 30 acres of the regional commercial area
will require the project collector road to be completed for its entire
length from McHenry Avenue to the easterly boundary of Sub-area
B1 and then up to the right-in/right-out connection at Claratina
Avenue. The geometrics of the connection to Claratina Avenue will
be established in consultation with the City of Modesto Transpor-
tation Division and will most likely be constructed as an interim
improvement prior to full construction of Claratina Avenue.

g. At the time of development of Sub-area B1, additional rights-of-way
for McHenry Avenue or Claratina Avenue, fronting the area
proposed for development, will be dedicated consistent with City
standards. Additional dedication may be required along McHenry
Avenue to allow for the construction of dual left turn lanes.

h. The intersection of the new east-west collector street with McHenry
Avenue will include a minimum of two receiving lanes, two left turn
lanes and one right turn lane. At the time of the review of any
specific development request, the City of Modesto Transportation
Division will evaluate whether another right turn lane is needed.

4. Infrastructure to serve Sub-area B2.

Sub-area B2 consists of mostly undeveloped ground and four existing rural home
sites which is slated for residential development. A 10-acre school site and 7-acre park
site are also planned for this area. In addition, limited Commercial uses may be
established fronting on Coffee Road, as long as these uses are consistent the
assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration
adopted for the Specific Plan. The existing rural home sites including any businesses
legally established in the County may continue indefinitely upon annexation to the City.

a. Sewer service will be provided out of the proposed sewer line in
Claratina Avenue or Coffee Road. This line has been extended up
Coffee Road from the south and will be extended westerly in
Claratina Avenue to serve the area slated for development.
a. Property owners of the mobilehome park shall be exempt from the cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

3. Policies for Annexation within Sub-area B₁.
   a. Property owners within Sub-area B₁ may independently request annexation from the Modesto City Council.

4. Policies for Annexation within Sub-area B₂.
   a. Property owners within Sub-area B₂ may independently request annexation from the Modesto City Council.

5. Policies for Annexation within Sub-area C.
   b. Property owners within Sub-area C may independently request annexation from the Modesto City Council.
   c. Property owners of the mobilehome park shall be exempt from the cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

D. DEVELOPMENT PROCESSING POLICIES

Subject to, or concurrent with, annexation of specific parcels, those properties may also seek development approvals from the City. Following are the policies which will guide development of individual properties, in accordance with this Specific Plan.

1. Overall Development Policies.
   a. The City of Modesto’s Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan’s land use regulations and development standards.
c. An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.

4. Policies for Development within Sub-area B₂.

   a. Development within Sub-area B₂ shall comply with the subdivision development policies set forth above under overall development policies.

   b. Limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.

   c. Development within Sub-area B₂ shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code. Commercial development within Sub-area B₂ shall comply with the C-3 zoning standards in Title X of the Modesto Municipal Code.

   d. Prior to the approval of tentative maps on Assessor’s Parcel Nos. 52-08-02, and 52-08-43 in Sub-area B₂, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.

   e. Prior to the Approval of tentative maps on Assessor’s Parcel Nos. 52-08-15, and 52-08-02 in Sub-area B₂, the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.

5. Policies for Development within Sub-area C.

   a. Development within Sub-area C shall comply with the subdivision development policies set forth above under overall development policies.

   b. Development within Sub-area C shall comply with the R-1 zoning standard contained in Title X of the Modesto Municipal Code.

E. SPECIFIC PLAN AMENDMENT POLICIES

The City requires the following steps be completed to amend specific plans:

1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.
DISTRIBUTION LIST
SPECIFIC PLAN RESOLUTION

2 - Clerk
2 - Attorney
1 - CDD-Brian Smith
1 - CDD-Bob Cannell
1 - CDD-Pat Foran
1 - Board of Supervisors
1 - Applicant

9 - Total

Please distribute as noted above.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-294

A RESOLUTION ADOPTING THE COFFEE/CLARATINA
SPECIFIC PLAN.

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 August 15, 1995, the City Council by
Resolution No. 95-409 adopted the City of Modesto Urban Area
General Plan which contains Community Development policies
including the Coffee/Claratina Comprehensive Planning District
which allows implementation through Specific Plans prepared
pursuant to Government Code Section 65450, and

WHEREAS, in September, 1997, the California Equity
Management Group initiated a proposal for development of the
Coffee/Claratina Comprehensive Planning District consisting of
170 acres, the principal components being Single-Family
Residential and Regional Commercial uses, an elementary school,
and neighborhood park, and

WHEREAS, Public Review Documents dated February, 1998,
which include a Draft Specific Plan, also include the Final CEQA
review document in the form of a "Results of Public Review"
Mitigated Negative Declaration (final document plus comments and
responses to comments (SCH# 98022079), were distributed to the
Planning Commission on April 24, 1998, prior to the public hearing, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 4, 1998, to receive evidence both oral and documentary to consider making a recommendation to the City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, staff prepared and presented a revised Draft Specific Plan dated May 4, 1998, which contained recommended revisions to the public review document to address additional concerns from agencies, property owners, and the applicant, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines, the Planning Commission reviewed and considered the Mitigated Negative Declaration for the Coffee/Claratina specific Plan dated April, 1998, and

WHEREAS, the Planning Commission reviewed and considered the May 4, 1998, Draft Specific Plan document along with the staff report, and

WHEREAS, by Resolution No. 98-37 adopted on May 4, 1998, the Planning Commission recommended to the City Council the adoption of the Coffee/Claratina Specific Plan dated May 4, 1998, along with the incorporation of recommended revisions.

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on June 2, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public
hearing of the Council was held and evidence both oral and
documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto finds and determines as follows:

1. That the Mitigated Negative Declaration is
   complete and adequate, and that it has been
   prepared and completed in accordance with the
   provisions of CEQA.

2. That the revised Draft Specific Plan, consisting
   of the May 4, 1998, Specific Plan along with
   proposed revisions/additions, Exhibit A", is
   consistent with the City of Modesto Urban Area
   General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the
Coffee Claratina Specific Plan dated May 4, 1998, along with the
incorporation of the recommended revisions, a copy of which is
attached hereto as Exhibit "A", however, all references in the text of
the Specific Plan to specific parcel numbers for the school and park
sites shall be deleted.

BE IT FURTHER RESOLVED that this resolution shall become
effective thirty (30) days from the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby
authorized and directed to certify copies of this Resolution and said
Specific Plan to the Board of Supervisors of the County of Stanislaus.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

REVISIONS TO MAY 4, 1998
COFFEE/CLARATINA DRAFT SPECIFIC PLAN
Year 2025 (Project Buildout)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Required Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee/Claratina Intersection</td>
<td>LOS E</td>
<td>Three through lanes needed and upgrade signals</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>LOS E</td>
<td>Dual southbound turn lanes if no mid-block median break on Coffee Road</td>
</tr>
<tr>
<td>Pelandale Expressway (Claratina Avenue)</td>
<td>LOS F at intersections</td>
<td>Six through lanes needed per Coffee/Claratina Specific Plan</td>
</tr>
<tr>
<td>Fronting roadways of development: Coffee Road</td>
<td>LOS is degraded</td>
<td>Dedicate and improve roadway to City Standards along fronting projects</td>
</tr>
<tr>
<td>McHenry Avenue (State Hwy. 108)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

E. SCHOOLS

The Coffee/Claratina project will be served by the Sylvan Union School District for grades Kindergarten (K) through 8, and by the Modesto High School District for 9-12. As stated in the City's General Plan (Policy V.H.3.i, Page V-25), the City considers impacts on public school capital facilities fully mitigated when it receives a letter stating that the school district and project proponent have resolved school impacts and the means by which they are resolved. This agreement will be required prior to recordation of final maps or plot plan approvals.

F. PARKS

In Modesto, open space is provided through a comprehensive network of regional, community and neighborhood parks. The Coffee/Claratina Specific Plan is the remaining portion of an existing neighborhood and lies within Park Planning Area No. 8 as shown on Figure V-5 of the General Plan. There are no existing parks within the existing neighborhood, and a neighborhood park shall be provided within the planning area. The Park should be centrally located and have one collector street frontage with the remaining side fronting on residential streets, whenever feasible. Payment of capital facilities fees will mitigate the projects impact to parks and open space demand in the area.

The minimum size for a neighborhood park shall be seven acres.
to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

e. Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.

f. Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area B1 and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.

g. At the time of development of Sub-area B1, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.

h. The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.

4. Infrastructure to serve Sub-area B2.

Sub-area B2 consists of mostly undeveloped ground and four existing rural home sites which is slated for residential development (a 10-acre school site and 7-acre park site are also planned for this area). The existing rural home sites including any businesses legally established in the County may continue indefinitely upon annexation to the City.

a. Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.
All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

f. Subdivision development within the Coffee/Claratina Specific Plan shall be governed by the City of Modesto’s Subdivision Ordinance, Chapter 4 of Title IV of the Modesto Municipal Code and the State Subdivision Map Act (California Government Code §66410 et seq.). Processing procedures, submittal requirements, and findings required by the City’s subdivision ordinance will be enforced as set forth therein.

g. All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

h. An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.

i. To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the expressway.

2. Policies for Development within Sub-area A.

a. Sub-area A is assumed to remain as a mobile home park. If Sub-area A were to develop, it would be required to develop subject to the subdivision process set forth under overall development policies and the C-3 zoning standards contained in Title X of the Modesto Municipal Code.


a. Development within Sub-area B1 will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.

b. Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.
c. An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobile home park in Sub-area A and the east/west collector.


a. Development within Sub-area B2 shall comply with the subdivision development policies set forth above under overall development policies.

b. Development within Sub-area B2 shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code.

c. Prior to the approval of tentative maps on Assessor’s Parcel Nos. 52-08-02, and 52-08-13 in Sub-area B2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.

d. Prior to the Approval of tentative maps on Assessor’s Parcel Nos. 52-08-15, and 52-08-02 in Sub-area B2, the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.

5. Policies for Development within Sub-area C.

a. Development within Sub-area C shall comply with the subdivision development policies set forth above under overall development policies.

b. Development within Sub-area C shall comply with the R-1 zoning standard contained in Title X of the Modesto Municipal Code.

E. SPECIFIC PLAN AMENDMENT POLICIES

The City requires the following steps be completed to amend specific plans:

1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.

2. Documentation of the need for amendments should indicate the economic, social, technical issues that generate that need. Proposals to amend the specific plan also must be accompanied by studies that address such issues as conformance with
also must be accompanied by studies that address such issues as conformance with
specific plan principles and policies, compatibility with adopted land uses, and
infrastructure requirements.

3. Applications for specific plan amendments also must provide an impact
analysis for levels and types if development other than or in excess of the maximums
addressed in the Mitigated Negative Declaration. Depending on the nature of the
amendment, supplemental environmental analysis may be necessary (according to
CEQA legislation [Section 15162 of the State of CEQA Guidelines]).

4. City staff will review submitted material and provide a staff report to the
Planning Commission and City Council for action. Clarification of the individual studies
may be required. Staff also will review the amendment for consistency with the General
Plan and determine whether the need to amend the Specific Plan can be supported by
the conclusions in any of the supplemental studies.

5. Both the Planning Commission and City Council must hold public hearings
on specific plan amendments (in accordance with Section 65453 of State Government
Code).
DISTRIBUTION LIST
SPECIFIC PLAN RESOLUTION

2 - Clerk
2 - Attorney
1 - CDD-Brian Smith
1 - CDD-Bob Cannell
1 - CDD-Pat Foran
1 - Board of Supervisors
1 - Applicant

9 - Total

Please distribute as noted above.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-295

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BIG VALLEY GRACE COMMUNITY CHURCH FOR ADVANCE OF FUNDS FOR THE CONSTRUCTION OF PELANDALE AVENUE FROM DALE ROAD TO MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Big Valley Grace Community Church for advance of funds for the construction of Pelandale Avenue from Dale Road to McHenry Avenue 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 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: Fisher

ATTEST: ________________________________
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-296

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 93042004) RELATING TO THE APPROVAL OF THE PELANDALE/SNYDER SPECIFIC PLAN: PELANDALE ROAD EXTENSION AGREEMENT.

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

WHEREAS, the City’s Community Development Department reviewed a proposal to enter into an agreement with Big Valley Grace Community Church to extend Pelandale Road from Dale Road to McHenry Avenue, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final 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 Final EIR, and

WHEREAS, on June 2, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the proposed, and makes the following findings:

1. There are no substantial changes in the proposed project contemplated by the Agreement which will require major revisions of the Pelandale/Snyder Specific Plan EIR.
2. There are no substantial changes occurring with respect to the circumstances under which the project contemplated by the Agreement is being undertaken which will require major revisions in the Pelandale/Snyder Specific Plan EIR.

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
RESOLUTION NO. 98-297

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FOR A TECHNOLOGY GRANT THROUGH “COPS MORE” (MAKING OFFICER REDEPLOYMENT EFFECTIVE) FOR $200,000 TO PURCHASE LAP TOP COMPUTERS FOR MODESTO POLICE OFFICERS.

WHEREAS, the Office of Community Oriented Policing Services of the U.S. Department of Justice is soliciting applications for technology projects that will assist in making the COPS on-the-street officers, granted by the Federal government in the past four years, more effective in their missions to bring community policing to the nation, and

WHEREAS, this grant offering presents an excellent opportunity to provide, largely at Federal expense, more advanced technology to the Police Department’s crime suppression mission, and

WHEREAS, the acquisition of lap top computers for Modesto Police Officers would allow more efficient data transfer from the main Police Building to the field, and would allow Police Officers to input much of their own crime data, eliminating duplicate input by the Records Division, and

WHEREAS, the grant application is due in mid-June, 1998, but if selected, the department will not be awarded a grant contract until mid to late October, 1998, and

WHEREAS, the grant program requires a 25% match by the local government entity, however, because the City was recently granted a “waiver of match” from the Federal
government because of the floods of 1997, the City will need only to match 10% of the total project cost, or $20,000, and local matching funds will be covered within the Police Department’s ABS appropriation for 1998/99.

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 are hereby authorized to execute and submit an application and grant-related documents for to the U.S. Department of Justice, Office of Community Oriented Policing Services for a technology grant project through COPS MORE (Making Officer Redeployment Effective) for $200,000 to purchase lap top computers for Modesto Police Officers.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
DISTRIBUTION
RESOLUTION AUTHORIZING SUBMITTAL
OF GRANT APPLICATIONS

2- Clerk
1- Attorney
1- Initiating Department
1- Finance

5

Please distribute as noted above.
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM THE STORM DRAIN FUND RESERVE TO THE STORM DRAIN OPERATING BUDGET TO RESTORE FUNDS IMPACTED BY THE EMERGENCY STORM-RELATED WORK

WHEREAS, earlier this year, severe storm weather required emergency action be taken to protect residents and prevent loss of property; and

WHEREAS, reimbursement from FEMA is anticipated to occur in this fiscal year. However, until reimbursement occurs, the City’s Storm Drain Fund must continue to carry these expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>#628-800-8000-8003 Contingency Reserve</td>
<td>$(100,000)</td>
</tr>
<tr>
<td>#628-480-5312-0110 Salaries</td>
<td>$ 100,000</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-299

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ARC OF STANISLAUS COUNTY FOR THE OPERATION OF THE SNACK BAR AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the lease agreement between the City of Modesto and ARC of Stanislaus County for the operation of the snack bar at the Modesto Airport 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 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-300

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF TENTH STREET IN BLOCKS 57 AND 67, CONSISTING OF FIVE FEET FROM EACH SIDE OF THE STREET, LOCATED BETWEEN J AND K STREETS.

WHEREAS, the City Council has received and referred to the Planning Commission a request by the Redevelopment Agency of the City of Modesto to vacate and abandon a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the portions of the Tenth Street right-of-way between J and K Streets in adjacent land owners who are the proponents of the abandonment, and

WHEREAS, the proposed partial street abandonment has been referred to the affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets were posted in the area and said public hearing was held by the Planning Commission on May 4, 1998, and

WHEREAS, the Planning Commission by Resolution No. 98-35, adopted May 4, 1998, found and determined as follows:
1. That portions of Tenth Street, consisting of two five-foot-wide strips along each side of the street between J and K Streets is unnecessary for present or future pedestrian or vehicular use.

2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Assessment No. 98-21 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

3. That the abandonment and vacation of portions of Tenth Street is in conformance with the City of Modesto General Plan.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets. Said proposed vacation and abandonment is more particularly described in Exhibit “A” and shown on Exhibit “B” attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highway Code, Sections 8300-8363: Public Streets, Highways and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that June 23, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby
fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets, to be posted conspicuously along Tenth Street in Blocks 57 and 67 at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of street proposed to be abandoned.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 2nd day of June, 1998, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

AYES:  Councilmembers:  Conrad, Dobbs, Fisher, Friedman, Serpa,
        Smith, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  

   JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By  

Community Development Department
Development Services
February 18, 1998
Job No. 70-7380

10TH STREET ABANDONMENT
TO BLOCK 57

EXHIBIT A

BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), the westerly line of said 5 foot abandonment being more particularly described as follows:

BEGINNING at the most easterly corner of BLOCK 57 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the westerly right-of-way of Tenth Street; thence North 43°31'28" West along said westerly right-of-way of Tenth Street, a distance of 400.21 feet to the point of intersection with the southerly right-of-way of "K" Street, the POINT OF TERMINATION.

Containing 2001 square feet, more or less.

Roy A. Galli, R.C.E. 16024
February 18, 1998
Job No. 70-7380

10TH STREET ABANDONMENT TO BLOCK 67

BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), the easterly line of said 5' abandonment being more particularly described as follows:

BEGINNING at the most southerly corner of Block 67 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the easterly right-of-way of Tenth Street, thence North 43°31'28" West along said easterly right-of-way of Tenth Street, a distance of 400.19 feet to the point of intersection with the southerly right-of-way of "K" Street, the POINT OF TERMINATION.

Containing 2001 square feet, more or less.

Roy A. Galli, R.C.E. 16024
RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2 Clerk
2 Attorney
1 O&M
1 E&T
1 Dev. Services
1 Fire
1 Police
1 MID
1 PG&E
1 Pac Bell

12

MID
General Services Manager
P. O. Box 4060
Modesto, CA  95352

PG&E
Marketing Department
1524 N. Carpenter Road
Modesto, CA  95351

Pacific Bell Engineering
Attention: Helen Hoskins
44 West Yokuts
Stockton, CA  95207
MODESTO CITY COUNCIL
RESOLUTION NO. 98-301

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

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

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

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

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

WHEREAS, the City Council has determined that further amendments to the
“Policies and Procedures” are appropriate,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto
that its “Policies and Procedures” relating to the application for, creation of, and administration
of Mello-Roos Community Facilities Districts, formerly adopted and amended as described
above, are hereby further amended as set forth below.

A. Paragraph 3.g.(2) on page 6 of the “Policies and Procedures” is hereby amended to read as follows:

(2) Where CFD is Formed and Bonds are Issued. If the CFD is formed and bonds are issued, bond proceeds shall be used to defray all approved costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the CFD Formation Group in conjunction with Bond Counsel, and subject to any applicable restrictions contained in the Act as amended. With respect to applicant paid consultant costs, reimbursement shall be limited to those CFD-related consultant’s hired by the City or those hired by the applicant and expressly approved by the City in writing. Eligibility for reimbursement of any otherwise-eligible expense is conditioned upon the applicant providing paid invoices therefor to the City, and the CFD Formation Group’s approval thereof. The applicant shall not be entitled to reimbursement from bond proceeds for any of the following reasons: interest expense incurred by the applicant during the planning or design of construction (subject to exception for construction-related interest expense, set forth below) of the public improvements and any other costs and expenses incurred by the applicant which are not legally authorized for reimbursement, or as to which Bond Counsel has declined approval for reimbursement.

B. Paragraph 3.g. on pages 6 and 7 of the “Policies and Procedures” is hereby amended to include both subparagraph (4) and subparagraph (5):

(4) Where CFD is Formed and Bonds are Not Issued. With respect to advance formation fees pursuant to Paragraph 3.u. on pages 11 and 12 of these Policies and Procedures, any portion of such fee/deposit not paid out or obligated for the direct or indirect costs of CFD formation by the CFD Formation Group, may be further obligated by the CFD Formation Group based on its good faith estimate of the cost, including consultant costs, and other reasonable incidental costs as defined in the Act that may be incurred in the administration of the CFD during the period of time following its formation but prior to the City’s receipt of sufficient annual maintenance special taxes to provide for appropriate administration of the CFD. The remaining fee/deposit not paid out or obligated for the direct or indirect
costs of the CFD formation or administration by the CFD Formation Group shall be returned to the applicant within five (5) business days after the CFD Formation Group presents its written accounting and good faith estimate. The accounting and good faith estimate shall be prepared within thirty (30) days after the CFD is formed.

(5) "Dollar for Dollar" Credit Against One-Time Facility Tax. Where the applicant makes a timely request that CFD formation costs be included in the cost of infrastructure for the purpose of computing taxes due under the Rate and Method of Apportionment and the final tax formulas, such CFD formation costs, including the initial fee/deposit, may be recovered by crediting such formation costs against facilities special taxes which would otherwise be due from the applicant from the time when such taxes would initially be due until the subject formation costs to be credited are exhausted by facilities special taxes incurred.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
DISTRIBUTION LIST FOR CFD RESOLUTIONS:

2 - City Clerk
1 - City Attorney's Office
1 - CDD
1 - Finance
1 - Jean Zahr
1 - Phil Testa
1 - Tina Rodriguez
WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

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

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

WHEREAS, on May 5, 1998, the Board of Supervisors approved a tipping fee increase at the Waste-to-Energy Facility, and

WHEREAS, the Council of the City of Modesto is required to hold a public hearing prior to setting tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed a $2.75 per ton increase in the tipping fees at the Facility and has recommended approval of said increase in the tipping fee, and City staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present $37.50 per ton to $40.25 per ton, effective July 1, 1998, and
WHEREAS, the 9th day of June, 1998, at 4:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves an increase in the tipping fee at the Waste-to-Energy Facility from the present $37.50 per ton to $40.25 per ton, effective July 1, 1998.

BE IT FURTHER RESOLVED that Resolution No. 97-318 is hereby rescinded effective June 30, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-303

A RESOLUTION ACCEPTING THE BID OF PACIFIC MOBILE STRUCTURES INC. FOR THE PROJECT TITLED "REMOTE PONDS MODULAR BUILDING"

WHEREAS, the bids received for Remote Ponds Modular Building were opened at 11:00 a.m. on May 26, 1998, 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 Pacific Mobile Structures Inc. in the amount of $64,967.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $64,967.00 from Pacific Mobile Structures 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 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-304

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: AWARDING A CONTRACT TO PACIFIC MOBILE STRUCTURE, INC. FOR THE REMOTE POND MODULAR BUILDING PROJECT.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("EIR") (SCH 96042009) for the WasteWater Master Plan, and

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

WHEREAS, the City’s Engineering and Transportation Department by Environmental Assessment Initial Study, reviewed the proposed Installation of a Modular Building at the Secondary Treatment Facility located at 7007 Jennings Road to accommodate support staff for Operations, to determine whether the project is within the scope of the project covered by the WasteWater 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, and

WHEREAS, on June 9, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the Remote Pond Modular Building 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 Master Plan covered by the WasteWater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of approval or determination within five (5) 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 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY E. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

TO RESOLUTION NO. 98-304
City of Modesto
Initial Study

Installation of a Modular Building at the Secondary Treatment Facility located at 7007 Jennings Road, to accommodate support staff for Operations and Maintenance.

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 Wastewater Master EIR (SCH No. 96042009), adopted May 27, 1997, 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 Wastewater Master EIR. This Initial Study also provides documentation that the project is within the scope of the Wastewater Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

    Repair and Upgrade Ponds Control Building

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 & Transportation Department, (209) 577-5260

D. Project Location:

    Secondary Treatment Facility - 7007 Jennings Road

E. Project sponsor:

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

F. General Plan Designation:

    Residential
G. **Zoning:**

Residential (R-1)

H. **Description of Proposed Project:**

A new modular building (1,440 square feet) will be installed adjacent to the existing Control Building.

I. **Surrounding land uses:**

The project is bounded to the North and West by wastewater oxidation ponds. To the East is maintenance buildings and to the South is the Operations Control Building.

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 Modular Building installation proposes development consistent with the Wastewater Master Plan designation of Residential for this site. Therefore, the traffic impacts of this project are consistent with those contained in the Wastewater Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages VI-2 through VI-21) 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 VI-22 through VI-37) are therefore still valid.

C. **Generation of Noise**

Because the proposed use is consistent with the Wastewater Master 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 VI-38 through VI-39) are therefore still valid.
D. Loss of Productive Agricultural Land

This area is located in a developed 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 VI-40 through VI-50) are therefore 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 VI-51 through VI-57 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 (page VI-58) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a developed area and is not located in a Potential Biological Resource Study Area, as presented in 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 VI-59 through VI-70) are therefore still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. The Jennings Road Plant discussion on page VI-79 of the MEIR identifies the protected Archaeological Site CA-STA-000164 near the proposed construction area. It also states that no other archaeological site or historic resources were noted. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages VI-71 through VI-77) are therefore still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the Wastewater Master 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 VI-78 through VI-92) are therefore 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 VI-93 through VI-99) are therefore still valid.

K. Increased Demand for Parks and Open Space

This commercial development 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 VI-100 through VI-107) are therefore still valid.

L. Increased Demand for Schools

This commercial development 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 (page VI-108) are therefore 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 (page VI-109) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the Wastewater Master 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 VI-110 through VI-115) 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 (page VI-116) 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 VI-117 through VI-129) 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 VI-130 through VI-137) 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 (page VI-138) are therefore still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Modular Building is within the scope of the Wastewater Master EIR (SCH No. 96042009) which analyzed the potential impacts of buildout of the Baseline Developed Area, including modular office installation within this area.

B. No additional significant environmental effects will occur as a result of the proposed modular building, that were not previously examined in the Wastewater Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed modular building, that were not previously considered in the Wastewater Master EIR.

D. There are not specific features unique to this modular building that require project specific mitigation measures. All certified mitigation measures identified in the Wastewater Master EIR 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]

Dean J. Phillips,
Associate Civil Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-305

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO PURCHASE PRODUCTS OFF THE STATE OF CALIFORNIA'S MULTIPLE AWARD SCHEDULES (CMAS) PROGRAM

WHEREAS, the State of California Procurement Division's California Multiple Award Schedules (CMAS) Program has established comprehensive contracts which provide government agencies numerous choices for making the best value procurements in a reduced time frame.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that utilization of the CMAS program be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-306

A RESOLUTION APPROVING THE POLICY ENTITLED "POLICY REGARDING EXTENSION OF WATER SERVICE INTO UNINCORPORATED AREAS"

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the policy regarding extension of water service into unincorporated areas be, and it is hereby approved.

NOW, THEREFORE, BE IT RESOLVED that the Policy Regarding Extension of Water Service Into Unincorporated Areas, a copy of which is attached hereto, rescind and replace Policy 5.001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk
Subject: Extension of Water Service into Unincorporated Areas

Purpose:
This policy clarifies the City’s position on the extension of water service into unincorporated areas and designates specific conditions that are required of such service extensions which are in the best interest of the City.

Background:
The extension of City water service into unincorporated areas allows development outside of the City limits and outside the Modesto Municipal Sewer District. For areas within the City’s Sphere of Influence, this development is contrary to the objectives stated in the General Plan. The Modesto Urban Area General Plan, Community Growth Strategy, includes the following urban growth objectives:

1. Urban growth should be directed, as long as economically feasible, to areas currently served with City services.
2. Residential growth and development within the Modesto Urban Area General Plan shall take place only following annexation to the City.

These objectives are strengthened by the County’s General Plan Goal 5 which directs the County to approve only that development which complements the general plans of cities within the County. In addition, the County is required to obtain approval from the adjacent city prior to discretionary development approval and, in the event of a conflict with development standards, the city’s standards shall govern.

Also, the Modesto Municipal Code §11-1.05(b) states, in part: “...In considering applications for furnishing water service to property located outside the City limits, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. The City Manager shall establish the conditions and the City Council shall approve said conditions from time to time by resolution.” This City Council policy is adopted to establish the conditions whereby the City may approve the extension of water service into unincorporated areas.

For those areas outside the Sphere of Influence and inside the former Del Este service area, the extension of water service should be approved only on a case-by-case basis as stated in Item 2 below.

Policy:
It is the policy of the City of Modesto that urban development occur within the City limits and within the Modesto Municipal Sewer District No. 1 (“Sewer District”) by City building permit rather than
in the unincorporated fringe. For properties within the Sphere of Influence and outside the Sewer District, where annexation is not imminent, such development should be considered premature and water service should not be extended to the property. For properties outside the Sphere of Influence, approval shall be given on a case-by-case basis as stated below.

1. Property outside the City Limits, outside the Sewer District and inside the Sphere of Influence

   Extension of water service to properties outside the City Limits, outside the Sewer District and inside the Sphere of Influence shall only be approved when annexation of the property is completed.

2. Property outside the City Limits, outside the Sphere of Influence and inside, contiguous to and near the former service area of Del Este Water Company

   Water service extensions may be approved by the City on a case-by-case basis to properties located outside the City Limits, outside the Sphere of Influence and inside, contiguous to and near the former service area of Del Este Water Company. This approval may be granted when all of the following conditions are met:

   a. The development has been authorized by the appropriate land use agency.

   b. The property is within the former Del Este service area or is contiguous to and near the former Del Este service area.

   c. It is reasonable for the City to extend the water service based on a plan to pay for service extension costs, the quantity of water used, the type of water use and the overall impact on the water system.

3. The City Manager is authorized to approve water service extensions that are consistent with the policy.

Legislative History
Res. Updating - 98-306
MODESTO CITY COUNCIL
RESOLUTION NO. 98-307


WHEREAS, the Tuolumne River Regional Park Citizens Committee and the City Council Transportation Policy Committee have discussed recommendations concerning the alignment of the Tuolumne Boulevard extension as part of the Modesto Railroad Track Consolidation Project, and

WHEREAS, the recommendations of the Tuolumne River Regional Park Committee and Transportation Policy Committee are as follows:

1. Prohibiting commercial trucks weighing 10,000 pounds or more onto the Tuolumne Boulevard Extension.
2. Reduction of the four-lane Boulevard to two lanes after the 9th Street undercrossing heading northeast toward Morton Boulevard to encourage traffic onto the 9th Street ramps.
3. Design of roadway landscaping of both sides of the Boulevard, and if finances allow, the construction of landscaping on both sides of the Boulevard.
4. Prohibit borrowing dirt from the park area to make grade for the roadway.
5. Negotiate for the future abandonment of certain portions of 10th, 11th, 12th, and B Streets and realignment of 10th Street.
6. Authorize staff to proceed with accepting dedication of land from the Tuolumne River Regional Park Committee.
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the alignment of Tuolumne Boulevard Extension, as recommended be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JUDY C. HALL, Acting City Clerk
A RESOLUTION CERTIFYING REVIEW OF A NEGATIVE DECLARATION FOR AN ALIGNMENT OF THE TUOLUMNE BOULEVARD EXTENSION.

WHEREAS, City staff has recommended approving the alignment of the Tuolumne Boulevard extension, authorizing staff to proceed with the acceptance of dedication of land from the Tuolumne River Regional Park ("TRRP") Advisory Committee, and endorsing recommendations from the TRRP Advisory Committee and staff,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by City staff.

SECTION 2. The City Council hereby finds that on the basis of information contained in the negative declaration and the staff report, that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the negative declaration for said project, a copy of which is attached hereto. The Council further finds that the negative declaration reflects the Council’s independent judgment.

SECTION 3. The Engineering and Transportation Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
To: Stanislaus County Clerk  
From: City of Modesto  
Subject: Notice of Determination, Environmental Review

Project Title
Modesto Track Consolidation Project

State Clearinghouse Number (If submitted to State Clearinghouse)
93082072

Contact Person
Douglas Carmody

Telephone Number
577-5429

Project Location
Stanislaus and San Joaquin Counties

Project Description: This project proposes to relocate a portion of the UPRR line operations to the SP right-of-way beginning in Lathrop and extending to southern Modesto with 2 railroad grade separations in the City of Modesto.

This is to advise that the City of Modesto has made the following determinations regarding the above described project:

1. The project has been □ approved □ disapproved  
   Agency City Council  
   Resolution No. 94-71  
   Date February 1, 1994

2. The project □ will □ will not have a significant effect on the environment.

3. □ An Environmental Impact report was prepared for this project pursuant to the provisions of CEQA and was certified by the decision-making body. A copy is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.
   □ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

4. Findings of Significant Effect and Mitigating Measures
   □ Statement attached □ Not applicable

5. □ A Statement of Overriding Considerations was adopted for this project.
   □ was not

Date Received for Filing
FEB -9 1994

Signature
William Putnam
Federal Highway Administration
Finding of No Significant Impact
for
Construction of the Modesto Railroad
Relocation and Grade Separation
Demonstration Project (DE0016(801))

The FHWA has determined that this project will not have any significant impact on the human environment. It has been determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to the wetlands. This finding of no significant impact is based on the attached environmental assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the environmental assessment.

11/24/93
Date

[Signature]
Roger Borg, Division Administrator
MODesto CITY COUNCIL
RESOLUTION NO. 98-309

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1998-99.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Conrad__, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-309

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

6/5/98
b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1998-99.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive

   b. Areas adjacent to the access control walls along Creekwood Drive

   c. Areas adjacent to the access control walls along Claus Road
3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

9/15/98
WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1998-99.

2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in...
Dry Creek Meadows Subdivisions Nos. 7-10 and Creekwood Meadows Subdivision and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.
6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-310  

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1998-99.

2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and Creekwood Meadows Subdivision and that the existing improvements to be made in said assessment district are generally described as follows:
The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-311

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND VANIR CONSTRUCTION MANAGEMENT INC. FOR THE 10TH STREET PLACE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the professional services agreement between the City of Modesto and Vanir Construction Management Inc. for the 10th Street Place 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 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-312


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and U.S. Fish and Wildlife Service and the Nature Conservancy for the Vernal Pool Fee to mitigate the incidental take of endangered vernal pool species as a result of the Amtrak Station 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 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LEAGUE OF WOMEN VOTERS OF MODESTO FOR USE OF ROOM 104 AT THE MODESTO COMMUNITY SERVICE CENTER AT 800 EAST MORRIS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the League of Women Voters of Modesto for use of Room 104 at the Modesto Community Service Center at 800 East Morris Avenue 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 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-314

A RESOLUTION CREATING A NEW HISTORIC BUILDINGS
ACQUISITION AND DEACCESSIONING POLICY,
RESCINDING POLICY NO. 6.010 AND RESCINDING
RESOLUTION NO. 73-682.

WHEREAS, on August 6, 1973, the City Council of the City of Modesto, by Resolution No. 73-682, adopted a policy entitled “Items Donated or Loaned to the McHenry Museum”, and

WHEREAS, the Master Plan for Cultural Activities and Historical Buildings includes an addendum entitled “Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings”, and

WHEREAS, over the years a number of artifacts have been accumulated that have never been displayed due to their condition or for not meeting the scope of the collection criteria as well as the acquisition of superior artifacts, and

WHEREAS, such artifacts are currently disposed of by selling them, and

WHEREAS, such artifacts have not been deaccessioned because of the negative feelings which would be generated by selling off “the family treasures” which have been entrusted to the City, and

WHEREAS, the sale of current artifacts would also have an adverse effect concerning future donations since there would be hesitation in donating items when the possibility exists that artifacts could be sold, and
WHEREAS, after meeting with both the McHenry Museum & Historical Society and the McHenry Mansion Foundation boards, City staff recommended a change in the policy to allow artifacts to be returned to the donor or his/her heirs, and

WHEREAS, on September 17, 1997, said recommendation was considered and approved by the Human Services Committee, and

WHEREAS, in addition, City staff has recommended that City Council Policy No. 6.010 entitled “Items Donated or Loaned to the McHenry Museum” be rescinded, and

WHEREAS, City staff has also recommended that the addendum to the Master Plan for Cultural Activities and Historical Buildings entitled “Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings” be amended to eliminate the Artifacts Policy Committee, and

WHEREAS, City staff also recommended a new policy entitled “Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings”, which policy is attached hereto as Exhibit “A”,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby rescinds City Council Policy No. 6.010 entitled “Items Donated or Loaned to the McHenry Museum”.

BE IT FURTHER RESOLVED that Resolution No. 73-682, adopted on August 6, 1983, is hereby rescinded, effective the date this resolution is adopted.

BE IT FURTHER RESOLVED that the Council hereby approves an amendment to the addendum to the Master Plan for Cultural Activities and Historical Buildings entitled
City of Modesto Policy No. ____________

ACQUISITION AND DEACCESSIONING CRITERIA AND PROCEDURES FOR ARTIFACTS IN HISTORICAL BUILDINGS

Purpose:

To establish criteria and procedures for acquiring and deaccessioning artifacts in historical buildings owned by the City of Modesto.

Policy:

Acquisition Criteria

1. **McHenry Mansion**: Objects must be within the proper time frame: 1883-1896 for Robert McHenry’s period; 1896-1906 for Oramil McHenry’s period. Certain pieces dated prior to 1883 may be included if it is determined that the McHenrys may have acquired those furnishings for a previous house.

The objects must meet the needs of the house.

The style of object should reflect the nature of the inhabitants—Robert McHenry, a conservative banker and rancher and Oramil McHenry, a successful businessman.

2. **McHenry Museum**: The McHenry Museum is dedicated to collect, preserve, study and exhibit those objects that will serve to illustrate the history of Stanislaus County and particularly the city of Modesto.

The Museum will collect historically significant artifacts that depict the City’s and County’s unique past in terms of its Indian inhabitants, gold mining, exploration and settlements, agriculture and irrigation, business and industry, educational and cultural institutions, the impact of the railroad and the life style of its inhabitants. Objects must be consistent with the McHenry Museum Master Plan.

3. **McClure House**: (to be developed)
Acquisition Procedure

1. The determination regarding the acquisition of particular items shall be made by the City staff and the acquisition committee of the appropriate historical building support group based on the acquisition/deaccessioning criteria established for the historical building.

2. When an historical artifact is offered for donation or loan, it will be determined by the City staff whether it meets the acquisition criteria established for the historical building.

3. When a historical object is located for possible purchase by an appropriate volunteer support group acquisition committee, it will be reviewed by the City staff to determine whether it meets the acquisition criteria established for the historical building and a recommendation submitted to the volunteer support group acquisition committee.

4. In case of a disagreement between City staff and a volunteer support group acquisition committee, the disagreement will be submitted to the Culture Commission for determination.

5. Staff will make a suitable report on all acquisitions to the appropriate volunteer support group acquisition committee and the Culture Commission.

6. All items accepted for use as historical artifacts will be catalogued and subject to the following deaccession criteria and procedure.

Rejection Procedure

1. Any historical item offered to any one city-owned historical building which does not meet that building's acquisition criteria should be offered to all other historical buildings subject to permission of the donor.

2. If the offered item does not meet the acquisition criteria for any City-owned historical building, the offer should be graciously declined.

Items Donated Specifically for Resale

Items donated specifically to a volunteer support group for resale will not be catalogued, but will be handled by the appropriate volunteer support group.
Deaccessioning Criteria

1. The determination regarding the deaccessioning of particular items shall be made by the City staff and the acquisition committee of the appropriate historical building support group based on the acquisition/deaccessioning criteria established for the historical building.

2. A catalogued item may be deaccessioned if it does not meet the acquisition criteria for the particular historical building.

3. A catalogued item may be deaccessioned if it will cost more to restore the object than to purchase a replacement in acceptable condition.

4. A catalogued item may be deaccessioned if it is a duplicate of another object in the collection and is not useful for educational programs or for study.

5. A catalogued item may be deaccessioned if it will be replaced with a more appropriate object.

6. A catalogued item may be deaccessioned if new historical information alters provenance or authenticity of the artifact.

7. A catalogued item of any historical building may be deaccessioned if the artifact is no longer suitable for that building. Determination to deaccession a catalogued item is to be made by City staff based on recommendations of the appropriate volunteer support group acquisition committee and acquisition/deaccessioning criteria established for the historical building. If a catalogued item to be deaccessioned meets the acquisition criteria of any other City-owned historical building, the other historical building shall have first opportunity to acquire the item.

8. Any original McHenry, Hogin or McClure family items accepted by, or presently owned by the city, will be placed in the appropriate City-owned historical building.

Deaccessioning Procedure

1. The initial decision to deaccession an object is to be made by the City staff based on the above criteria. The resale value of objects is to be established by independent resale appraisers.
2. In case of a disagreement between City Staff and a volunteer support group acquisition committee, the disagreement will be submitted to the Culture Commission for determination.

3. Staff will make a suitable report on all sales to the appropriate volunteer support group acquisition committee and the Culture Commission.

4. Money from the sale of a deaccessioned item shall be put in a City trust account for the appropriate historical building. The policy for the expenditure of these funds shall be determined by the appropriate volunteer support group acquisition committee.

5. As an option, in place of the sale of a deaccessioned item, that object can be given back to the original donor or his/her heirs. If they do not want it back, the artifact can then be sold according to the deaccessioning procedure.
“Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings” to eliminate the Artifacts Policy Committee.

BE IT FURTHER RESOLVED that a new policy entitled “Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings” attached hereto as Exhibit “A” is hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-315

A RESOLUTION APPROVING SUBMISSION OF AN ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund other than farebox revenues is the Local Transportation Fund, and

WHEREAS, said funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, the City of Modesto's claim for fiscal year 1998-99 has been prepared in the amount of $3,611,397,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the City of Modesto's Annual Transportation Claim on behalf of the City of Modesto, and that submission of the City of Modesto's Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of $3,611,397 for fiscal year 1998-99 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO REMODEL A LARGER POLICE SHOP, EVIDENCE, PROPERTY STORAGE AND MAINTENANCE WORK AREAS

WHEREAS, the Operations & Maintenance Department is in need of a larger facility for the Police shop; and the Police Department must accommodate all current operations that are housed in buildings that will be demolished for the construction of a new police facility; and

WHEREAS, these funds will remodel Performance Tire to accommodate the needed expansion of the Police shop, house evidence and property for police cases and provide a work area for the maintenance needs of the police department.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>780 490 4912</td>
<td>10 700 7000</td>
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<tr>
<td>780 700 7000</td>
<td>9780 Transfer In from Fund 780</td>
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<tr>
<td>10 190 1902</td>
<td>5472 11/G Remodel</td>
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<tr>
<td>10 190 1921</td>
<td>8003 Contingency Reserve</td>
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</tbody>
</table>

Expenditures: 223 Repair & Maintenance – Outside (7,000)
Expenditures: 7010 T/O to General Fund $ 7,000
Expenditures: 241 Communications Dispatch (22,000)
Expenditures: 5465 11/G Remodel $ 29,000
Expenditures: 223 Repair & Maintenance – Outside (7,000)
Expenditures: 7010 T/O to General Fund $ 7,000
Expenditures: 241 Communications Dispatch (22,000)
Expenditures: 5465 11/G Remodel $ 29,000

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 City Council of the City of Modesto held on the 9th day of June 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
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. 98-317

A RESOLUTION APPROVING THE FINAL MAP OF OLYMPIC VILLAGE UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, L&L Venture, a Joint Venture Composed of Warren Smith, Lawson Family, Inc., a California Corporation, and Rodney K. Lowe, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.92 acres, known as Olympic Village Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of July, 1996, 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 Olympic Village Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the 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

6/3/98
determined by the City Engineer have been paid, and subdividers have furnished securities, as
set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations
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 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 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-318

A RESOLUTION ACCEPTING THE BID OF MONZINGO CONSTRUCTION FOR THE PROJECT TITLED "CARPENTER ROAD WATERLINE"

WHEREAS, the bids received for Carpenter Road Waterline were opened at 11:00 on June 2, 1998, 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 $53,854.00 from Monzingo Construction Company be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ESTABLISHING THE 1998-99 FISCAL YEAR
APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS TO
BE USED IN THE CALCULATION

WHEREAS, adoption of the Fiscal Year 1998-99 budget requires that Council establish the price
and population factors used in determining the City’s Proposition 4 Appropriation Limit for that year; and

WHEREAS, Article XIIIIB of the California Constitution specifies that appropriations made by
State and local governments may increase annually by a factor comprised of the change in population
combined with either the change in California per capita personal income or the change in the local
assessment roll due to local nonresidential construction, and

WHEREAS, the attached schedule shows the preferred price and population factors to be used
and the appropriation limit with the recommended factors in calculating the limit are the price factor of
“State growth in per capita income” and the population factor of “growth rate in Stanislaus County”; and

WHEREAS, a copy of said report is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
appropriation limit and the price and population factors to be used in determining the 1998-99
appropriations limit is hereby established as set forth in the attached schedule.

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 16th day of June, 1998, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: 
JEAN ADAMS, City Clerk
(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer
# Appropriation Limit Calculation

## Fiscal Year 1998-99

FY 1997-98 Appropriation Limit $163,248,769

### Adjustment Factors

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<tr>
<th>Population:</th>
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<tbody>
<tr>
<td>Modesto:</td>
<td>1.0103</td>
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<tr>
<td>County:</td>
<td>1.0135</td>
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</table>

<table>
<thead>
<tr>
<th>Price:</th>
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<tr>
<td>Per Capita Income (State)</td>
<td>1.0415</td>
</tr>
<tr>
<td>Local non-residential new construction</td>
<td>Unavailable</td>
</tr>
</tbody>
</table>

Total Adjustment 5.56%

Annual Adjustment $9,076,632

FY 1998-99 Appropriation Limit $172,325,401
WHEREAS, after financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1997-98; and

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1998-99 Fiscal Year has been submitted to the City Council by the City Manager and the City Council has made such revisions as it has deemed advisable; and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget; and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjusted appropriations and re-estimating revenue as indicated in the 1998-99 City of Modesto Proposed Budget is hereby adopted as the budget for fiscal year ending June 30, 1999; and that several amounts stated therein as proposed expenditures and revenues are hereby appropriated for the various objects therein described.

NOW, THEREFORE, BE IT RESOLVED that the capital projects carried over from Fiscal Year 1997-98 are hereby reappropriated as a part of the budget for the Fiscal Year 1998-99;
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 16th day of June, 1998, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:  Councilmembers: Serpa
ABSENT: Councilmembers: None

ATTEST:  Jean Zahn
           JEAN ADAMS, City Clerk
(sail)

APPROVED AS TO SUFFICIENCY:

By:  Stan Feathers
     STAN FEATHERS, Budget Officer
<table>
<thead>
<tr>
<th>Organization</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modesto relays</td>
<td>5,000</td>
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<tr>
<td>4th of July Celebration</td>
<td>15,000</td>
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<tr>
<td>Mod Symphony</td>
<td>9,000</td>
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<tr>
<td>Mod Performing arts</td>
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<tr>
<td>Mod Civic Theatre</td>
<td>3,000</td>
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<tr>
<td>Central Calif Art League</td>
<td>1,250</td>
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<tr>
<td>Hispanic Chamber</td>
<td>5,000</td>
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<tr>
<td>Townsend Opera Players</td>
<td>5,500</td>
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<tr>
<td>International Festival</td>
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<tr>
<td>Downtown arts projects</td>
<td>3,500</td>
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<tr>
<td>Community Concert Assn.</td>
<td>1,250</td>
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<tr>
<td>Y.E.S.</td>
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<tr>
<td>Central West Ballet</td>
<td>4,500</td>
</tr>
<tr>
<td>MoBand</td>
<td>3,350</td>
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<tr>
<td>Sylvan Village Dancers</td>
<td>500</td>
</tr>
<tr>
<td>Na Ohana O Ke Awawa</td>
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<tr>
<td>Center Stage</td>
<td>250</td>
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<tr>
<td><strong>Total Allocation</strong></td>
<td><strong>70,000</strong></td>
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</tbody>
</table>

Allocation of adopted $65,000 Cultural Services by FPC on 5/26/98 with the recommendation of an additional $5,000 to be funded by General Fund.
Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions
Object!
Type of Account Description

Current
Budget ($)

Adjustment
Amount ($)

Fund

Agency

Orgn

Revenue

1204

10,806,760

50,000

16,575

010

1964
1901
4213
4112

1325
2101
2104

REMOVALPERlvllTS

510
450
190
190
190
420
410

9510
4522
1921

DOG LICENSE
BINGO PER<\1ITS

010
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(15,275)
(1,893)
(42,674)
500
(1,500)

510

190
470
480
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Revised
Budget ($)

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L'TlLITY USERS TAX
BEYER PARK CONCESSION
BICYCLE LICENSE

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MOTOR VEHICLE LICENSE FEES
POLICE 1RAlNING RE1MB-POST
STATEGRANT-PARKS&RECREATION
USED MOTOR OlL GR,,""l'
DEFT OF CONSERVATION GRM'T
1RAFFIC SAFETY PROGRA,\1 GRM'T
UNIVERSAL HIRING GRANT
COUNTY VEHICLE THEFT AllOC
FEDERAL GRA."l'-TROOPS TO COPS
FEDR GRA."'T-LOCAL LAW ENFORCE
SCHOOL POLICE REIMB
REIMB SCHOOL SERVICES OT
DAR.E. REIMBURSEMEm
BUILDING FEE- All INCLUSIVE
PLAN CHECKING FEES
ZONING FEES
ENVIRONMENTALIMPACfFEES
SEXIDRUG/ARSON REGIS1RAT10N FE
ANIMAL SHELTER FEES
FINGERPRImFEES
CONIRACfPOLICESERV1CES
CONIRACf POLICE SERVICES
MOBILE DATA TERMINALREmAL
VEHICLE RELEASES-PD
SAFETY RESFONSE REIMB
REPOSITlONRELEASE
FALSE ALARM RESPONSE FEE
JAIL BOOKING FEE RECOVERY
ST mwAY MALNTENANCE AGREEME~
TRAP SIGNAL MAlm AGREEMTh'T
DEVELOPER'S SHARE OFPROJECf
TRAP SIGNAL MAlI'.'T - CERES
comRACf TREE WORK
PARKS RESERVATION FEES
MISCELLANEOUS RECREATION
REVENUE BOND ADMIN FEES
COPYING FEES
COPYING FEES
CITY BILLING FEES
CITY BlLLING FEES
MISC SPECIAL SERVICE
INDIRECf COST RECOVERY
PARKING FI1'<'ES
SEIZED FORFEII'L'RES
SEIZED FORFEITURES
WASTE El><'ERGY PROJECf RECOVERY
SALE OF PERSONAL PROPERTY
REFUNDS AND DAMAGE RECOVERY
ITEMS FOR RESALE
ITEMS FOR RESALE
ITEMS FOR RESALE

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3143

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1980

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1401
1401

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1401

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190
460
160
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370
510
190
510
120
510
310
510
510
190
190
480
510
190
180
310
370

1401
1921
1964
1921
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1961
1901
1961
1961

1921
1961

1901
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3729
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4007
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4009
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4022
4024

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9510
9510
1901
1961
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1901
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3112
3769

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7113
7202
7202
8103
8104
8122

8143
8143
8143

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2,000

7,325,000

3176

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80,326

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180,000
3,630
69,348
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295,907
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9,000
25,000
13,000
3,000
6,000
1,000
10,000

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(11,718)
(1,828)
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(10,240)
(107,034)
(8,407)

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236,500
45,600
19,382

11,760

27,966
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1,819

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(13,500)
(12,085)
(14,000)
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(109,566)
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(20,940)
(100,000)
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(25,000)
(13,000)
(2,000)
(6,000)
(1,000)
(10,000)

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150,000

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330,907
23,242

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o
o
o


### Schedule I
**FY97-98 Fourth Quarter & FY 98-99 Adoption**

#### Detail Budget Transactions

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Object/Revenue</th>
<th>Current Amount ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>61</td>
<td>Revenue</td>
<td>010</td>
<td>190</td>
<td>1901</td>
<td>1855</td>
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<td>62</td>
<td>Revenue</td>
<td>010</td>
<td>190</td>
<td>1921</td>
<td>8155</td>
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<td>7,215</td>
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<td>010</td>
<td>190</td>
<td>1969</td>
<td>8155</td>
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<td>(47,000)</td>
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<td>66</td>
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<td>010</td>
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<td>67</td>
<td>Appropriation</td>
<td>010</td>
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<td>7000</td>
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<tr>
<td>69</td>
<td>Appropriation</td>
<td>040</td>
<td>700</td>
<td>7000</td>
<td>7010</td>
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<td>701</td>
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<td>479,500</td>
<td>(1,500)</td>
<td>478,000</td>
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<tr>
<td>71</td>
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<td>592,740</td>
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<tr>
<td>72</td>
<td>Revenue</td>
<td>943</td>
<td>700</td>
<td>7000</td>
<td>9010</td>
<td>367,775</td>
<td>(183,775)</td>
<td>184,000</td>
</tr>
<tr>
<td>73</td>
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<td>7000</td>
<td>9040</td>
<td>517,816</td>
<td>(116,154)</td>
<td>401,662</td>
</tr>
</tbody>
</table>

To match revenues and transfers for FY97-98 to best estimates.

Accrued in FY96-97 the full interfund advance was not needed for capital outlay. No repayment is contemplated.

This adjustment eliminates the planned repayment.

This adjustment is for re-appropriation and re-estimating carryover revenue. This will also create a new CIP project for Sisk Road Landscaping.

Now that actual payments and accrued amounts are known, an adjustment is necessary to match the capitalized leases and debt service to these amounts.

Redev Inc. paid for Symphony Place; however, the project for Symphony Place will not be competed by the end of FY97-98.

The department has estimated amount to be spent in FY97-98 and the amount to be carried over to FY98-99.

To provide the required match for the City of Modesto ride share program budgeted in 070-160-H922, the project requires an 11% match, and is ineligible for Gas Tax funding. This adjustment provides the match with CFF Air Quality Funds.

Increase loan repayment based on availability of CFF Fire fund to repay. This also adjusts budget line to match proposed budget performas.
<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Revenue</th>
<th>Current</th>
<th>Adjustment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>119 8 97-98</td>
<td>Revenue</td>
<td>107</td>
<td>701</td>
<td>7001</td>
<td>9130</td>
<td>186,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>120 97-98</td>
<td>Revenue</td>
<td>107</td>
<td>510</td>
<td>9510</td>
<td>8101</td>
<td>200,000</td>
<td>0</td>
<td>26,294</td>
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<tr>
<td>121 97-98</td>
<td>Appropriation</td>
<td>107</td>
<td>701</td>
<td>7001</td>
<td>7130</td>
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<tr>
<td>122 97-98</td>
<td>Revenue</td>
<td>107</td>
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<td>7000</td>
<td>9140</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>123 97-98</td>
<td>Appropriation</td>
<td>107</td>
<td>701</td>
<td>7001</td>
<td>7140</td>
<td>186,000</td>
<td>0</td>
<td>0</td>
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<tr>
<td>124 97-98</td>
<td>Appropriation</td>
<td>107</td>
<td>510</td>
<td>9510</td>
<td>6101</td>
<td>1,604,001</td>
<td>26,587</td>
<td>1,630,588</td>
</tr>
</tbody>
</table>

To provide additional funding to complete the CFF update.

To establish a Revenue Transfer from 010 to 070, to decrease the budgeted transfer by $100,000 in FY 97-98, and increase the budgeted transfer in FY98-99. This transfer was originally increased in FY 98-99; however, the SAAG claim was not adjusted during the year to account for the increased transfer, therefore the transfer could not be made. This adjustment postpones the budgeted transfer until FY 98-99.

To repay fund 070 for loan made in FY96-97, reduce 97-98 budgeted loan to 0, and to estimate revenue from Modesto City Schools due to land acquisition payoff paid prior to original schedule. Interest of $26,587 was paid to fund 140 directly.

only the principal amount was recorded in fund 140.

To establish a $20,000 loan to the Village One Community Facility Fee District Fund from the General Fund to provide financing for Village One Administrative costs.

This adjustment moves the alley improvement reserve to fund 070, where these projects are now budgeted. In the past we did budget alley improvement projects in fund 130, they are now budgeted in fund 070.

The projects for the above items will not be competed by the end of FY97-98. The department has estimated amount to be spent in FY97-98 and the amount to be carried over to FY98-99.

To provide additional funding to complete the CFF update.
Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions
Object/
Type of Account Description

Fund

Agency

Orgn

Revenue

OlD

030
030
030
030
030
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030
030
030
030
030
050
050
120
120
120
120
120

0301
0351
0372
0372
6614
6613
6615
6618
6619
6651
6651
0501
0554

0188
0188
0188

Current
Budget ($)

Adjustment
,Amount ($)

Revised
Budget ($)

106,759
10,919
68,120
(571,684)
742,681
4,597,777
181,333
134,185
205,388
274,254

(165)
(700)
(4,632)
4,632
2,847
10,987
811
423
776
26,584
110,506
(185)
(438)

106,594
10,219
63,488
(567,052)
745,528
4,608,764
182,144
134,608
206,164
300,838
10,899,270
40,471
7,716
42,109
49,399
15,825
12,882
57,617
45,893
8,834
45,198
47,216
77,228
10,697
31,588
49,482
74,128
89,949

FY98-99
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Employee Benefits
Employee Benefits
Employee Benefits
Service Credit
Claims Payment
Premium Fees
Premium Fees
PrerniumFees
Claims Payment
Physicals
Employee Benefits
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751
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735
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OlD
712

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713
713
710
711
113
113
117
651

OlD
OlD
010
010

OlD
010
010

OlD
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010
010
010
885

OlD
660
670

OlD
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010
010
780
610
610
621
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Employee Benefits
Employee Benefits
Employee Benefits

621
621
621
628

Employee Benefits
Employee Benefits

628
628

Employee Benefits

631

120
120
120
140
140
140
160
180
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180
180
190
190
190
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190
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190
190
300
330
340
430
450
460
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440

1224
1232
1234
1235
1242
1243
1253
1272
1452
1456
1458
1672

1801
1802

1822
1832
1901
1921
1924
1941
1961
1963
1964
1966
1970
3001
3311
3412
4302
4522
4612
4712
4912
5012
5015
5201
5212
5213
5214
5215
5217
5222
5312

9990
0410
0408
0408
0408

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17,180
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83,146
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90,862
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272,259
32,681
81,826
79,371
70,959
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479,456
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377,619
202)67
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50,520
268,746
259,124
111,211
65,335
72,495
45,401

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(1,355)
(1,065)
(4,524)
(3,293)
(562)
(3,155)
(3,609)
(5,918)
(797)
(2,151)
(1,320)
(1,185)
(913)
(108,557)
(3,013)
(19,243)
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(103,365)
(9,241)
(33)
(2,600)
(2,979)
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(920)
(5,105)
5,015
(567)
(32)
(452)

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935,853
27,084
947,535
2,959,600
263,018
32,648
79,226
76,392
57,605
11,747
65,935
43,895
478,889

(14,741)
(31,484)
(5,355)

203,121
377,167
187,426
460,692
64,779

(3,942)
(17,510)
(18,261)
(3,271)

46,578
251,236
240,863
107,940

(4,423)
(5,125)

60,912
67,370
51,177

5313
5314

0188
0188
0188

103,781
87,018
12,470

5,776
(6,754)
(5,580)
(898)

5412

0188

63,033

(4,438)

97,Cfl7
81,438

11-572
58.595


### Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object/Revenue</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
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<tbody>
<tr>
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<td>Employee Benefits</td>
<td>651</td>
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<td>5612</td>
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<td>5,188</td>
</tr>
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<td>Redev Inc. paid for Symphony Place; however, the project for Symphony Place will not be competed by the end of FY97-98.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>70</td>
<td>The department has estimated amount to be spent in FY97-98 and the amount to be carried over to FY98-99.</td>
<td></td>
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<td>Transfer from 051</td>
<td>070</td>
<td>700</td>
<td>7000</td>
<td>9051</td>
<td>1,062,000</td>
<td>100,000</td>
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<tr>
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<td>98-99 Revenue</td>
<td>LTF allocation</td>
<td>051</td>
<td>510</td>
<td>5510</td>
<td>1213</td>
<td>1,100,000</td>
<td>100,000</td>
</tr>
<tr>
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<td>Transfer to 070</td>
<td>051</td>
<td>700</td>
<td>7000</td>
<td>7070</td>
<td>1,062,000</td>
<td>100,000</td>
</tr>
<tr>
<td>76</td>
<td>To decrease the budgeted transfer by $100,000 in FY 97-98, and increase the budgeted transfer in FY98-99. This transfer was originally increased in FY 98-99; however, the SAAG claim was not adjusted during the year to account for the increased transfer, therefore the transfer could not be made. This adjustment postpones the budgeted transfer until FY 98-99.</td>
<td></td>
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<td>The projects for the above items will not be competed by the end of FY97-98. The department has estimated amount to be spent in FY97-98 and the amount to be carried over to FY98-99.</td>
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</tbody>
</table>

Allocation of adopted $65,000 Cultural Services by PPC on 5/26/98 with the recommendation of an additional $5,000 to be funded by General Fund.

114 4 98-99 Appropriation | Tourism | 010 | 140 | 1421 | 1006 | 230,055 | 6,878 | 236,933 |
115 Increasing Convention Visitors Bureau payment to match with estimated revenue for Transient Occupancy Tax.
116
117
118 5a 98-99 Revenue | Business License Registration | 010 | 120 | 1224 | 1401 | 239,139 | 34,152 | 273,291 |
119 98-99 Appropriation | S&W Regular | 010 | 120 | 1224 | 0110 | 138,554 | 26,850 | 165,404 |
120 98-99 Appropriation | Employee Benefits | 010 | 120 | 1224 | 0188 | 34,807 | 7,302 | 42,109 |
121
### Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Revenue</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
</table>

122  Sb  98-99 Appropriation  S&W Regular  010 120 1222 0110 211,561 1,648 213,209
123  98-99 Appropriation  S&W Regular  010 120 1234 0110 57,864 130 57,994
124
125  Sc  98-99 Appropriation  S&W Regular  010 190 1924 0110 67,457 37,872 105,329
126  98-99 Appropriation  Uniform Allowance  010 190 1924 0165 1,480 480 1,960
127  98-99 Appropriation  Employee Benefits  010 190 1934 0188 17,764 9,320 27,084
128  98-99 Appropriation  Service Credit  010 190 1924 0990 (92,554) (47,672) (140,226)
129  98-99 Appropriation  Services - City Forces  010 190 1970 0255 108,949 47,672 156,621
130
131  5a  98-99 Appropriation  S&W Regular  010 190 1961 0110 8,124,856 960 8,125,816
132  98-99 Appropriation  S&W Regular  010 430 4302 0110 160,523 414 160,937
133  98-99 Appropriation  S&W Regular  010 470 4712 0110 1,538,198 (3,345) 1,534,853
134  98-99 Appropriation  S&W Regular  010 480 5214 0110 440,467 (33,156) 407,311
135  98-99 Appropriation  S&W Regular  010 480 5222 0110 156,776 30,379 187,155
136  98-99 Appropriation  S&W Regular  010 440 5314 0110 114,198 (45,000) 69,198
137
138  5c  98-99 Revenue  Stores Services  711 120 1272 4947 257,502 (41,797) 215,705
139  98-99 Appropriation  S&W Regular  711 120 1272 0110 184,148 (32,823) 151,325
140  98-99 Appropriation  Employee Benefits  711 120 1272 0188 48,353 (8,420) 39,933
141  98-99 Appropriation  Store Services - inside  651 480 5612 0228 22,005 (13,831) 8,174
142  98-99 Appropriation  S&W Regular  720 480 5812 0110 616,883 32,823 649,506
143  98-99 Appropriation  Employee Benefits  720 480 5812 0188 155,254 8,420 163,674
144  98-99 Appropriation  Store Services - inside  720 480 5812 0228 34,249 (21,118) 13,131
145  98-99 Appropriation  Store Services - inside  720 480 150 5813 0228 15,400 (6,848) 8,552
146
147 Adjustment to personnel changes from projected to adopted budget.

8

150  6  98-99 Revenue  Misc Recreation  010 370 3712 4074 70,913 20,000 90,913
151  98-99 Appropriation  S&W Part-Time  010 370 3712 0140 355,874 14,220 370,094
152  98-99 Appropriation  Benefits Part-Time  010 370 3712 0189 32,029 1,280 33,309
153  98-99 Appropriation  Vocation & Recreation  010 370 3712 0315 32,061 4,500 36,561
154 Child Services received $20,000 CDBG grant as a sub-recipient to provide additional programs to child services.
155
156
157  7  98-99 Appropriation  S&W Part-Time  660 330 3311 0140 8,038 (3,751) 4,287
158  98-99 Appropriation  Benefits Part-Time  660 330 3311 0189 723 (337) 386
159  98-99 Appropriation  Printing & Binding  660 330 3311 0205 15,825 (6,000) 9,825
160  98-99 Appropriation  Equipment Rental  660 330 3311 0216 3,240 (2,240) 0
161  98-99 Appropriation  Repair & Maint - Outside  660 330 3311 0223 400 (100) 300
162  98-99 Appropriation  Svc, Prof & Other  660 330 3311 0235 49,957 (18,631) 31,326
163  98-99 Appropriation  Office Supplies  660 330 3311 0301 600 (200) 400
164  98-99 Appropriation  Utilities  660 330 3316 0210 37,889 (6,000) 31,889
165  98-99 Appropriation  Services - City Forces  660 330 3316 0255 2,844 (1,690) 1,154
166  98-99 Appropriation  CIP  660 330  K___ 0640 0 (15,000) (15,000)
167 Additional Golf fund adjustment to curtail expenses to confront the severe financial constraints affecting the fund.
168 Move the Dryden roof CIP from FY98-99 to FY98-00 to reduce spending in FY98-99.
169
170
171  8  98-99 Appropriation  Transfer Out to fund 621  610 700 7000 7621 0 (18,000) (18,000)
172  98-99 Appropriation  Transfer Out to fund 621  628 700 7000 628 0 (17,000) (17,000)
173  98-99 Revenue  Transfer In from fund 610  621 700 7000 9610 0 (18,000) (18,000)
174  98-99 Revenue  Transfer In from fund 615  621 700 7000 9615 0 (16,000) (16,000)
175  98-99 Revenue  Transfer In from fund 628  621 700 7000 9628 0 (17,000) (17,000)

These transfers are associated with a capital improvement program project-SCADA at City Hall. This project is budgeted for fy 1999-00, not 98-99; so it is necessary to reduce the transfers.
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GREAT VALLEY CENTER FOR GRANT FUNDING TO PROVIDE TREES TO BE PLANTED IN THE TUOLUMNE RIVER REGIONAL PARK

WHEREAS, in February 1998, the City of Modesto, on behalf of the Tuolumne River Regional Park Agency, applied to the Great Valley Center for funding under the LEGACI (Land Use, Economic Development, Growth, Agriculture, Conservation and Investment) Program, and

WHEREAS, the Great Valley Center has awarded $15,000 for the tree purchase portion of the tree planting project.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Great Valley Center for grant funding to provide trees to be planted in the Tuolumne River Regional 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 16th day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Bahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-322

A RESOLUTION APPROVING THE FINAL MAP OF ROSE LANE NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Florsheim Bros., a California general partnership by Florsheim Properties, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 18.69 acres, known as Rose Lane No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 26th day of November, 1996, 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 Rose Lane 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the 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 subdividers have furnished securities, as
set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations
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 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 16th day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-323

A RESOLUTION APPOINTING JUNE KIDD AND LEE ALLEN TO THE HIGHWAY VILLAGE PARK ADVISORY COUNCIL

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 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 Highway Village Park Advisory Council, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zehr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-324

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM CALVARY CHAPEL OF MODESTO, INC. AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (NORTH TRUNK SEWER PROJECT)

APN 78-18-23 (Calvary Chapel of Modesto, Inc.)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to install the North Trunk Sewer (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050 and 1240.110 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council on the following matters:
(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the property sought to be acquired is necessary for the Project; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

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

1. The public interest and necessity require the Project;

2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of the fee simple title in and to a portion of the real property more particularly described in said Exhibit “A” is necessary for the Project;

4. The taking of a temporary easement in and for the real property more particularly described in said Exhibit “B” is necessary for the Project;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

7. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: ________________________________
MICHAEL D. MILICH, City Attorney
All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the South ¼ corner of said Section 1; thence North 0°35’27” West along the North-South quarter section line of said Section 1, a distance of 1324.48 feet to the Southwest corner of the subject APN 78-18-23, and also being the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 1; thence North 89°07’14” East along the Southern line of subject APN 78-18-23 a distance of 5 feet to the true point of beginning of this description, thence North 0°35’27” West parallel to the Western line of the subject APN 78-18-23 a distance of 1226 feet, more or less, to a point on the Northern line of the subject APN 78-18-23, said line also being the Southern line of Modesto Irrigation District Lateral 6; thence North 89°10’ East along the Northern line of the subject APN 78-18-23 a distance of 20 feet; thence South 0°35’27” East parallel to the Western line of the subject APN 78-18-23 a distance of 1226 feet, more or less to the Southern line of the subject APN 78-18-23, said line also being the Southern line of the Northwest quarter of the Southeast quarter of said Section 1; thence South 89°07’14” West along the said Southern line a distance of 20 feet more or less to the true point of beginning of this description, containing 0.57 acres, more or less.
Temporary Sewer Easement
APN 78-18-23 (Portion)

All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the South ¼ corner of said Section 1; thence North 0°35’27" West along the North-South quarter section line of said Section 1, a distance of 1324.48 feet to the true point of beginning of this description, said point also being the Southwest corner of the subject APN 78-18-23, and also being the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 1; thence North 0°35’27" West along the Western line of the subject APN 78-18-23 a distance of 1226 feet, more or less, to a point at the Northwest corner of the subject APN 78-18-23, said point also being the point of intersection of the Southern line of Modesto Irrigation District Lateral 6, and the North-South quarter section line of said Section 1; thence North 89°10’ East along the Northern line of the subject APN 78-18-23 a distance of 32 feet; thence South 0°35’27” East parallel to the Western line of the subject APN 78-18-23 a distance of 1158.5 feet; thence North 89°07’14” East, parallel to and 67.5 feet north of the Southern line of the subject APN 78-18-23 a distance of 121 feet; thence South 0°37’27” East a distance of 67.5 feet more or less, to a point on the Southern line of the subject APN 78-18-23; thence South 89°07’14” West along the Southern line of the subject APN 78-18-23, said line also being the Southern line of the Northwest quarter of the Southeast quarter of said Section 1, a distance of 153 feet more or less to the true point of beginning of this description, containing 1.09 acres, more or less.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-325

A RESOLUTION DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION
OF CERTAIN LAND FROM HANS J. WAGNER AND
DONALD E. WAGNER TRUST AND DIRECTING THE
FILING OF EMINENT DOMAIN PROCEEDINGS (NORTH
TRUNK SEWER PROJECT)

APN 78-18-21 (Hans J. Wagner and Donald E. Wagner Trust)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire
certain real property, more particularly described in Exhibit "A", attached hereto and made a part
hereof by reference, in order to install the North Trunk Sewer (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to
acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of
California, Section 37350.5 of the Government Code, and Sections 1240.010, 1240.020,
1240.030, 1240.040, 1240.050 and 1240.110 of the Code of Civil Procedure of the State of
California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil
Procedure of the State of California, notice has been duly given to all persons whose property is
to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus
County equalized assessment roll, all of whom have been given a reasonable opportunity to
appear and be heard before the Modesto City Council on the following matters:
(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the property sought to be acquired is necessary for the Project; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

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

1. The public interest and necessity require the Project;

2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of a temporary easement in and for the real property more particularly described in said Exhibit “A” is necessary for the Project;

4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
Temporary Sewer Easement
APN 78-18-21 (Portion)

EXHIBIT A

All that portion of the Southwest quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the South ¼ corner of said Section 1; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 1324.48 feet to the true point of beginning of this description, said point also being the Southeast corner of the subject APN 78-18-21, and also being the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 1; thence North 0°35'27" West along the Eastern line of the subject APN 78-18-21 a distance of 1226 feet, more or less, to a point at the Northeast corner of the subject APN 78-18-21, said point also being the point of intersection of the Southern line of Modesto Irrigation District Lateral 6, and the North-South quarter section line of said Section 1; thence South 89°10' West along the Northern line of the subject APN 78-18-21 a distance of 32 feet; thence South 0°35'27" East parallel to the Eastern line of the subject APN 78-18-21 a distance of 1324.48 feet, more or less, to a point on the Southern line of the subject APN 78-18-21; thence North 89°07'14" East along the Southern line of the subject APN 78-18-21, said line also being the Southern line of the Northeast quarter of the Southwest quarter of said Section 1, a distance of 32 feet, more or less to the true point of beginning of this description, containing 0.90 acres, more or less.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-326

A RESOLUTION DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION
OF CERTAIN LAND FROM SNYDER RANCH PROPERTIES
AND DIRECTING THE FILING OF EMINENT DOMAIN
PROCEEDINGS (NORTH TRUNK SEWER PROJECT)

APN 78-18-28 (Snyder Ranch Properties, a California general partnership)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire
certain real property, more particularly described in Exhibits “A” and “B”, attached hereto and
made a part hereof by reference, in order to install the North Trunk Sewer (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to
acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of
California, Section 37350.5 of the Government Code, and Sections 1240.010, 1240.020,
1240.030, 1240.040, 1240.050 and 1240.110 of the Code of Civil Procedure of the State of
California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil
Procedure of the State of California, notice has been duly given to all persons whose property is
to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus
County equalized assessment roll, all of whom have been given a reasonable opportunity to
appear and be heard before the Modesto City Council on the following matters:
(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the property sought to be acquired is necessary for the Project; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

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

1. The public interest and necessity require the Project;

2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of the fee simple title in and to a portion of the real property more particularly described in said Exhibit “A” is necessary for the Project;

4. The taking of a temporary easement in and for the real property more particularly described in said Exhibit “B” is necessary for the Project;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

7. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "1" of Volume 31, Parcel Maps, Page 2, filed November 13, 1980 with the Stanislaus County Recorder, described as follows:

COMMENCING at the South ¼ corner of Section 1, Township 3 South, Range 8 East; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 30 feet to a point at the Southwest corner of said Parcel "1", said point also being a point on the Northern line of 60.00 foot Snyder Avenue; thence North 89° 07'00" East along the Southern line of said Parcel "1", said line also being the Northern line of said Snyder Avenue, a distance of 129 feet to the true point of beginning of this description; thence North 0°35'27" West a distance of 1226.8 feet more or less to the Southern line of the 135.00 foot Pelandale Avenue, said Southern line also being parallel to and 67.5 feet South of the Northern line of said Parcel "1", said Northern line also being the Northern line of the Southwest quarter of the Southeast quarter of said Section 1; thence North 89°07'14" East along the Southern line of said Pelandale Avenue, a distance of 20 feet, thence South 0°35'27" East a distance of 1226.8 feet, more or less, to a point on the Southern line of said Parcel "1"; thence South 89° 07'00" West along said Southern line a distance of 20 feet, more or less, to the true point of beginning of this description; containing 0.56 acres, more or less.
EXHIBIT B

Temporary Sewer Easement
APN 78-18-28 (Portion)

All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "1" of Volume 31, Parcel Maps, Page 2, filed November 13, 1980 with the Stanislaus County Recorder, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, described as follows:

COMMENCING at the South ¼ corner of Section 1, Township 3 South, Range 8 East; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 30 feet to a point at the Southwest corner of said Parcel "1", said point also being a point on the Northern line of 60.00 foot Snyder Avenue; thence North 89° 07'00" East along the Southern line of said Parcel "1", said line also being the Northern line of said Snyder Avenue, a distance of 103 feet to the true point of beginning of this description; thence North 0°35'27" West a distance of 1226.8 feet more or less to the Southern line of the 135.00 foot Pelandale Avenue, said Southern line also being parallel to and 67.5 feet South of the Northern line of said Parcel "1", said line also being the Northern line of the Southwest quarter of the Southeast quarter of said Section 1; thence North 89°07'14" East along the Southern line of said Pelandale Avenue, a distance of 50 feet, thence South 0°35'27" East a distance of 1226.8 feet, more or less, to a point on the Southern line of said Parcel "1", said line also being the Northern line of Snyder Avenue; thence South 89° 07'00" West along said Southern line a distance of 50 feet, more or less, to the true point of beginning of this description; containing 1.41 acres, more or less.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-327

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: ACQUISITION OF LAND FROM CALVARY CHAPEL OF MODESTO, INC., TO INSTALL THE NORTH TRUNK SEWER TO SERVE PORTIONS OF NORTHWEST MODESTO.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("EIR") (SCH 96042009) for the WasteWater Master Plan, and

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

WHEREAS, the City's Community Development Department, by an Environmental Assessment Initial Study dated April 15, 1998, reviewed the proposed acquisition of real property interests from Calvary Chapel of Modesto to install the North Trunk Sewer to serve portions of northwest Modesto, to determine whether the project is within the scope of the project covered by the WasteWater 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, and

WHEREAS, on June 23, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed acquisition of real property interests from Calvary Chapel of Modesto to install the North Trunk Sewer to serve portions of northwest Modesto, to determine whether the project is within the scope of the project covered by the WasteWater Master EIR, 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, the Council makes the following findings:

1. That the proposed project is within the scope of the Master Plan covered by the WasteWater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.
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 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
E.A. RESOLUTION

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Person's Name in Charge of the Project
MODESTO CITY COUNCIL
RESOLUTION NO. 98-328

A RESOLUTION VACATING AND ABANDONING A
PORTION OF TENTH STREET IN BLOCKS 57 AND 67,
CONSISTING OF FIVE FEET FROM EACH SIDE OF THE
STREET, LOCATED BETWEEN J AND K STREETS.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-300
on June 2, 1998, declaring its intention to vacate and abandon a portion of Tenth Street in
Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K
Streets, and

WHEREAS, said portion of Tenth Street to be vacated and abandoned is more
particularly described in Exhibit “A” and Exhibit “B” and shown on Exhibit “C” attached
hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 98-300 set June 23, 1998, at the hour of 4:00
p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the time
and place for a public hearing for all persons interested in or objecting to the proposed
vacation and abandonment, and

WHEREAS, said Resolution No. 98-300 was published in The Modesto Bee, the
official newspaper of the City of Modesto, once each week for two (2) successive weeks prior
to the hereinafter referred to hearing, and

WHEREAS, the Community Development Director of the City of Modesto has
caused notices of said proposed vacation and abandonment to be posted conspicuously along
the lines of the property proposed to be vacated and abandoned at least fourteen (14) days
before the date of the hereinafter referred to hearing in the manner specified by law, and
WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 98-35, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, June 23, 1998, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law in order to vacate and abandon said alley have been done and accomplished, and

WHEREAS, the Council finds and declares that the portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets, is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and

WHEREAS, the City’s Community Development Department, by Environmental Assessment Initial Study No. 98-21, judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities,

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

1. That portions of 10th Street, consisting of two five-foot wide strips along each side of the street between J and K Streets, are unnecessary for present or future pedestrian or vehicular use.
2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Review No. 98-21 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alterations of existing public or private facilities.

4. That the abandonment and vacation of portions of 10th Street is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and Exhibit "B" and shown on Exhibit "C" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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 Development Services
June 24, 1998
Job No. 70-738D
(Revised)

10TH STREET ABANDONMENT
TO BLOCK 57

BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), said 5 foot abandonment being more particularly described as follows:

BEGINNING at the most easterly corner of BLOCK 57 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the westerly right-of-way of Tenth Street; thence North 43°31'28" West along said westerly right-of-way of Tenth Street, a distance of 400.21 feet to the point of intersection with the southerly right-of-way of "K" Street; thence North 46°27'30" East, along the Northeasterly extension of the Southerly right-of-way line of said "K" Street, a distance of 5.00 feet; thence South 43°31'28" East and parallel with said Westerly right-of-way line of Tenth Street, a distance of 400.21 feet to a point on the Northeasterly extension of the Westerly right-of-way line of said "J" Street; thence South 46°28'32" West along last said line, a distance of 5.00 feet to the POINT OF BEGINNING.

Containing 2,001 square feet, more or less.

Dave L. Skidmore, L.S. 7126
License Expires 12/31/98

EXHIBIT A
BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), said 5 foot abandonment being more particularly described as follows:

BEGINNING at the most southerly corner of Block 67 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the easterly right-of-way of Tenth Street, thence North 43°31'28" West along said easterly right-of-way of Tenth Street, a distance of 400.19 feet to the point of intersection with the southerly right-of-way of "K" Street; thence South 46°27'30" West, along the Southwesterly extension of the Southerly right-of-way line of said "K" Street, a distance of 5.00 feet; thence South 43°31'28" East and parallel with said Easterly right-of-way line of Tenth Street, a distance of 400.19 feet to a point on the Southwesterly extension of the Westerly right-of-way line of said "J" Street; thence North 46°26'12" East along last said line, a distance of 5.00 feet to the POINT OF BEGINNING.

Containing 2001 square feet, more or less.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-329


WHEREAS, at the May 20, 1998, Human Services Committee meeting, said Committee recommended that the City of Modesto Golf Courses Committee review the existing green fee rates and policies, and

WHEREAS, the Human Services Committee requested that the Golf Courses Committee provide recommendations that would stimulate play at the Dryden Golf Course and increase revenues throughout the Golf Program, and

WHEREAS, the Golf Courses Committee proposed no change to green fees at the Modesto Nine-Hole Municipal Golf Course, and proposed a decrease of $1.00 to $2.00 per round in green fees at the Dryden Golf course for weekday play, and an increase of $1.00 to $2.00 per round at the Creekside Golf Course for weekend play, and

WHEREAS, the Golf Committee also recommended that Valu-Play discounts should be effective for one month from the date of purchase, and that the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S. should be allowed to use Senior/Junior/Disabled discounts, Monday through Thursday, for those tournament players who qualify for these discounts, and

WHEREAS, the Human Services Committee met on June 3, 1998, and supported the recommendations of the City of Modesto Golf Courses Committee, and
WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on June 23, 1998, in the City Council Chambers, City Hall, 801 11th 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 golf fees and policies recommendations, and

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at the Dryden Park Municipal golf course and the Creekside Municipal Golf Course need to be revised, however, there is no need to revise the golf rates at the Modesto Nine-Hole Municipal Golf Course,

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

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

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

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

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

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

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

(d) **Multiple Play Cards.** Golfers can purchase a weekday 6, 8 or 10 multiple play card for Dryden/Creekside or Muni. The multiple play card will be good for the calendar month issued except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.
(e) **Special Rates.** From time to time, the Community Services and Neighborhood Connections Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) **Valu-Play Discounts.** Valu-Play Discounts are effective for one month from the date of purchase.

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

SECTION 4. **CHILDREN.** Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. **HOLIDAYS.** "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 6. **SIGNS.** The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.
SECTION 7. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after July 1, 1998.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith Mayor Lang

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 GOLF COURSES
## GREEN FEE SCHEDULE
### EFFECTIVE JULY 1, 1998

### DRYDEN

<table>
<thead>
<tr>
<th>Day Type</th>
<th>Course Details</th>
<th>Fee 1</th>
<th>Fee 2</th>
<th>Fee 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td></td>
<td>$11.00</td>
<td>$9.00</td>
<td></td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td></td>
<td>$9.00</td>
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<td></td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
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<td>$15.00</td>
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</tr>
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<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
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<td>$12.00</td>
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<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td></td>
<td>$11.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td></td>
<td>$5.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td></td>
<td>$10.00</td>
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</tr>
<tr>
<td>*Weekends/Holidays, 9-holes</td>
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<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
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<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
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<td>Weekends/Holidays Super-Twilight, 18-holes</td>
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<td>$8.00</td>
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</tr>
</tbody>
</table>

6-play Valu-Play booklet | $72.00 |
6-play Valu-Play booklet (seniors/juniors/disabled) | $60.00 |
8-play Valu-Play booklet | $96.00 |
8-play Valu-Play booklet (seniors/juniors/disabled) | $80.00 |
10-play Valu-Play booklet | $120.00 |
10-play Valu-Play booklet (seniors/juniors/disabled) | $100.00 |

### CREEKSIDE

<table>
<thead>
<tr>
<th>Day Type</th>
<th>Course Details</th>
<th>Fee 1</th>
<th>Fee 2</th>
<th>Fee 3</th>
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<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td></td>
<td>$12.50</td>
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<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
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<td>Weekdays, 18-holes</td>
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<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
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<td>$8.50</td>
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</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td></td>
<td>$12.00</td>
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<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
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<td>$6.00</td>
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</tr>
<tr>
<td>Weekdays afternoon League Play</td>
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<tr>
<td>*Weekends/Holidays, 9-holes</td>
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<td>$9.00</td>
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</tbody>
</table>

6-play Valu-Play booklet | $72.00 |
6-play Valu-Play booklet (seniors/juniors/disabled) | $60.00 |
8-play Valu-Play booklet | $96.00 |
8-play Valu-Play booklet (seniors/juniors/disabled) | $80.00 |
10-play Valu-Play booklet | $120.00 |
10-play Valu-Play booklet (seniors/juniors/disabled) | $100.00 |

*Available first 1 1/2 hours of the day.*
### MUNI (No Revision of Golf Rates)

<table>
<thead>
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<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
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<td>Weekdays afternoon League Play</td>
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<td>Weekends/Holidays, 9-holes</td>
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<td>Weekends/Holidays, 9-holes (juniors, after noon)</td>
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<tr>
<td>Weekends/Holidays Mid-day, 9-holes</td>
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<tr>
<td>Weekends/Holidays Super-Twilight, 9-holes</td>
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<tr>
<td>6-play Valu-Play booklet</td>
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<td>10-play Valu-Play booklet (seniors/juniors/disabled)</td>
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TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE JULY 1, 1998

<table>
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<th>TEE TIME STYLE</th>
<th>CREEKSIDE</th>
<th>DRYDEN</th>
<th>MUNI</th>
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<tr>
<td>Weekday Regular Tee</td>
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<td>Weekday Shotgun Tee</td>
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In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($17.00 weekdays/$23.00 weekends at Creekside, $15.00 weekdays/$21.00 weekends at Dryden and $9.00 weekdays/$11.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 144 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($21.00 weekdays/$28.00 weekends at Creekside, $19.00 weekdays/$26.00 weekends at Dryden and $11.00 weekdays/$13.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($21.00 weekdays/$28.00 weekends); cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.
## TOURNAMENT FEE SCHEDULE AND POLICY
**EFFECTIVE JULY 1, 1998**

<table>
<thead>
<tr>
<th>CREEKSIDE</th>
<th>FEE PER PLAYER</th>
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<th>MODIFIED SHOTGUN TEE TIME STYLE</th>
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<tr>
<td></td>
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In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($17.00 weekdays/$23.00 weekends at Creekside, $15.00 weekdays/$21.00 weekends at Dryden and $9.00 weekdays/$11.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 144 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($23.00 weekdays/$28.00 weekends at Creekside, $19.00 weekdays/$26.00 weekends at Dryden and $10.00 weekdays/$12.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($21.00 weekdays/$28.00 weekends); cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-330


WHEREAS, Marvin L. Oates, as the owner of at least 10% of the property in the proposed community facilities district, has filed with the City Clerk of the City of Modesto (the "City") a petition and supplement thereto, requesting the City Council (the "Council") to form Community Facilities District No. 1998-1 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 the construction and acquisition of certain street improvements, water, sewer and storm drainage improvements, and service extensions for electric power, natural gas and telephone connections, including planning, design and engineering costs and all other expenses incidental thereto (the "Facilities"), which are further described in Exhibit B hereto; and (ii) to finance certain services (the "Services"), which are described in Exhibit C hereto; and

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on May 19, 1998 adopt its Resolution No. 98-262 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. 98-262 (1) describing the proposed boundaries of the District, the name of the District, and the types of facilities (the "Facilities") and services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Facilities, including the incidental expenses thereof, and/or the principal and interest as it becomes due on the bonds of the District issued to finance the Facilities, and the Services, 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 June 23, 1998, 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. 98-262, and
WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Boundary Map of Community Facilities District No. 1998-1 (Enterprise Business Park)" 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 2 of Maps of Assessment and Community Facilities Districts, at page 97, and

WHEREAS, prior to the hearing a report (the "Report") containing a description of the Facilities and Services required to adequately meet the needs of the District and an estimate of the cost of providing the Facilities and Services, including, to the extent the purchase of completed Facilities or the payment of incidental expenses is proposed, the estimated fair and reasonable cost thereof, 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. 98-262, 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 Facilities or 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. 98-262, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than twelve (12) registered voters residing in the District (the Registrar of Voters certified there are no 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 Facilities and 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 (1/2) 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 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 (there were none) to the establishment of the District, the extent thereof, or the furnishing of the Facilities and Services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.
SECTION 3. As proposed in Resolution No. 98-262, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 1998-1."

SECTION 4. (a) The Facilities to be financed by the District are set forth in Exhibit B.

(b) The Facilities 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.

(c) No land within the District is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the District are set forth in Exhibit C attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed 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 Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in Resolution No. 98-262, 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 Facilities and 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.

(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 maximum amount that he or she will have to pay, is described in Exhibit A hereto and by this reference incorporated herein.

(c) There is no ad valorem property tax currently being levied on property within the District for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the District.

(d) Any reimbursement made to the District pursuant to Section 53313.5(e) of the California Government Code shall be utilized to reduce or minimize the special tax levied within the District or to finance additional facilities within the District.

(e) Landowners may prepay the component of the special tax used to pay for the Facilities pursuant to the procedures set forth in Exhibit A; no provision has been made for
the prepayment of the component of the special tax used to pay for the Services.

SECTION 8. The description of the proposed voting procedure, as set forth in Resolution No. 98-262, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 9. The office of the Director of Finance 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 of Finance, and the person responsible for administering the District, is as follows:

Director of Finance
City of Modesto
City Hall
801 11th Street
Modesto, California 95354
(209) 577-5370

Such officer 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 Act.

SECTION 10. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 13 and 14 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 11. All prior proceedings taken with respect to the establishment of
the District were valid and in conformity with the requirements of the Act.

SECTION 12. 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 XIIIb of
the California Constitution, is hereby preliminarily established at $300,000, 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 13. (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 D 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 7th day of July, 1998, the election shall be held on the 7th day of July, 1998, 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 14. This Council hereby further directs that 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 shall be consolidated with the election at which the question of incurring a bonded indebtedness in an aggregate principal amount not to exceed two million, twenty-five thousand dollars ($2,025,000) for the District, as set forth in Resolution No. 98-263, is submitted to the qualified electors with the District, and the question of levying the special tax shall be combined in one ballot proposition with the question of incurring such bonded indebtedness and the question of establishing an appropriations limit for the District, all as provided by the Act; and this Council further directs that the resolution adopted by this Council determining the necessity to incur such bonded indebtedness shall constitute the notice of the consolidated election on the combined proposition of authorizing the levy of the special tax, of establishing an appropriations limit, and of incurring such bonded indebtedness. However, the giving of such notice is waived if the City Clerk shall receive
unanimous consent to such waiver from the Landowners.

SECTION 15. 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 16. 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 17. 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 foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

**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
EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX
EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1
(ENTERPRISE BUSINESS PARK)

RATE, METHOD OF APPORTIONMENT AND MANNER OF COLLECTION OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-1 (herein "CFD No. 1998-1") shall be levied and collected according to the tax liability determined by the City, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-1, unless exempted by law except as provided in Section I below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

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 map recorded at the County.

"Administrator" shall mean the person or firm designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax.

"Annual Administrative Expenses" means the annual cost of any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds of CFD No. 1998-1; the expenses of the City associated with carrying out its duties for such Bonds, including, but not limited to, the levy and collection of Special Tax, the fees and expenses of its counsel, amounts needed to pay rebate to the federal government with respect to any of such Bonds, and costs associated with continuing disclosure; and all other costs and expenses of the City in any way related to the establishment and administration of CFD No. 1998-1. The total Annual Administrative Expenses may be collected as a part of the Facilities Special Tax Requirement, Maintenance Special Tax Requirement or both, but in no event shall the total amount collected in any Calendar Year exceed the total estimated expenses for that year.

"Annual Maintenance Special Tax Requirement" means the amount necessary in any Calendar Year (i) to pay for authorized maintenance expenses, (ii) to pay Annual Administrative Expenses, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in the prior Quarter or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Quarter in which the tax will be collected.
“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number at the time tax bills are prepared by the City to levy Special Taxes within the CFD. A Parcel which has been created by the recordation of a final subdivision map at least sixty (60) days prior to the start of any Quarter, but for which an Assessor’s Parcel number has not yet been assigned, may also be considered an Assessor’s Parcel for purposes of Section B.

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

“Bonds” means any bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by the City for CFD No. 1998-1.

“Bond Maturity Date” means the date on which the Bonds mature as identified in the Bond sale documents.

“Bond Maturity Quarter” means the Quarter immediately preceding the Bond Maturity Date.

“Bond Maturity Special Tax” means the Maximum Facilities Special Tax that can be levied in the Bond Maturity Quarter.

“Calendar Year” means the period commencing on January 1 and ending on December 31 of any given year.

“City” means the City of Modesto.

“City Manager” means the City Manager of the City of Modesto.

“Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-1.

“County” means the County of Stanislaus.

“Delinquent Parcel” means any Parcel of Taxable Property for which Special Taxes have not been collected within ten (10) days after the date on which the Special Taxes were due as indicated on the tax bill sent by the City.

“Facilities Special Tax” means a Special Tax levied in any Quarter to pay the Facilities Special Tax Requirement.

“Facilities Special Tax Requirement” means the amount necessary in any Quarter (i) to pay interest on the Bonds for the preceding Quarter (and, in the Bond Maturity Quarter, to pay interest and principal on the Bonds in the following Quarter), (ii) to pay any additional interest costs required to bring the Interest Expense Account to its full amount after depositing the amount for the previous
Quarter's interest payment, (iii) to pay one-fourth (1/4) of the Annual Administrative Expenses, and (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 1988-1 which have occurred in the prior Quarter and which have not yet been cured from a draw on the Letter of Credit. The Facilities Special Tax Requirement shall be reduced by the following: (i) any credit from interest earnings on the Interest Expense Account or other Bond funds the earnings on which are available to pay debt service on the Bonds, (ii) proceeds of Special Tax prepayments which are not used or reserved to redeem Bonds, and (iii) the collection of delinquent Special Taxes and associated penalties.

"Interest Expense Account" means an amount equal to 150 days of interest on the Bonds assuming an annual interest rate of twelve percent (12%).

"Letter of Credit" means the letter of credit relating to the Bonds which shall be issued by a qualified bank, delivered on the closing date of the Bonds, and name the trustee for the Bonds as beneficiary. "Letter of Credit" shall also mean any substitute letter of credit that is issued in the future to replace all or a portion of the original letter of credit issued when Bonds are first sold for CFD No. 1998-1.

"Maintenance Special Tax" means a Special Tax levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

"Maximum Quarterly Facilities Special Tax" means the maximum Facilities Special Tax that can be collected in any Quarter, not including the Bond Maturity Quarter, to pay the Facilities Special Tax Requirement.

"Maximum Quarterly Facilities Special Tax Revenues" means the total amount of Facilities Special Tax that can be collected in any Quarter by levying the Maximum Quarterly Facilities Special Tax or the Bond Maturity Special Tax against all Taxable Property within the CFD.

"Maximum Quarterly Maintenance Special Tax" means the Maximum Special Tax that can be levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

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

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

"Quarter" means each of the four three-month periods beginning January 1, April 1, July 1 and October 1 of any Calendar Year.

"Taxable Property" means, in any Quarter, all Parcels within CFD No. 1998-1 that are not exempt from the Special Tax pursuant to law except as provided in Section I below.
B. IDENTIFICATION OF TAXABLE PROPERTY

Thirty (30) days prior to the beginning of each Quarter, the Administrator shall prepare a list of Assessor's Parcels within the CFD and shall identify the Acreage for all Parcels of Taxable Property against which a Special Tax will be levied in the upcoming Quarter. The Administrator shall also identify the name and address for the record owner of the Parcel to whom the Special Tax bill shall be sent.

C. MAXIMUM SPECIAL TAX

1. Maximum Quarterly Facilities Special Tax

The Maximum Quarterly Facilities Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $1,019 per Acre.

2. Bond Maturity Special Tax

The Bond Maturity Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $32,601 per Acre.

3. Maximum Quarterly Maintenance Special Tax

The Maximum Quarterly Maintenance Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $21.53 per Acre in Calendar Year 1998. Beginning in January 1999 and each January 1 thereafter, the Maximum Quarterly Maintenance Special Tax shall be adjusted by applying the 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. Each annual adjustment of the Maximum Quarterly Maintenance Special Tax shall become effective immediately after the adjustment is made.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

Thirty (30) days prior to the start of a given Quarter, the Administrator shall calculate the Facilities Special Tax Requirement for the Quarter. If the levy is for other than the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Maximum Quarterly Facilities Special Tax set forth in Section C.1 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals the Facilities Special Tax Requirement for that Quarter.
In the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Bond Maturity Special Tax set forth in Section C.2 above, in an equal amount on each Acre of Taxable Property until the amount of the levy equals the Facilities Special Tax Requirement for the Bond Maturity Quarter.

2. **Maintenance Special Tax**

Commencing in 1998 and each following Calendar Year, the Administrator shall determine, or shall cause to be determined, the Annual Maintenance Special Tax Requirement for that Calendar Year. The Administrator shall then levy a Maintenance Special Tax, not to exceed the Maximum Quarterly Maintenance Special Tax set forth in Section C.3 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals one-fourth (1/4) of the Annual Maintenance Special Tax Requirement calculated for that Calendar Year.

E. **TERMINATION OF SPECIAL TAX**

The Maximum Quarterly Facilities Special Tax shall be levied and collected until the Bond Maturity Quarter which shall, in no event, occur later than Calendar Year 2030. The Bond Maturity Special Tax shall be levied and collected in the Bond Maturity Quarter, which shall begin no later than July 1, 2030. The Maximum Quarterly Maintenance Special Tax shall continue to be levied unless and until the City determines that revenues from the Maintenance Special Tax are no longer needed to pay for authorized maintenance services.

F. **MANNER OF COLLECTION**

All Special Taxes shall be directly billed and collected by the Administrator on a Quarterly basis. Tax bills shall be mailed within seven (7) working days after the start of each Quarter and shall be due and payable within twenty-three (23) days after bills have been mailed. On the day the Quarterly tax bills are mailed, the tax bills shall also be sent via facsimile to each record owner for whom the Administrator is able to obtain a facsimile number; however, failure to fax a tax bill shall in no way affect the obligation of the owner to pay the Special Tax indicated in the amount and by the date indicated on the bill. Notwithstanding the above, after the Bond Maturity Date, the City may elect to levy the Maintenance Special Tax in the same manner and at the same time as ordinary ad valorem property taxes in an annual amount not to exceed four times the then current Maximum Quarterly Maintenance Special Tax.

G. **ENFORCEMENT**

1. **Facilities Special Tax**

If a Parcel becomes a Delinquent Parcel, the Bonds secured by the Maximum Facilities Special Tax levied on the Parcel shall be called from proceeds generated from a draw on the Letter of Credit. The following steps shall be applied to implement the call of Bonds:
Step Number:

1. Using the prepayment formula set forth in Section H below, the Administrator shall calculate the Prepayment Amount associated with the Delinquent Parcel.

2. The Administrator shall notify the Trustee of the Prepayment Amount calculated in Step 1.

3. The Trustee shall draw on the Letter of Credit in an amount equal to the Prepayment Amount and shall use the proceeds of the draw to retire Bonds secured by Special Taxes on the Delinquent Parcel.

4. The Administrator shall direct the County Recorder to record a Notice of Cessation of Special Tax against the Delinquent Parcel, which shall state that the obligation to pay the Facilities Special Tax has ceased, but the Maximum Quarterly Maintenance Special Tax shall continue to be levied against the Delinquent Parcel. After recordation of the Notice of Cessation of Special Tax, the Delinquent Parcel will no longer be subject to the Facilities Special Tax levy.

2. Maintenance Special Tax

All delinquent Maintenance Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1½% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 10, after which date any amounts on the tax roll which have not been paid will incur additional penalties and interest. 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.

H. PREPAYMENT OF FACILITIES SPECIAL TAX

Only the Facilities Special Tax may be prepaid; the Maintenance Special Tax shall continue to be levied on an annual basis on all Taxable Property in the CFD.

The Facilities Special Tax obligation applicable to an Assessor’s Parcel in CFD No. 1998-1 may be prepaid and the obligation of the Assessor’s Parcel to pay the Facilities Special Tax permanently satisfied as described herein, provided that a voluntary prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment.
Notwithstanding the above, the Facilities Special Tax shall be immediately prepaid from the proceeds of a draw on the Letter of Credit if a Parcel becomes a Delinquent Parcel.

For voluntary prepayments, an owner of an Assessor's Parcel intending to prepay the Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City shall notify the owner of the required prepayment amount. Prepayment must be made not less than 60 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Facilities Special Taxes.

The "Prepayment Amount" shall be calculated as follows (capitalized terms as defined below):

\[
\text{Prepayment Amount} = \text{Bond Redemption Amount} + \text{Redemption Premium} + \text{Defeasance} + \text{Administrative Fees and Expenses} - \text{Interest Expense Account Credit}.
\]

As of the proposed date of prepayment or upon notification from the Administrator that a Parcel has become a Delinquent Parcel, the Prepayment Amount shall be determined by applying the following steps:

**Step Number:**

1. Compute the total Maximum Quarterly Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Facilities Special Tax in the Quarter in which the prepayment will be received by the City.

2. Divide the Maximum Quarterly Facilities Special Tax computed pursuant to Step 1 for such Assessor's Parcel by the Maximum Quarterly Facilities Special Tax Revenues that can be generated in the Quarter in which the prepayment will be received by the City.

3. Multiply the quotient computed pursuant to Step 2 by the principal amount of Bonds that remain outstanding when the Prepayment Amount is calculated to determine the amount of Bonds to be redeemed (the "Bond Redemption Amount").

4. Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Bonds to be redeemed (the "Redemption Premium").

5. Compute the amount needed to pay interest on the Bond Redemption Amount from the last interest payment date on the Bonds until the earliest redemption date on the Bonds.
6. **Identify the amount of Facilities Special Taxes levied with respect to the Assessor's Parcel during the current Quarter.** If the current Quarter's Facilities Special Tax for that Parcel has not been paid, the amount of such Facilities Special Tax shall be included in the Prepayment Amount.

7. **Compute the amount the City reasonably expects to derive from the reinvestment of the Bond Redemption Amount plus the Redemption Premium until the redemption date for the outstanding Bonds that the City expects to redeem with the prepayment.**

8. **Take the amount computed pursuant to Step 4, add the amounts calculated in Steps 5 and 6, and subtract the amount computed pursuant to Step 7 (the "Defeasance").**

9. **The administrative fees and expenses of CFD No. 1988-1 are as calculated by the City and include the costs of computing the prepayment, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").** For a Delinquent Parcel, the Administrative Fees and Expenses shall also include any costs associated with the draw on the Letter of Credit.

10. **An Interest Expense Account credit shall be calculated as a reduction in the required Interest Expense Account for the Bonds to be redeemed pursuant to the prepayment (the "Interest Expense Account Credit").**

11. **The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 4, 8, and 9, less the amount computed pursuant to Step 10 (the "Prepayment Amount").**

I. **LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on property owned by a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.
EXHIBIT B
DESCRIPTION OF FACILITIES

The development of the Enterprise Business Park will require public streets, water system, sanitary sewer and storm drainage improvements. The project will also require new service extensions for electric power, natural gas and telephone connections. Street improvements include asphaltic concrete, pavement and base, concrete curb, gutter and sidewalk, street lighting, irrigation line reconstruction, sound wall installation (masonry wall), signage, striping and landscaping.

The streets to be improved include Morgan Road, Nelson Way, the new cul-de-sac Rockefeller Court, the extension of Glenn Avenue to the east and Crows Landing Road. In addition to the streets to be improved, water and sewer main extensions will be required from the end of the new cul-de-sac, Rockefeller Court, through proposed easements to and across the Union Pacific Railroad.
EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1

DETAILED PUBLIC FACILITY COST ESTIMATES
SUMMARY
PRELIMINARY ENGINEER'S ESTIMATE
FOR
ENTERPRISE BUSINESS PARK

I. MORGAN ROAD IMPROVEMENTS $147,545.05
II. NELSON WAY IMPROVEMENTS $218,107.05
III. ROCKEFELLER COURT IMPROVEMENTS $620,062.00
IV. EAST GLENN AVENUE IMPROVEMENTS $263,358.00
V. CROWS LANDING ROAD IMPROVEMENTS $5,072.50
VI. AGENCY FEES - EAST AREA $201,708.26
VII. AGENCY FEES - WEST AREA $67,952.37

SUB-TOTAL $1,523,805.23

10% CONTINGENCY $152,380.52

GRAND TOTAL $1,676,185.75
## PRELIMINARY ENGINEER’S ESTIMATE
### FOR
### ENTERPRISE BUSINESS PARK

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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
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MORGAN ROAD TOTAL $147,545.05

II. NELSON ROAD IMPROVEMENTS

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### Preliminary Engineer's Estimate
Enterprise Business Park
February 12, 1998

**ITEM DESCRIPTION** | **QUAN.** | **UNIT** | **UNIT COST** | **AMOUNT**
--- | --- | --- | --- | ---

#### B. STORM DRAINAGE
1. CATCH BASIN, SINGLE ROCKWELL 3 | EA | $3,000.00 | **$9,000.00**

**SUB-TOTAL** | **$9,000.00**

#### C. STREET WORK
1. STREET GRADING AND SUBGRADE PREPARATION 38,605 | SF | $0.20 | **$7,721.00**
2. 6" VERTICAL CURB AND GUTTER 1,115 | LF | $9.00 | **$10,035.00**
3. 4" CONCRETE SIDEWALK ONLY 137 | SF | $1.75 | **$239.75**
4. WHEELCHAIR RAMP (LABOR ONLY) 1 | EA | $350.00 | **$350.00**
5. 0.2' A.C. OVER 0.35' A.B. 18,285 | SF | $1.50 | **$27,427.50**

**SUB-TOTAL** | **$45,773.25**

#### D. MISCELLANEOUS
1. 8' DECORATIVE MASONRY WALL 2,600 | LF | $55.00 | **$143,000.00**
2. STREET LANDSCAPING (ALONG NELSON AVE.) 5,590 | SF | $2.50 | **$13,975.00**
3. WALL VINES 1,106 | LF | $2.30 | **$2,543.80**

**SUB-TOTAL** | **$159,518.80**

**NELSON WAY TOTAL** | **$218,107.05**

### III. ROCKEFELLER COURT IMPROVEMENTS, SANITARY SEWER AND WATER MAIN EXTENSIONS

#### A. SITE PREPARATION
1. CLEARING AND GRUBBING 3.6 | AC | $7,000.00 | **$25,200.00**

**SUB-TOTAL** | **$25,200.00**

#### B. SANITARY SEWER
1. 15" V.C.P. 2,998 | LF | $25.00 | **$74,950.00**
2. MANHOLE, STANDARD 8 | EA | $2,500.00 | **$20,000.00**
3. MANHOLE, TERMINAL 1 | EA | $1,800.00 | **$1,800.00**
4. 6" LATERAL ONLY 11 | EA | $1,000.00 | **$11,000.00**
5. CONNECT TO EXISTING SEWER 1 | EA | $1,000.00 | **$1,000.00**

**SUB-TOTAL** | **$108,750.00**

#### C. WATER SYSTEM
1. 8" SERVICE STUB 11 | EA | $2,500.00 | **$27,500.00**
2. 4" SERVICE STUB 11 | EA | $2,300.00 | **$25,300.00**

**SUB-TOTAL** | **$52,800.00**
Preliminary Engineer's Estimate  
Enterprise Business Park  
February 12, 1998

<table>
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<th>ITEM</th>
<th>DESCRIPTION</th>
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<td>G.</td>
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ROCKEFELLER COURT TOTAL ===> $620,062.00

IV. EAST GLENN AVENUE IMPROVEMENTS

A. SITE PREPARATION
1. CLEARING AND GRUBBING
   1.9 AC $7,000.00 $13,300.00

SUB-TOTAL $13,300.00

B. SANITARY SEWER
1. MANHOLE, STANDARD
   2 EA $2,500.00 $5,000.00

2. 6" LATERAL ONLY
   5 EA $1,000.00 $5,000.00

SUB-TOTAL $10,000.00
### Preliminary Engineer’s Estimate

**Enterprise Business Park**

February 12, 1998

<table>
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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<td>TRENCHING</td>
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**SUB-TOTAL** | | | | | $263,358.00

EAST GLENN AVENUE TOTAL =========> $263,358.00
Preliminary Engineer's Estimate  
Enterprise Business Park  
June 27, 1997

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<tr>
<td>V. CROWS LANDING ROAD IMPROVEMENTS</td>
<td></td>
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<td>A. STREET WORK</td>
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<td>1. 4&quot; CONCRETE SIDEWALK ONLY</td>
<td>1,030</td>
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<td>2. REMOVE EXISTING DRIVEWAY</td>
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<td>B. STREET LIGHTING (ALL ITEMS SHALL INCLUDE CONDUIT AND CABLE)</td>
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<td>1. 28' STANDARD 200WATT</td>
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<td>CROWS LANDING ROAD TOTAL</td>
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VI. AGENCY FEES - EAST AREA
A. CITY OR COUNTY FEES
1. CHECKING AND RECORDING | 1 | EST | $261.00 | $261.00 |
2. STREET SIGNS | 1 | EST | $700.00 | $700.00 |
3. SEWER FEES | | | | PREVIOUSLY PAID BY OTHERS |
4. WATER SYSTEM FEE | 1 | EST | $112,086.52 | $112,086.52 |
5. WATER MAIN CONNECTION CHARGE | 1 | EST | $88,450.74 | $88,450.74 |
6. MONUMENT DEPOSIT | 1 | EST | $210.00 | $210.00 |
| SUB-TOTAL | | | | | $201,708.26 |

AGENCY FEES - EAST AREA TOTAL | | | | | $201,708.26 |

VII. AGENCY FEES - WEST AREA
A. CITY OR COUNTY FEES
1. CHECKING AND RECORDING | 1 | EST | $261.00 | $261.00 |
2. STREET SIGNS | 1 | EST | $700.00 | $700.00 |
3. SEWER FEES | | | | PREVIOUSLY PAID BY OTHERS |
4. WATER SYSTEM FEE | 1 | EST | $33,740.21 | $33,740.21 |
5. WATER MAIN CONNECTION CHARGE | 1 | EST | $33,041.16 | $33,041.16 |
6. MONUMENT DEPOSIT | 1 | EST | $210.00 | $210.00 |
| SUB-TOTAL | | | | | $67,952.37 |

AGENCY FEES - WEST AREA TOTAL | | | | | $67,952.37 |

CONSTRUCTION AND FEE TOTAL | | | | | $1,523,805.23 |

10% CONTINGENCY | | | | | $152,380.52 |

GRAND TOTAL | | | | | $1,676,185.75 |
Preliminary Engineer's Estimate
Enterprise Business Park
February 12, 1998

SPECIFIC NOTES:

1. THIS ESTIMATE IS BASED ON A PRELIMINARY SET OF IMPROVEMENT PLANS NOT YET APPROVED BY CITY OF MODESTO. CHANGES OR INCREASES REQUIRED BY GOVERNING AGENCIES OR UTILITY COMPANIES MAY OCCUR WHEN PLANS ARE FINALIZED.

2. NOT INCLUDED IN THIS ESTIMATE ARE: COUNTY FEES, ENGINEERING, SURVEYING, BUILDING PERMIT FEES, INSPECTION FEES, OR ANY FEES COLLECTED AT THE BUILDING PERMIT STAGE.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-331


WHEREAS, Marvin L. Oates, as the owner of at least 10% of the property in the proposed District, has filed with the City Clerk of the City of Modesto (the “City”) a petition and supplement thereto, requesting the City Council (the “Council”) to form Community Facilities District No. 1998-1 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 the construction and acquisition of certain street improvements, water, sewer and storm drainage improvements, and service extensions for electric power, natural gas and telephone connections, including planning, design and engineering costs and all other expenses incidental thereto (the “Facilities”); and (ii) to finance certain services (the “Services”); and

WHEREAS, on May 19, 1998, this Council (the “Council”) adopted its Resolution No. 98-262, entitled “A Resolution of the City Council of the City of Modesto of Intention to Establish Community Facilities District No. 1998-1 (Enterprise Business Park) and to Authorize the Levy of a Special Tax within the Proposed District” (the “Resolution of Intention to Establish the District”) stating its intention to form Community Facilities District No. 1998-1 (the “District”)
pursuant to Chapter 2.5 of Part 1 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");

WHEREAS, on such date this Council also adopted its Resolution No. 98-263, entitled "A Resolution of the City Council of the City of Modesto of Intention to Incur Bonded Indebtedness in an Amount not to Exceed $2,025,000 within Proposed Community Facilities District No. 1998-1 (Enterprise Business Park)" (the "Resolution of Intention to Incur Indebtedness") stating its intention to incur bonded indebtedness within the boundaries of the District for the purpose of financing the Facilities described in the Resolution of Intention to Establish the District and all costs incidental thereto;

WHEREAS, this Council did, on June 23, 1998, hold the public hearing, as required by the Act relative to the formation of the District, the provision of the Facilities and Services specified in the Resolution of Intention to Establish the District, and the rate, method of apportionment, and manner of collection of the special tax to be levied within the District;

WHEREAS, this Council did, on June 23, 1998, also hold a public hearing as required by the Act relative to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness;

WHEREAS, subsequent to the hearings, this Council adopted its Resolution No. 98-330, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing Community Facilities District No. 1998-1 (Enterprise Business Park), Authorizing the Levy of a
Special Tax within the District, Preliminarily Establishing an Appropriations Limit for the District and Calling and 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' (the "Resolution of Formation"), which described the Facilities and Services to be financed;

WHEREAS, no written protests with respect to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness were filed with the City Clerk as of the closing of the hearing thereon;

WHEREAS, this Council did, in the Resolution of Formation, and in accordance with Sections 53325.7 and 53353.5 of the Act, determine to consolidate the election on the levy of the special tax and the establishment of an appropriations limit for the District with the election on whether to incur a bonded indebtedness in the District;

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the District (the Registrar of Voters certified there are no registered voters in the District); accordingly, the qualified electors in the District are the landowners; and

WHEREAS, the City Clerk, being this Council's designated election official for purposes of such election, has concurred in the date herein set forth for the election.

NOW, THEREFORE, the Council hereby finds and determines and orders as follows:

1. The foregoing recitals are true and correct.

2. This Council deems it necessary to incur bonded indebtedness.
3. The indebtedness will be incurred for the purpose of financing the construction and/or acquisition of certain public facilities (the "Facilities"), having a useful life of five years or longer, and the paying of incidental expenses thereof.

4. The whole of the District shall pay for the bonded indebtedness.

5. The amount of bonded indebtedness to be incurred is not to exceed $2,025,000.

6. The maximum term of the bonds of any series shall not exceed thirty (30) years from their date.

7. The bonds shall bear interest at rate or rates not to exceed the maximum rate permitted by law at the time the bonds are issued, payable semiannually or in such other manner as this Council shall determine, the actual rate or rates and times of payment of such interest to be determined by this Council at the time or times the bonds are issued.

8. The proposition of incurring the bonded indebtedness shall be submitted to the voters of the District and, pursuant to Section 53353.5 of the Act and the Resolution of Formation, the propositions on the levy of a special tax, the establishment of an appropriations limit, and whether to incur the bonded indebtedness shall be combined in a single ballot measure. In accordance with Section 53327(b) of the Act, analysis and arguments as provided in Section 53327(a) of the Act are hereby waived subject to the unanimous consent of the owners of all the land within the District (the "Landowners"), as herein provided.
9. A special consolidated election is hereby called at which the measures referenced in Section 8 shall be submitted to the qualified electors of the District. The election shall be held in accordance with and subject to the Act, all the terms of which shall, unless waived as herein provided, be applicable to the election.

10. Fewer than twelve (12) persons have been registered to vote within the territory of the District for the ninety (90) days preceding the close of the hearings on the special tax levy and the proposed bonded indebtedness. Accordingly, the vote shall be by the Landowners of the District, and each such Landowner shall have one vote for each acre or portion thereof that he or she owns within the District. The City Clerk shall canvass the returns and certify the results of the election to this Council.

If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by each of the Landowners on or before the 7th day of July, 1998, the election shall be held on the 7th day of July, 1998, 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. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is 5:00 p.m. Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.
11. If two-thirds (2/3) of the votes cast upon the question of incurring the bonded indebtedness are cast in favor of the indebtedness, this Council may thereafter, at the time or times it deems proper, incur the indebtedness so authorized.

12. The publication of this resolution as notice of special bond election is hereby waived provided the City Clerk shall receive unanimous consent to such waiver from the Landowners.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-332

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY INC. FOR THE PROJECT TITLED "SCADA SYSTEM ADDITIONS PROJECT - PHASE III"

WHEREAS, the bids received for SCADA System Additions Project - Phase III were opened at 11:00 a.m. on June 9, 1998, 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 Collins Electrical Company 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 $49,666.00 from Collins Electrical Company Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
RESOLUTION NO. 98-333

A RESOLUTION ACCEPTING THE BID OF RICK ARMSTRONG ENGINEERING AND BUILDING CONTRACTOR INC. FOR THE PROJECT TITLED "BUS YARD FUEL FACILITY REPLACEMENT"

WHEREAS, the bids received for Bus Yard Fuel Facility Replacement were opened at 11:00 a.m. on June 16, 1998, 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 Rick Armstrong Engineering and Building Contractor 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 $257,500 from Rick Armstrong Engineering and Building Contractor Inc. be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-334

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR HR LEADERSHIP FOR PERSONNEL SYSTEMS REDESIGN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for HR Leadership for Personnel Systems Redesign 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 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 98-335

A RESOLUTION APPROVING RECOMMENDATIONS CONCERNING REALIGNMENT OF THE KANSAS-NEEDHAM OVER-CROSSING TO CONNECT WITH THE NEW STATE HIGHWAY 132, AND ENDORSING THE PRIORITY OF THE KANSAS-NEEDHAM PROJECT OVER THE TUOLUMNE BOULEVARD EXTENSION.

WHEREAS, City staff presented a report dated June 11, 1998, from the Engineering and Transportation Director to the City Council, recommending that the Council direct the Engineering and Transportation Department to realign the Kansas-Needham Over-crossing to connect with the new State Highway 132 and that the Council endorse the priority of the Kansas-Needham Project over the Tuolumne Boulevard Extension Project, a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, at the April 1, 1998, Transportation Policy Committee meeting, that Committee agreed with the Staff's recommendation to prioritize the Kansas-Needham Over-crossing project over the Tuolumne Boulevard Extension project, and

WHEREAS, said recommendations were considered by the City Council at its meeting held on June 23, 1998,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby approve the Staff recommendations as set forth in the report from the Engineering and Transportation Director, dated June 11, 1998, a copy of which report is on file in the Office of the City Clerk, concerning realignment of the Kansas-Needham Over-crossing to connect with the new State Highway 132, and the Council endorses
the priority of the Kansas-Needham project over the Tuolumne Boulevard extension project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-336

A RESOLUTION APPROVING A RENEWAL TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GLENDALE FEDERAL BANK FOR THE DEPOSIT OF LUMP SUM DRAW DOWN FUNDS ALLOCATED TO HOUSING REHABILITATION PROGRAMS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT LETTER OF CREDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a renewal to the agreement between the City of Modesto and Glendale Federal Bank for the Deposit of Lump Sum Draw Down Funds Allocated to Housing Rehabilitation Programs from the Community Development Block Grant Letter of Credit be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said renewal of 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 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN GAHR, City Clerk
RESOLUTION NO. 98-337

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE EMPIRE SANITARY DISTRICT FOR SEWER SERVICE MUTUAL AID

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Empire Sanitary District for Sewer Service Mutual Aid 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 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-338

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR GRANT FUNDING TO THE CALFED BAY-DELTA PROGRAM FOR ECOSYSTEM RESTORATION PROGRAMS UNDER THE ENVIRONMENTAL EDUCATION COMPONENT OF THE PROGRAM.

WHEREAS, the Community Services and Neighborhood Connections Department has been notified of the opportunity to apply for approximately $65,000 in grant funding from the CALFED Bay-Delta Program for ecosystem restoration programs, and funding is available from several state and federal sources, and

WHEREAS, projects that address the riparian habitat and ecosystems of the Tuolumne River are eligible, and

WHEREAS, City staff is proposing to submit an application under the Environmental Education component of the program, meeting the goals of increasing public awareness, knowledge and appreciation of natural resources and ecosystem restoration activities, fostering active participation in conservation programs and encouraging individuals to wisely use natural resources,

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 are hereby authorized to execute and submit an application and grant-related documents for grant funding for approximately $65,000 from the CALFED Bay-delta Program for ecosystem restoration programs, with funding available from several state and federal sources.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE FINAL MAP OF SILVERADO AT THE VILLAGE PHASE III SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Jaguar/Sylvan Partners L.P., a California limited partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.21 acres, known as Silverado at the Village Phase III Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 10th 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 Silverado at the Village Phase III 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 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 subdividers have 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 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 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-340

A RESOLUTION APPROVING THE FINAL MAP OF THE BLUFF AT SEVEN FALLS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Wellington Cove 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 9.11 acres, known as The Bluff at Seven Falls 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 January, 1991, 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 The Bluff at Seven Falls 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 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 subdividers have 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 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 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-341

A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA PURCHASE CARD PROGRAM MASTER SERVICE AGREEMENT (DGS MA 5-96-CC-01)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an addendum to the agreement between the City of Modesto and the State of California Purchase Card Program Master Service Agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said addendum to 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 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-342

A RESOLUTION APPROVING A RENEWAL AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY REINVESTMENT FUND INC. FOR LOAN SERVICING OF THE CITY’S HOUSING AND ECONOMIC DEVELOPMENT LOAN PORTFOLIOS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the renewal agreement between the City of Modesto and Community Reinvestment Fund Inc. for Loan Servicing of the City’s Housing and Economic Development Loan Portfolios be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said renewal 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 23rd day of June, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-343

A RESOLUTION GRANTING AN APPEAL FILED BY MID-VALLEY ENGINEERING TO A BOARD OF ZONING ADJUSTMENT CONDITION, AND APPROVING A SECOND ACCESS TO PELANDALE AVENUE IN CONJUNCTION WITH THE APPROVAL OF A CONDITIONAL USE PERMIT FOR BIG VALLEY GRACE COMMUNITY CHURCH.

WHEREAS, on January 1, 1996, the Modesto City Council certified a Final Environmental Impact Report (SCH# 93042004), and adopted the Pelandale-Snyder Specific Plan, and

WHEREAS, the Pelandale-Snyder Specific Plan allowed for expansion of the Big Valley Grace Community Church with a conditional use permit, and

WHEREAS, an application for a conditional use permit for expansion of existing church facilities, including educational and athletic facilities was filed by Big Valley Grace Community church on October 22, 1997, and the applicant subsequently submitted required items to constitute a complete application on April 10, 1998, and

WHEREAS, Sections 10-1.202(a) and 10-2.2503 of the Modesto Municipal Code authorize the Board of Zoning Adjustment (BZA) to grant conditional use permits, and

WHEREAS, a duly noticed public hearing was held by the Board of Zoning Adjustment on May 28, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and
WHEREAS, the Board of Zoning Adjustment certified in its Resolution No. 98-07 that it received and reviewed an Initial Study prepared by the Community Development Department, Environmental Assessment No 98-24, which determined that the proposed conditional use permit is consistent with the Pelalande-Snyder Specific Plan EIR (SCH# 93042004), and that pursuant to Section 21166 of the Public Resources Code, no new environmental document would be required, and

WHEREAS, by Resolution No. 98-07, the BZA granted a conditional use permit to the Big Valley Grace Community Church for expansion of existing church facilities, including educational and athletic facilities, on property located on the east side of Tully Road south of the proposed extensions of Pelalande Avenue, subject to conditions included in said BZA Resolution No. 98-07, a copy of which Resolution is on file in the office of the City Clerk, and

WHEREAS, by letter dated May 29, 1998, an appeal to the decision of the BZA was filed with the City Council by Mid-Valley Engineering on behalf of the Big Valley Grace Community Church, pertaining to a condition requiring elimination of a second access point (the eastern right-out access) from the project site to Pelalande Avenue, and

WHEREAS, said appeal was set for a public hearing duly noticed to be held on Tuesday, July 7, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was taken and introduced, and

WHEREAS, after said hearing, the Council found and determined that said
appeal to the decision of the BZA condition, should be granted,

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

SECTION 1. That there are no substantial changes proposed in the project
which will require major revisions of the Pelandale-Snyder Specific Plan EIR, because the EIR
studied the impact of the proposed expansion of Big Valley Grace Community Church, and the
traffic generated by this expansion is consistent with what was predicted in the EIR.

SECTION 2. That the appeal filed by Mid-Valley Engineering on behalf of the
Big Valley Grace Community Church, pertaining to a condition requiring elimination of a
second access point (the eastern right-out access) from the project site to Pelandale Avenue, is
hereby granted for the following reasons:

1. The second access is needed to adequately handle the projected traffic
   volumes existing from the church at peak events.

2. The peak events utilizing the second access will occur mainly at times
   that will not conflict with peak traffic usage of Pelandale Avenue.

SECTION 3. That the proposal for a second access to Pelandale Avenue in
conjunction with the approval of a conditional use permit for Big Valley Grace Community
Church, a right-out only access at the eastern end of the project site, is hereby approved.

SECTION 4. That all other conditions and provisions of BZA Resolution No.
98-07 not in conflict with this resolution shall remain in full force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1998-99, and
WHEREAS, the Council has adopted Resolution No. 98-309 on June 9, 1998, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1998-99 and to set a public hearing to be held on July 7, 1998, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 1 and hereby levies the assessment set forth therein for fiscal year 1998-99.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-345

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1998-99, and
WHEREAS, the Council has adopted Resolution No. 98-310 on June 9, 1998, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1998-99 and to set a public hearing to be held on July 7, 1998, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 2 and hereby levies the assessment set forth therein for fiscal year 1998-99.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-346

A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, SUPERSEGING COUNCIL RESOLUTION NOS. 96-298 AND 96-299.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, a duly noticed public hearing was held by the Council on July 7, 1998, at 7:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, California to consider adjusting rates and charges for Modesto City-County Airport's aircraft hangars, office space, and tie down rentals, and establishing a hangar rental rate for T-Hangar No. I,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

<table>
<thead>
<tr>
<th>Hangar No.</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$101.00 per unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$118.00 per unit per month</td>
</tr>
<tr>
<td>B</td>
<td>$123.00 per unit per month</td>
</tr>
</tbody>
</table>

7/14/98
<table>
<thead>
<tr>
<th>Hangar No.</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>$129.00 per unit per month</td>
</tr>
<tr>
<td>D</td>
<td>$116.00 per unit per month</td>
</tr>
<tr>
<td>E</td>
<td>$170.00 per unit per month</td>
</tr>
<tr>
<td>F</td>
<td>$170.00 per unit per month</td>
</tr>
<tr>
<td>G</td>
<td>$170.00 per unit per month</td>
</tr>
<tr>
<td>H</td>
<td>$170.00 per unit per month</td>
</tr>
<tr>
<td>I</td>
<td>$330.00 per unit per month</td>
</tr>
<tr>
<td>J</td>
<td>$170.00 per unit per month</td>
</tr>
<tr>
<td>Portable Land Rent</td>
<td>$50.00 per unit per month</td>
</tr>
</tbody>
</table>

A five (5) percent discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

<table>
<thead>
<tr>
<th>Hangar No.</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,256.00 - Sheriff’s Aero Squadron lease rate $840.00 per month for first year. Increase thereafter based on CPI.</td>
</tr>
<tr>
<td>2</td>
<td>$1,032.00 per month</td>
</tr>
<tr>
<td>3</td>
<td>$544.00 per month</td>
</tr>
<tr>
<td>4</td>
<td>$925.00 per month</td>
</tr>
</tbody>
</table>
Hangar No. 5 . . . $922.00 per month
Hangar No. 6 . . . $539.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) $30.00 per month.

(b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) $50.00 per month.

(c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) $.036 per square foot per month.

(d) Taxi-in Tie-Down - Transient, helicopter/single-engine aircraft $5.00 per day.

(e) Taxi-in Tie-Down - Transient, twin-engine aircraft (under 12,500 lbs) $7.00 per day.

(f) Taxi-in Tie-Down - Transient, twin-engine aircraft (over 12,500 lbs) $11.00 per day.

(g) Jet, Heavy Jet $11.00 per day.

A five (5) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.
Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

(a) Old Administration Building . . . . $.68 per square foot
(b) Office Building No. 1 . . . . . . . . . . . $.68 per square foot
(c) Office Building No. 2, Suite A . . . . . . . . . . . $.68 per square foot
(d) Office Building No. 2, Suite B . . . . . . . . . . . $.68 per square foot
(e) Hangar Office Space . . . . . . . . . . . $.31½ per square foot per month

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket Counter . . . . . . . . . . . $.067 per square foot
(b) Other Areas . . . . . . . . . . . $.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters, $10.00 per landing.
(b) All large single and multi-engine aircraft, $.66 per 1,000 pounds of gross weight, but not less than $10.00 per landing.

(c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carriers passengers excluding "frequent flyers", or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplane passenger by airline $3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALL BOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement call board as follows:

<table>
<thead>
<tr>
<th>Display Size</th>
<th>Display Only</th>
<th>Display &amp; Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5&quot; x 9.5&quot;</td>
<td>$30.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>7.5&quot; x 21&quot;</td>
<td>$35.00</td>
<td>$55.00</td>
</tr>
<tr>
<td>19&quot; x 21&quot;</td>
<td>$40.00</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

(a) Incoming Service ............... $.50 Per Page
SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents ($0.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at Modesto City-County Airport will pay to the City of
Modesto the greater of ten (10) percent of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and call board phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 14. PENALTIES. A five (5) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").
Modesto the greater of ten (10) percent of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and call board phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport parking is charged for vehicles left overnight in terminal area public parking spaces.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

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Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").
The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 16. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on August 1, 1998, except for the rental rate for T-Hangar No. I which will become effective September 1, 1998.

SECTION 17. SUPERSEDE. This resolution supersedes Council Resolution Nos. 96-298 and 96-299.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith Mayor Lang

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. 98-347

A RESOLUTION ACCEPTING THE PROJECT TITLED "J STREET AND 11TH STREET WATER SYSTEM IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled J Street and 11th Street Water System Improvements, has been completed by All America Trenching Inc., in accordance with the contract agreement dated February 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the J Street and 11th Street Water System Improvements be accepted from said contractor, All American Trenching Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $105,910.69 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 7th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,100.00 TO FULLY FUND THE PROJECT TITLED "J STREET AND 11TH STREET WATER SYSTEM IMPROVEMENTS"

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

From: 610-480-J509 6040 $4,100
To: 610-480-J501 6040 $4,100

Transfer is needed to fully fund the project as a result of extra work resulting from unanticipated utility conflicts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-349

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM AND SONS INC. FOR THE PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 1998/99"

WHEREAS, the bids received for Rockwell Replacement/Addition 1998/99 were opened at 11:00 a.m. on June 23, 1998, 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 $382,231 from Cunningham and Sons 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 Cunningham and Sons Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JZ
JEAN ZAHR, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND DECLARING ABC SERVICES THE LOW RESPONSIVE AND RESPONSIBLE BIDDER TO PROVIDE LABOR AND SERVICES FOR CLEANING SEWER SIPHON AND TRUNK LINES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of labor and services for cleaning sewer siphon and trunk lines is hereby waived.

BE IT FURTHER RESOLVED that purchase of labor and services for cleaning sewer siphon and trunk lines will be provided by ABC Services for a not to exceed price of $100,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-351

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $100,000 TO FULLY FUND THE PROJECT TITLED LABOR AND SERVICES FOR CLEANING SEWER SIPHON AND TRUNK LINES

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

From: 621-480-H386 6010 $100,000
To: 621-480-5212 0223 $100,000

Critical work to clean sewer siphon lines. Savings are available in the North Trunk CIP account because bids came in 7% below the engineer's estimate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: DEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-352

A RESOLUTION CALLING FOR A MEASURE M ELECTION FOR THE PURPOSE OF SUBMITTING AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE CITY OF MODESTO AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE THIS SPECIAL ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998.

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election; therefore, the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto an advisory measure relating to the provision of sewer service to a certain area of the city, and the question relating to whether the City Council should provide sewer to the subject property, and

WHEREAS, it is desirable that the special election be consolidated with the Statewide election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Stanislaus canvass the returns of the special election and that the election be held in all respects as if there were only one election,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion at the request of the property owner, submit to the qualified electors of the City of Modesto at a special election to be held on November 3, 1998, one advisory measure relating to the provision of sewer service to a certain area of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE ______

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

The proposed Bent Creek Estates Subdivision, consisting of 22.6 acres, provided the area is first annexed to the City. This area is a parcel east of the Santa Fe Railroad Tracks, south of Parker Road and north of Dry Creek.

SECTION 2. FORM OF BALLOT.

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:
MEASURE ______ City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

The proposed Bent Creek Estates Subdivision, consisting of 22.6 acres, provided the area is first annexed to the City. This area is a parcel east of the Santa Fe Railroad Tracks, south of Parker Road and north of Dry Creek.

Yes ☐
No ☐

SECTION 3. ADVISORY ELECTION CONSOLIDATED WITH REGULAR ELECTION.

That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Stanislaus is hereby requested to consent and agree to the consolidation of a special election with the Statewide election to be held on Tuesday, November 3, 1998, for the purpose of submitting said measure that is to appear on the ballot as set forth above.

SECTION 4. NOTICE AND SYNOPSIS OF ADVISORY VOTE.

Pursuant to Section 12114 of the California Elections Code, the City Clerk of the City of Modesto is hereby ordered and directed to prepare and sign a Notice and synopsis of said advisory vote in the form required by law, and said City Clerk is hereby ordered and directed to publish said Notice in the time and manner required by law in The Modesto Bee.
the official newspaper of the City of Modesto, and a newspaper of general circulation printed and published in said City.

SECTION 5. CONDUCT OF ELECTION.

The advisory special election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein the advisory election shall be held as provided by law for the holding of advisory elections and special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 6. VOTER QUALIFICATION.

All persons qualified to vote at municipal elections in the City of Modesto on the date of the election herein provided for shall be qualified to vote upon the advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at the special election.

SECTION 7. CANVASS THE RETURNS.

That the County Election Department is authorized to canvass the returns of the special election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
SECTION 8. BOARD OF SUPERVISORS.

That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 9. COSTS INCURRED.

That the City of Modesto recognizes that additional costs will be incurred by the County by reason of the consolidation and agrees to reimburse the County for any costs.

SECTION 10. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of July, 1998, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

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. 98-353

A RESOLUTION APPROVING THE PROPERTY ENHANCEMENT PROGRAM (PEP) FOR MODESTO'S LOW-INCOME CENSUS TRACTS.

WHEREAS, in order to address the issues of properties that contribute to neighborhood blight and to assist City organizations charged with achieving compliance with various codes, the Community Development Department, Housing and Neighborhoods Division, has recommended to the City Council the approval of a Property Enhancement Program (PEP) for Modesto’s low-income census tracts, as detailed in Exhibit “A”, a copy of which is attached hereto and on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Property Enhancement Program (PEP) for Modesto’s low-income census tracts, as detailed in Exhibit “A”, a copy of which is attached hereto and 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 7th day of July, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
27.1 PROGRAM OBJECTIVES

To provide financial assistance, in the form of rebates, to enable property owners to improve the exterior appearance of their properties.

27.2. PROPERTY ELIGIBILITY

To be eligible to participate in the PEP, the property must be located in one of the City of Modesto's low-income census tracts as shown on the attached map. The property can include owner-occupied or non-owner-occupied residential dwelling units, but must be located in the City. First Priority for participation in this program shall be given to owner occupant properties with gross annual household incomes at or below 80% of Median Area Income (MAI); Second Priority shall be given to properties occupied by tenants whose gross annual household incomes are at or below 80% of MAI; Third Priority shall be given to properties occupied by tenants whose gross annual household incomes are above 80% of MAI, and Fourth Priority shall be given to owner occupant properties where gross annual household incomes are above 80% of MAI.

27.3 AVAILABLE ASSISTANCE

Qualified Owner-Occupant property owners shall be eligible for one rebate per property, per year, (for each property enhancement category) up to the dollar amounts shown. Rental property owners are eligible for one rebate (for each property enhancement category), per property, per year, up to 50% of the dollar amount listed for Owner-Occupant property owners:

A. Clean-up - Up to 1/2 of Cost of Cleanup: (Owner Occupant Property Owner Maximum of $200 Per Unit; Rental Property Owner Maximum of $100 Per Unit).

1) Removal of garbage, junk, debris, abandoned vehicles, boats, trailers, recreation vehicles and motor cycles.

2) Removal of unapproved/dilapidated lean-to's, sheds or room additions and similar storage areas.

3) Trimming and pruning of front and side yard trees and shrubs (Mike Rodrigo will assist for NPU cases - phone: 571-5162).
B. **Exterior Painting of All Legal Structures** - Up to ½ the Cost of Painting:
(Owner-Occupant Property Owner Maximum of $500 Per Unit; Rental Property Owner Maximum of $250 Per Unit).

City staff may consider, on a case-by-case basis, other nonhabitable structures, including sheds (Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 will assist with these projects).

C. **Fence or Gate Repair/Replacement (Must Meet Set-back and Clear View Regulations)** - A Maximum Rebate of $4.00 a Linear Foot:
(Owner-Occupant Property Owner Maximum of $400 Per Parcel; Rental Property Owner Maximum of $200 Per Parcel) - Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 may be contacted to assist with these projects.

D. **Front and Side Yard Landscaping** - A Rebate of ½ the Cost of Work:
(Owner-Occupant Property Owner Maximum of $500 Per Parcel; Rental Property Owner Maximum of $250 Per Parcel). Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 may be contacted to assist with these projects.

Seeding lawn, sodding, planting shrubs, and installing automatic sprinkler systems.

E. **Security/Safety Improvement** - Rebate of ½ The Cost of the Work: 
(Owner-Occupant Property Owner Maximum of $300 Per Living Unit; Rental Property Owner Maximum of $150 Per Living Unit). Rick Dalton at 571-5505, Mike Rodrigo at 571-5162, Fire Prevention at 572-7512 and Police Department Crime Prevention Officer for the particular neighborhood may be contacted for assistance with these projects.

Smoke detectors, dead bolt locks, keyed entry latch assemblies, door viewers, security screen doors and windows and exterior front and rear lighting as per code, including motion detectors and dusk to dawn lighting and replacement of unapproved security bars, grates and doors on required exits and required emergency escape windows in sleeping rooms with approved keyless inside release mechanism type.

F. **Energy Savings Improvements** - Rebate Shall Be ½ The Cost of Work:
(Owner-Occupant Property Owner Maximum of $500; Rental Property Owner Maximum of $250). Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 may be contacted to assist with these projects.

Attic insulation (R-19 minimum), attic ventilation, weather stripping, water saving devices, and water heater blankets are eligible energy conservation items.

27.4 **General Terms/Conditions:**

A. **Clean-up and Exterior Painting** shall be top priority and approved by City staff before other categories are considered.
B. Dumpsters may be provided, upon City approval, for removal of junk, debris and trash collected. Cost of the dumpsters will be deducted from the clean-up rebate.

C. Prior to painting, properties shall be properly prepared. This includes scraping, repairing exterior dryrot and removal of old paint. If lead-based paint exists, approved techniques shall be used to eliminate any health hazards. Contact Office of Housing and Neighborhoods at 577-5245 for details and assistance.

D. Program rebates are limited to the following:

1) **Materials and Costs:** City staff shall approve (in advance) all materials, and rental of equipment. Materials are items that are permanently installed on the building (unit), grass, sod and shrubs that are planted; or fencing or gates that have been replaced or installed.

2) **Labor:** Shall be performed by qualified individuals. If work is completed by owner there will not be a rebate for labor. If work is completed by a person other than the owner who is not a licensed contractor, the labor rate shall be $10.00 per hour. Owners must submit paid invoices and are responsible for all related labor costs (taxes, etc.)

E. City staff must review and approve all costs in advance.

F. Owner shall obtain any required City permits prior to commencement of work. Check with Building Inspection Office, at 577-5232.

G. Participation in this program does not prevent the owner from participating in other City programs for which he or she is qualified.

27.5 **APPLICATION PROCEDURE**

A. Owner completes program application (see attached).

B. Owner turns in completed application and cost estimates to City Office responsible for the case.

C. Responsible City Office staff will visit the site to verify the scope of the work to be done. For exterior painting, Housing and Neighborhoods (H&N) staff at 577-5245 will check the age of the property and consult the State Historic Preservation Office, if required.

D. Responsible City office staff will review the application and cost estimates and make recommendation for approval or denial.

E. Housing Program Supervisor will approve qualified applications after confirming that funds are available.
F. Housing Program Supervisor will issue a letter of approval (commitment letter) and Notice to Proceed.

G. Owner or contractor completes project.

H. Owner contacts responsible City office staff to verify satisfactory completion of the project. When necessary, assistance may be obtained by contacting Rick Dalton at 571-5505, Mike Rodrigo at 571-5162 or Fire Prevention staff at 572-7512.

I. Responsible City office staff verifies completion of the project and provide owner with a copy of the Request for Rebate form (see attached).

27.6 REQUEST FOR REBATE PROCEDURE

A. Owner completes and returns "Request for Rebate" form (with paid receipts attached) to the Office of Housing and Neighborhoods, which is located at 940 - 11th Street, phone 577-5245.

B. Housing Program Supervisor processes and approves rebate request.

C. Housing Program Supervisor prepares vouchers for rebate check.

D. Finance Department mails rebate check to the owner.

27.7 PROCESS TO AMEND THIS CHAPTER

Recommendation for changes to this policy and procedure shall be made in writing to the Housing Program Supervisor at Office of Housing and Neighborhoods, 940 - 11th Street, Modesto, CA 95354, phone (209) 577-5392.
Census Tracts with a Median Household Income of Less than $29,050.
(80% of the Median Area Income)
CITY OF MUSKEGO
PROPERTY ENHANCEMENT PROGRAM (PEP) APPLICATION FORM
(Equal Housing Opportunity)

<table>
<thead>
<tr>
<th>#1 Owner's Name</th>
<th>Phone</th>
<th>Social Security or Tax ID#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner's Address</td>
<td>City</td>
<td>State Zip</td>
</tr>
<tr>
<td>#2 Owner's Name</td>
<td>Phone</td>
<td>Social Security or Tax ID#</td>
</tr>
<tr>
<td>Owner's Address</td>
<td>City</td>
<td>State Zip</td>
</tr>
</tbody>
</table>

Site Address: ____________________________

- Single ___________ Duplex ___________ Triplex ___________ Fourplex

(attached additional page(s) if needed)

Contractor's Name: ____________________________
Phone Number: ____________________________
Fax Number: ____________________________
Address: ____________________________ City: ____________________________ Zip: ____________________________

Unit 1 - Household Information
Name: ____________________________
Address: ____________________________
Household Size: ____________________________
Annual income for household: ____________________________
Ethnicity of Head of Household #: ____________________________
Female Head of Household: Yes ☐ or No ☐

Unit 2 - Household Information
Name: ____________________________
Address: ____________________________
Household Size: ____________________________
Annual income for household: ____________________________
Ethnicity of Head of Household #: ____________________________
Female Head of Household: Yes ☐ or No ☐

Unit 3 - Household Information
Name: ____________________________
Address: ____________________________
Household Size: ____________________________
Annual income for household: ____________________________
Ethnicity of Head of Household #: ____________________________
Female Head of Household: Yes ☐ or No ☐

Unit 4 - Household Information
Name: ____________________________
Address: ____________________________
Household Size: ____________________________
Annual income for household: ____________________________
Ethnicity of Head of Household #: ____________________________
Female Head of Household: Yes ☐ or No ☐

INSTRUCTIONS
1. Turn in this completed application.
2. Receive approval from City.
3. Perform the required repairs.
4. Obtain a Request for Rebate from responsible City office handling the case.
5. Complete and return it with paid receipts and Completion Certificate to the Office of Housing and Neighborhoods (H&N).

I certify the information is true and correct to the best of my knowledge and belief. and understand the penalty for willful misrepresentation and making false, fictitious or fraudulent statements knowing same to be false is punishable under U.S. Code Title 18, Section 1002.

Owner's Signature: ____________________________ Date: ____________________________
Owner's Signature: ____________________________ Date: ____________________________

CHECK BOX(ES) FOR REBATE(S) YOU ARE APPLYING FOR:

☐ Clean-up ☐ Exterior Paint ☐ Fence Repair ☐ Landscape ☐ Security ☐ Energy Items

Office of Housing and Neighborhoods

(For Office Use Only)

Recommends: ☐ Approval ☐ Denial
Signature of Responsible Inspector: ____________________________ Date: ____________________________

Maximum Amount Approved: ____________________________

☐ Approved ☐ Denied

Responsible City Office Supervisor Signature: ____________________________ Date: ____________________________

(For Office Use Only)
March 6, 1998

Dear

Re: Letter of Commitment for Participation in the Property Enhancement Program (PEP)

I am very pleased to inform you that your application for participation in the City of Modesto’s Property Enhancement Program has been approved.

What the approval means is the City is committed to rebate you up to $___________, provided you do the following:

a. Complete the work that was approved in your property enhancement program (PEP) application.

b. Have the project inspected and approved by responsible City office handling your case.

c. Pay for the work after the inspection has taken place and the work is approved, and obtain receipts.

d. Complete and turn in to the Office of Housing and Neighborhoods at 940 11th Street, a Request for Rebate Form (copy enclosed), copy of paid receipts, and a copy of the Certificate of Completion given to you by the City employee who completed the inspection.

You are now authorized to proceed with your project. Good luck! If there are questions, please phone me at (209) 577-5392 or stop by my office. This commitment is valid until ____________

Sincerely,

Ernest R. Richardson
Housing Program Supervisor
Office of Housing and Neighborhoods

ERR:lr

(Handwritten Signature)
CERTIFICATE OF COMPLETION FOR
PROPERTY ENHANCEMENT PROGRAM PROJECT
(Equal Housing Opportunity)

Date:

TO: Housing Program Supervisor

From:

I have inspected the property owned by ______________________ which is located at ______
_________________ and hereby certify that the __________________
project(s) for which he/she was approved for participation in the Property Enhancement
Program has/have been successfully completed.

__________________________________  __________________________
Signature of Inspector                  Date Signed
REQUEST FOR REBATE
UNDER PROPERTY ENHANCEMENT PROGRAM
(Equal Housing Opportunity) DRAFT

<table>
<thead>
<tr>
<th>Owner's Name</th>
<th>Phone No.</th>
<th>Social Security #</th>
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<tbody>
<tr>
<td>Owner's Address</td>
<td>City</td>
<td>State</td>
</tr>
<tr>
<td>Work Site Address</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Rebate Amount Requested: $  
☐ Owner Occupied  ☐ Rental

Below, you must list all contractors/persons that were paid for work completed at property listed above and attach paid receipts to support request.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Amount</th>
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Address where rebate check (if approved) is to be mailed (please print or type):

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
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PENALTY FOR FALSE OR FRAUDULENT STATEMENT

U.S. Code Title 18, Section 1002, provides that a fine of up to $10,000 or imprisonment for a period to exceed 5 years, or both, shall be the penalty for willful misrepresentation and the making of false, fictitious, or fraudulent statements, knowing same to be false.

Being fully aware of the penalty above, I hereby request the rebate identified in this form.

Owner’s Signature Date

Owner’s Home Address City State

FOR CITY OFFICIAL USE

Date Request Received: Request:

Date Request Reviewed:  ☐ Approved for Rebate of $  ☐ Denied:

Budget Coordinator’s Initials: (Reason)
PARTICIPANT PROFILE

Owner's Name: ________________________________
Participant's Name: ____________________________
Spouse's Name: ________________________________
Address: ________________________________

CITY OF MODESTO
COMMUNITY DEVELOPMENT DEPARTMENT
Office of Housing and Neighborhoods

SSN: ____________________________
SSN: ____________________________

Owner-Occupant Property □ Yes □ No
Is participant female head-of household □ Yes □ No

Is the participant disabled or handicapped? □ Yes □ No
Is the participant 62 years of age or older? □ Yes □ No

Number of Persons in the Household: _____________

List all the persons living in the household and indicate the relationship to the participant:

<table>
<thead>
<tr>
<th>NAME</th>
<th>RELATIONSHIP</th>
<th>AGE</th>
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</table>

Ethnicity Information: Check only one category
□ White □ Hispanic □ Native American/Alaskan Islander
□ Black □ Asian/Pacific Islander □ Other: ____________________________

Annual Income Information:
Please circle the household size and the income category which best reflects your total annual household income:

<table>
<thead>
<tr>
<th>PERSONS IN HOUSEHOLD</th>
<th>INCOME IS AT OR BELOW</th>
<th>INCOME IS BETWEEN 50% - 80% MAI</th>
<th>INCOME IS MORE THAN 80%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$14,850</td>
<td>$14,851 - $23,749</td>
<td>$23,750</td>
</tr>
<tr>
<td>2</td>
<td>$16,950</td>
<td>$16,951 - $27,149</td>
<td>$27,150</td>
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<tr>
<td>3</td>
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<td>$19,101 - $30,549</td>
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<tr>
<td>4</td>
<td>$21,200</td>
<td>$21,201 - $33,899</td>
<td>$33,900</td>
</tr>
<tr>
<td>5</td>
<td>$22,900</td>
<td>$22,901 - $36,649</td>
<td>$36,650</td>
</tr>
<tr>
<td>6</td>
<td>$24,600</td>
<td>$24,601 - $39,349</td>
<td>$39,350</td>
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<tr>
<td>7</td>
<td>$26,300</td>
<td>$26,301 - $42,049</td>
<td>$42,050</td>
</tr>
<tr>
<td>8</td>
<td>$28,000</td>
<td>$28,001 - $44,749</td>
<td>$44,750</td>
</tr>
</tbody>
</table>

PENALTY FOR FALSE OR FRAUDULENT STATEMENT: U.S. Code Title 18, Section 1002 provides that a fine of up to $10,000 or imprisonment for a period not to exceed 5 years, or both, shall be the penalty for willful misrepresentation and the making of false, fictitious or fraudulent statements, knowing some to be false.

I/We certify the above information is accurate and true to the best of my/our knowledge.
DEFINITIONS:

**DISABLED:**
1) inability to engage in any substantial gainful activity by reason that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 month; or

(b) an individual who is 55 years of age, blind, and unable to engage in long-term employment (Ref. Social Security Act 223(d)).

**HANDICAPPED:**
any person who has a physical or mental impairment that subsequently limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

**PHYSICAL OR MENTAL IMPAIRMENT:**
(i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, respiratory, special sense organs, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental disorders, ulcers and specific learning disabilities.

Includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism (Ref. 24 CFR Section 51.55).

**INCOME:**
Annual sum of all payments from all sources received by the head-of-household and each additional member of the household who is not a minor. Income includes gross wages and salaries, commissions, fees, tips, bonuses, social security payments, retirement pay, unemployment compensation, worker’s compensation, strike benefits, veteran’s benefits, public assistance (including AFDC, SSI, and General Assistance), training stipends, alimony, child support, military family allotments, regular support from an absent member, private pensions, regular insurance or annuity payments, income from dividends, interest, royalties, estates or trusts.

Income does not include capital gains, withdrawal of bank assets, sale of property, tax refunds, gifts, lump-sum inheritances, one-time insurance payments, compensation for injury, non-cash employee benefits, food or rent received in lieu of wages, and such Federal program as Medicare, foods stamps, public housing, educational scholarships, Uniform Relocation Act payments, foster child care payments, and payments pursuant to participation of volunteer programs under the ACTION agency (Ref 24 CFR, Section 889.10).
MODESTO CITY COUNCIL
RESOLUTION NO. 98-354

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALVARY CHAPEL OF MODESTO INC. FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE NORTH TRUNK SEWER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Calvary Chapel of Modesto Inc. for the acquisition of property rights needed for the North Trunk Sewer 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 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Bahr, City Clerk

JEAN Bahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-355

A RESOLUTION RESCINDING RESOLUTION NO. 98-324
ENTITLED "A RESOLUTION DETERMINING THAT THE
PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION OF CERTAIN LAND FROM CALVARY
CHAPEL OF MODESTO, INC., AND DIRECTING THE
FILING OF EMINENT DOMAIN PROCEEDINGS (NORTH
TRUNK SEWER PROJECT)"

WHEREAS, on June 23, 1998, the City Council adopted Resolution No. 98-324
entitled "A Resolution Determining That The Public Interest And Necessity Require The
Acquisition Of Certain Land From Calvary Chapel Of Modesto, Inc., And Directing The Filing
Of Eminent Domain Proceedings (North Trunk Sewer Project)", to acquire the property rights
needed between Snyder and Bangs Avenues for the North Trunk Sewer project, and

WHEREAS, since the time of adoption of said Resolution No. 98-324, the
Calvary Chapel of Modesto, Inc., agreed to sell its portion of the required rights for the
appraised value of $7,350, and

WHEREAS, on July 7, 1998, the Calvary Chapel of Modesto, Inc., entered
into an agreement with the City Council, concurrent with the adoption of this resolution, for
the acquisition of property rights needed for the North Trunk Sewer project; therefore, it
would be appropriate to rescind Resolution No. 98-324 as it is no longer needed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that Resolution No. 98-324 entitled "A Resolution Determining That The Public
Interest And Necessity Require The Acquisition Of Certain Land From Calvary Chapel Of
Modesto, Inc., And Directing The Filing Of Eminent Domain Proceedings (North Trunk Sewer
"Project)" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

7/7/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-356

A RESOLUTION APPROVING A LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR USE OF A CITY-OWNED HOME AT 308 LOCUST

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease renewal agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation (STANCO) for use of a City-owned home at 308 Locust be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-357

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE GRANT REVENUE RECEIVED FOR THE PROJECT TITLED “PVEA CITY OF MODESTO TO UPGRADE INCANDESCENT LAMPS”

WHEREAS, staff applied for federal funding under the Petroleum Violation Escrow Account (PVEA) grant program and successfully obtained funds for 100% of the costs in the amount of $155,000; and

WHEREAS, a separate account has been setup for this project and the $155,000 in federal revenues need to be estimated into this account.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>70-510-9510-3504 Federal Share of Project</th>
<th>$155,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td>70-160-K952-6040 Upgrade Incandescent Lamps w/LED’s</td>
<td>$155,000</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk (seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION TO RECEIVE GRANT FUNDS TO UPGRADE INCANDESCENT LAMPS WITH LED’S

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California, Department of Transportation to receive grant funds to upgrade incandescent lamps with LEDs be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEANZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-359

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

WHEREAS, on May 15, 1990, the Federal Aviation Administration (the “FAA”) and the City of Modesto entered into a Grant Agreement for Project No. 3-076-0153-11, for funds to improve the Modesto City-County Airport, and

WHEREAS, Paragraph 1 of the Terms and Conditions, Standard Conditions, on page 2 of said Grant Agreement approved a grant in the amount of $25,437 to fund a proposed water main, however, the project cost was actually $13,725 greater than originally estimated, and

WHEREAS, the AIP allows sponsors (receivers of Federal funds) to request up to an additional fifteen (15%) percent of the original grant amount when cost overruns are encountered, and

WHEREAS, the FAA has agreed to pay an additional $3,816 on the AIP 11 project work, which is fifteen (15%) percent, the maximum increase allowed for a Federal AIP grant, which would require an amendment to the original grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and accepts an amendment in the amount of $3,816 to the City’s Airport Improvement Program (AIP) grant.
BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute Amendment No. 1 to the Grant Agreement for Project No. 3-06-0153-11 on behalf of the City of Modesto for said grant funds in the amount of $3,816.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ADRIANNA PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP FOR VILLAGE ONE CENTRAL STORM BASIN EXCAVATION AND FEE CREDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Adrianna Properties, a California Limited Partnership for Village One Central Storm Basin Excavation and Fee Credit be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-361

A RESOLUTION APPROVING THE FINAL MAP OF THE
ADRIANNA ONE A GATED COMMUNITY SUBDIVISION
OF THE CITY OF MODESTO.

WHEREAS, Max Norton Enterprises, Inc., a California corporation, is
possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of
2.37 acres, known as Adrianna One A Gated Community 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 April, 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 Adrianna One A Gated Community 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 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 subdividers have 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 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 7th day of July, 1998, by
Councilmember __Friedman__, who moved its adoption, which motion being duly
seconded by Councilmember __Fisher__, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-362

A RESOLUTION APPROVING AN AGREEMENT FOR A LOCAL PROGRAMMING GRANT IN THE AMOUNT OF $1,198.50 WITH RANDY MAGNUS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for a local programming grant in the amount of $1,198.50 with Randy Magnus be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-363

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE COUNSELING AND PSYCHOTHERAPY SERVICES TO SWORN POLICE OFFICERS, PARTICIPATE IN MODESTO POLICE SWAT ACTIVATIONS AND HOSTAGE NEGOTIATIONS, AND PROVIDE CRISIS DEBRIEFING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, and provide crisis debriefing be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-364


WHEREAS, this Council is conducting proceedings pertaining to the formation of the City’s Community Facilities District No. 1998-1 (Enterprise Business Park) (the “District”), the authorization to incur a bonded indebtedness in an amount not to exceed $2,025,000 within 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 (i) finance certain Facilities and Services as described in the City’s Resolution No. 98-330, adopted on June 23, 1998, and (ii) administer and pay debt service on the bonds of the District issued to finance the Facilities, including any incidental expenses related thereto as authorized by law;

WHEREAS, on July 7, 1998, 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 incurring a bonded indebtedness, 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:

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:
EXHIBIT A
CERTIFICATE OF CITY CLERK

I, JEAN ADAMS, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 98-330, the Resolution of Formation, adopted on June 23, 1998 by the City Council of the City of Modesto, I did conduct a Special Bond and Special Tax Election for Community Facilities District No. 1998-1 (Enterprise Business Park) on July 7, 1998, and that the election was conducted by mail or in person at the City Hall of the City 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 $300,000 per fiscal year be established for Community Facilities District No. 1998-1 (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 A to the City's Resolution No. 98-330 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on June 23, 1998, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities (the "Facilities") as set forth in the Resolution of Formation and services (the "Services") also set forth in the Resolution of Formation, including any incidental expenses related thereto, and shall a bonded indebtedness in the amount of not to exceed $2,025,000 be incurred within the District in order to finance the Facilities?

TOTAL VOTES CAST: YES NO
2 0

Dated: July 7, 1998

Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-365

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE RECEIVED FROM THE FEDERAL CONGESTION MANAGEMENT AND SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GRANT FUNDS

WHEREAS, staff successfully applied for Federal grant funds for three projects: City of Modesto Rideshare Program; Preferential Parking-Carpooler Program; and Showers & Lockers for 10th Street Place; and

WHEREAS, staff did not budget these projects in the regular cycle because notice from the grant agency regarding approval was only recently received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>70-510-9510-3504</td>
<td>Federal Share of Project</td>
</tr>
<tr>
<td>70-510-9510-3144</td>
<td>Remove Funds</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>70-140-K046-6010</td>
<td>City of Modesto Rideshare Program</td>
</tr>
<tr>
<td>70-140-K071-6010</td>
<td>Preferential Parking-Carpooler Program</td>
</tr>
<tr>
<td>70-140-K086-6040</td>
<td>Showers &amp; Lockers for 10th Street Place</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-366

A RESOLUTION DESIGNATING THE LARGE VALLEY OAK TREE IN THE TUOLUMNE RIVER REGIONAL PARK AS A MODESTO LANDMARK PRESERVATION SITE.
(OWNER: CITY OF MODESTO)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on May 18, 1998, 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. 98-10, that the Large Valley Oak Tree in the Tuolumne River Regional Park 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, and the current adaptive uses are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 14, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Large Valley Oak Tree in the Tuolumne River Regional Park 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 Large Valley Oak Tree in the Tuolumne River Regional Park is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Large Valley Oak Tree in the Tuolumne River Regional Park has cultural significance because it was used to tie up wheat barges in Modesto's early days and is possibly one of the oldest (approximately 122 years old) and largest trees in our community.

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 14th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Property in the Tuolumne River Regional Park
East side of Tioga Avenue, north of the Tuolumne River
City of Modesto and TRRP

Exhibit “A” – Legal Description

Located in lot 4 of La Rio Park Tract, as per map 9 filed in Book 5 of Maps, Stanislaus County Records.

PORTION S. 1/2 SEC. 34 & 35 T. 3 S. R. 9 E. M. D. B. & M.
ALSO A PORTION N. 1/2 SEC. 2 & 3 T. 4 S. R. 9 E. M. D. B. & M.
LA RIO PARK TRACT LOTS 1 THRU 4

275 AC. ±

CITY OF MODESTO AIRPORT

CITY OF MODESTO AND COUNTY OF STANISLAUS

TUOLUMNE RIVER
MODESTO CITY COUNCIL
RESOLUTION NO. 98-367

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH HDR, INC., TO CONDUCT AN ASSESSMENT OF THE CITY’S CURRENT AND LONG-TERM SOLID WASTE MANAGEMENT PROGRAM OPTIONS.

WHEREAS, on July 14, 1998, the City Council considered a staff report from the Engineering & Transportation Department which recommended authorizing staff to negotiate a contract with HDR, Inc., to conduct an assessment of the City’s current and long-term solid waste management program options,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to negotiate a contract with HDR, Inc., to conduct an assessment of the City’s current and long-term solid waste management program options as recommended in the staff report from the Engineering & Transportation Department, a copy of which staff 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 14th day of July, 1998, by
Councilmember __Friedman____, who moved its adoption, which motion being duly
seconded by Councilmember __Dobbs____, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET FOR REMODELING THE PERFORMANCE TIRE BUILDING/EXPANSION

WHEREAS, the Operations & Maintenance Department is in need of a larger facility for the Police shop and the Police Department must accommodate all current operations that are housed in building that will be demolished for the construction of the new police facility; and

WHEREAS, these funds will remodel Performance Tire to accommodate the needed expansion of the Police shop, house evidence and property for police cases, and provide a work area for the maintenance needs of the department; and

WHEREAS, this remodeling project was originally initiated by City Council action on June 9, 1998. Because the fiscal year closed shortly after the project’s initiation, staff was unable to encumber all of the funds, awaiting bids. The unobligated funds lapsed to the respective fund reserves; therefore, it is necessary to appropriate them from reserves.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#720-800-8000-8003 Fleet Fund Contingency Reserve</td>
<td>$(27,000)</td>
</tr>
<tr>
<td>#720-480-5812-5472 11th &amp; G Remodel</td>
<td>$27,000</td>
</tr>
<tr>
<td>#010-800-8000-8003 General Fund Contingency Reserve</td>
<td>$(26,009)</td>
</tr>
<tr>
<td>#010-190-1921-5465 11th &amp; G Remodel</td>
<td>$26,009</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 14th day of July 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: [Signature]
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-369

A RESOLUTION APPROVING AN AGREEMENT WITH BRIGHT DEVELOPMENT FOR CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Bright Development for construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations 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 14th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH L & L VENTURE FOR PAYMENT FOR A PORTION OF THE CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with L & L Venture for payment for a portion of the construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations 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 14th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-371

A RESOLUTION APPROVING AN AGREEMENT WITH ROBERT D. CALCAGNO FOR PAYMENT FOR A PORTION OF THE CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Robert D. Calcagno for payment for a portion of the construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations 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 14th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-372

A RESOLUTION APPROVING AN AGREEMENT WITH J.K.B. HOMES CORP. FOR PAYMENT FOR A PORTION OF THE CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with J.K.B Homes Corp. for payment for a portion of the construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations 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 14th day of July, 1998, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ELOUISE HANSON FROM THE GOLF COURSE ADVISORY COMMITTEE, EFFECTIVE JUNE 1, 1998

WHEREAS, Elouise Hanson was appointed a member of the Golf Course Advisory Committee on January 2, 1996; and

WHEREAS, Elouise Hanson has tendered her resignation from the Golf Course Advisory Committee, effective June 1, 1998; and

WHEREAS, Elouise Hanson 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 Elouise Hanson from the Golf Course Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Elouise Hanson for her 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 14th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-374

A RESOLUTION, BY MOTION OF THE COUNCIL,
PROPOSING A COMPANION CHARTER AMENDMENT
REGARDING BINDING ARBITRATION FOR POLICE
AND FIRE DEPARTMENT EMPLOYEE DISPUTES,
TO BE PLACED ON THE BALLOT FOR THE
NOVEMBER 3, 1998, ELECTION.

WHEREAS, a Charter Amendment Petition was circulated by its proponents and
qualified, as verified by the Stanislaus County Clerk’s Office, to place on the ballot a Charter
amendment to add Article XII, Section 1206, to the existing City Charter regarding impartial
arbitration for Police and Fire Department employee disputes, and

WHEREAS, by Council Resolution No. 98-257, adopted by the City Council on
May 19, 1998, the City Council accepted the certification of the signature count for the Charter
Amendment Petition regarding impartial arbitration for Police and Fire Department employee
disputes, and requested the Board of Supervisors of the County of Stanislaus to consolidate a
special municipal election to be held on November 3, 1998, with the statewide general election to
be held on that date, pursuant to Section 10403 of the Elections Code, and

WHEREAS, on July 21, 1998, the City Council considered a proposed companion
measure which, among other things, would require that any decision made by such an outside
arbitration panel be subject to voter approval, and

WHEREAS, said proposed companion measure would go into effect only if the
initial measure as proposed by the proponents were to pass,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the special election to be consolidated with the statewide election to be held on November 3, 1998, a companion measure to amend the Charter of the City of Modesto, as follows:
PROPOSED AMENDMENT

TO THE CHARTER OF THE CITY OF MODESTO

Special Municipal Election

November 3, 1998

PROPOSED COMPANION MEASURE TO MEASURE (BINDING INTEREST ARBITRATION)

Section 1. The Council of the City of Modesto hereby proposes, on its own motion to add Article XII, Section 1206(e) to the Charter of the City of Modesto to read as follows:

Section 1206(e). GENERAL ARBITRATION PROVISIONS

Notwithstanding anything in this Article or in this Charter to the contrary, arbitration shall be subject to the following provisions:

(I) Arbitration shall be limited to issues of wages and benefits only. As used in this Article, “Wages and benefits” shall only mean

(A) Wage rates, including percentage or across-the-board wage increases or specialty pay; holiday pay; overtime pay; court pay; callback or hire back pay; master police officer and master detective pay; acting pay; certification pay; and assignment pay, and

(B) Medical, dental, vision, life and disability insurances; cafeteria plans; retirement pickups, insurance contributions and pension benefits to the extent negotiable by law; educational benefits; uniform allowance; vacation, holiday and sick leave benefits; and compensatory time off.

(ii) Arbitration shall be limited to resolution of impasse arising out of negotiations for a new or renewed Memorandum of Understanding between the parties. Arbitration shall not be utilized to resolve disputes or grievances concerning the interpretation or application of any negotiated Memorandum of Understanding or other agreement, or for any dispute arising during the effective period of an existing Memorandum of Understanding or other agreement.
(iii) No arbitration decision may be enforced nor may any additional financial costs be imposed on the taxpayers of the City as a result of any such arbitration decision without approval of the voters in a Citywide election. Notwithstanding any other provision of this Article, no wages, benefits or expenses relating to terms and conditions of employment shall be paid by the City pursuant to any arbitration decision under this Article unless and until additional revenues therefore have been approved in a Citywide election by a majority vote or any such greater voting percentage as may be required by any applicable provision of the California Constitution and/or State statutes. The City Council shall not be required to call an election under this Section more than once in any calendar year and may consolidate any such election with elections held for other purposes. City will pay all costs of any such election held on a regular municipal election date as provided for in Section 300 of this Charter. The costs of elections held on any other legally permissible date shall be borne equally by the parties, unless otherwise agreed by City Council.

(iv) Arbitration awards shall be in effect for a one (1) year period from the date of the final arbitration award. No award shall be retroactive or provide interest.

(v) Strikes shall be prohibited. As used in this Article, “strike” shall be interpreted to include, but shall not be limited to the following actions, whether taken individually or in concert with others, when scheduled to be on duty: sick out, slow down, work stoppage, curtailment of production, blue flu, sympathy strike, strike, refusal to perform fire or police department duties, and refusal to cross picket lines.

(vi) As provided in this Article, no employee who violates the prohibition against strikes shall be rehired.

(vii) As used in this Article, “Impasse” shall mean the point in time during labor negotiations when both parties have filed with the City Clerk a notice from each party that it has filed its “last, best and final offers” on all issues being negotiated together with a copy of its last, best and final offers on all issues being negotiated.

Section 2. Severability. If any provision or portion of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other portions, provisions or applications of the measure. Section 3. Section 1206(e) shall be effective only if Measure A entitled “Impartial Arbitration for Police and Fire Department Employee Disputes” is enacted by the voters.
Section 4. Section 1206(e)(I) is intended to be an alternative to certain provisions in Measure \_A\_.

Section 5. Sections 1206(e)(ii), 1206(e)(iii), 1206(e)(iv), 1206(e)(v), 1206(e)(vi), and 1206(e)(vii) are intended to clarify, implement, and be compatible with provisions in Measure \_A\_.

SECTION 2. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to amend the Charter of the City of Modesto regarding impartial arbitration for Police and Fire Department employee disputes:

| In the event the Modesto City Charter is amended to transfer authority to resolve public safety union contract disputes from the City Council to an outside arbitration panel, shall the Charter also be amended to require voter approval of any decisions made by such an outside arbitration panel? | YES | NO |

SECTION 3. That pursuant to Section 12114 of the California Elections Code, the City Clerk of the City of Modesto is hereby authorized to prepare and sign a Notice of Measure to be voted on, in the form required by law, relating to said measure, and said City Clerk is hereby authorized and directed to publish said Notice in the time and manner required by law in *The Modesto Bee*, the official newspaper of said City and a newspaper of general circulation printed and published in said City.
SECTION 4. The Council hereby orders the City Clerk to submit a companion measure to the recently qualified measure on binding arbitration, to the voters at a special election on November 3, 1998.

SECTION 5. That the County Election Department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 6. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 7. That the City of Modesto recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE CARPENTER ROAD - KANSAS TO SISK IMPROVEMENTS/OVERLAY PROJECT FOR $1,711,579

WHEREAS, bids received for the Carpenter Road - Kansas to Sisk Improvements/overlay project were opened at 11:00 a.m. on March 11, 1998, and later tabulated by the Engineering Director for the consideration of the Council; and

WHEREAS, the Engineering Director has recommended that the bid of George Reed, Inc. for $1,711,579 be accepted as the lowest responsible bid; and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: 
JEAN ZAHR, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 98-376

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO FUND
UTILITY IMPROVEMENTS INCLUDED IN THE OVERLAY PROJECT

WHEREAS, additional funds are needed to cover improvements that were included such as
sanitary sewer, storm drainage and additional fire hydrants; and

WHEREAS, funds are partially budgeted and with additional funds coming from utility accounts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>621-480-H386-6040 North Trunk Sewer</td>
<td>(201,000)</td>
</tr>
<tr>
<td>621-700-7000-7070 Transfer Out to #070</td>
<td>201,000</td>
</tr>
<tr>
<td>628-480-J755-6040 Carpenter Storm Drain</td>
<td>(86,084)</td>
</tr>
<tr>
<td>628-700-7000-7070 Transfer Out to #070</td>
<td>86,084</td>
</tr>
<tr>
<td>610-480-J509-6040 Extend Water Mains</td>
<td>(42,000)</td>
</tr>
<tr>
<td>610-700-7000-7070 Transfer Out to #070</td>
<td>42,000</td>
</tr>
<tr>
<td>070-430-H989-6040 Carpenter/Kansas/Sisk</td>
<td>329,084</td>
</tr>
<tr>
<td>070-700-7000-9621Transfer In from #621</td>
<td>201,000</td>
</tr>
<tr>
<td>070-700-7000-9628 Transfer In from #628</td>
<td>86,084</td>
</tr>
<tr>
<td>070-700-7000-9610 Transfer In from #610</td>
<td>42,000</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 21st day of July 1998, 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: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-377

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $30,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE GOLF FUND FOR THE MANAGEMENT AUDIT OF THE GOLF PROGRAM

WHEREAS, the Human Services Committee has recommended that a comprehensive management audit of the City Golf Program be conducted. The Committee recommended that the City enter into an agreement with Economic Research Associates; and

WHEREAS, funds need to be transferred from the General Fund Contingency Reserve to the Golf Fund to pay for the management audit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expense</th>
<th>Transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>#010-800-8000-8003</td>
<td>#660-330-3311-0235</td>
</tr>
<tr>
<td>#660-700-7000-9010</td>
<td>#010-700-7000-7660</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 21st day of July 1998, 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 votes:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ____________________________
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-378

A RESOLUTION APPROVING A SCHEMATIC DESIGN FOR
THE PROPOSED NEW POLICE HEADQUARTERS
EXPANSION PROJECT AS PRESENTED BY THE
ARCHITECT.

WHEREAS, the proposed Police Building Expansion Project will be
accomplished by preparation of a Site Master Plan, construction of a new 40,000 square foot
facility to accommodate administrative and investigative services, a remodel of the existing
facility for field operations, and site improvements including structure demolition and new
parking facilities, and

WHEREAS, notice to proceed with the design of the project was approved by
the City Council on March 17, 1998, and design commenced on March 18, 1998, and

WHEREAS, on June 10, 1998, the Council’s 10th Street Place Oversight
Committee (Ad Hoc Committee) reviewed and approved the Site Master Plan for the project,
and the architect continued with the Schematic Design, which design includes floor layouts and
exterior elevations, and

WHEREAS, the design architect made a presentation of the Schematic Design
to the Redevelopment Agency Design Review Committee on July 8, 1998, and the architect
made a presentation to the Ad Hoc Committee on July 16, 1998, and

WHEREAS, the Council considered the Schematic Design for the proposed
Police Headquarters Expansion Project at its meeting of July 21, 1998,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Schematic Design for the proposed Police Headquarters Expansion Project. Approval of this Schematic Design will allow the architect to continue with Design Development, which is the next phase of work by the architect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Serpa__, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-379

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER A PROPOSED WATER RATE INCREASE IN ZONE 3, SERVING THE FORMER DEL ESTE SERVED COMMUNITIES OF SALIDA, DEL RIO, WATERFORD, HICKMAN, GRAYSON AND PARTS OF CERES AND TURLOCK, AND A FIRE STANDBY SURCHARGE FOR THE TURLOCK CUSTOMERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Tuesday, October 6, 1998, at 7:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the proposed 15% across-the-board water rate increase in Zone 3, serving the former Del Este served communities of Salida, Del Rio, Waterford, Hickman, Grayson and parts of Ceres and Turlock, and a fire standby surcharge for the Turlock customers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: JEN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-380

A RESOLUTION REVISING GUIDELINES FOR WATER USE DURING STAGE ONE DROUGHT CONDITIONS, AND RESCINDING RESOLUTION NO. 91-666.

WHEREAS, on May 14, 1991, the City Council approved the City of Modesto Drought Contingency Plan, which plan provides for the staged responses to conditions of projected shortfall in the City water supply system, and

WHEREAS, the Drought Contingency Plan of the City of Modesto provides that when the City determines that a minor shortage potential exists, that a Stage One Drought Condition can and shall be declared, and

WHEREAS, Section 11-1.14 of the Modesto Municipal Code authorizes the Council to establish rules and regulations by resolution concerning the City’s municipal water system, the use of water, and water conservation, and

WHEREAS, on November 5, 1991, the City Council adopted Resolution No. 91-666 entitled, “A Resolution Establishing Guidelines for Water Use During the Stage One Drought Condition, and Rescinding Resolution No. 91-291”, and

WHEREAS, pursuant to an Agenda Report dated July 10, 1998, City staff has recommended amending the City’s Drought Contingency Plan to eliminate the requirement that outdoor water use occur only on certain days of the week based on a resident’s street address, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on July 21, 1998, the City Council considered said staff recommendation to eliminate the requirement that outdoor water use occur only on certain
days of the week based on a resident’s street address,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby eliminates the requirement that outdoor water use occur only on certain days of the week based on a resident’s street address and revises the guidelines for water use during Stage One Drought conditions, as follows:

SECTION 1. The Operations and Maintenance Department (formerly existing in the Public Works & Transportation Department) shall implement the strategies and enforcement procedures applicable during a Stage One Drought Condition as provided in the City’s Drought Contingency Plan.

SECTION 2. In accordance with the Drought Contingency Plan, the following rules and regulations are established for use during a Stage One Drought Condition. Violations of these regulations will be considered water waste.

1. City residents shall not water lawns or gardens or allow others to water on their behalf so that excess water leaves property being watered.

2. City residents shall not wash cars without the use of a quick-acting positive shut-off nozzle or permit others to do so on their behalf. In addition, car washing must be done in compliance with the schedule for outdoor water use. There shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters, or other exterior surfaces unless a permit is issued by the Operations and Maintenance Department Director or his designee and the washing is done with the use of a quick-acting positive shut-off nozzle on the hose.

3. City resident shall not have leaky faucets or plumbing fixtures or premises for a reasonable period of time after which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak or malfunction, or receives notice from the
City, whichever occurs first, is a reasonable time within which to correct such a condition or to make arrangements for the correction.

4. Eating establishments are encouraged to serve water only at the customer’s request.

5. New landscaping installations must comply with all landscape ordinances.

6. Outdoor water use may occur only when permitted by the following schedule:
   
a. There shall be no outdoor water use between the hours of 12:00 p.m. and 7:00 p.m. on any day. However, whenever Standard Time is in effect, said time restriction shall not be in force, and outdoor water use shall be limited only as hereinafter provided.

7. Exceptions to the regulations set forth herein may be given by the Operations and Maintenance Department or his authorized designee upon a showing of good cause and necessity.

8. The following penalties may be added to the utility service customer’s account upon violation of the above regulations:
   
a. A penalty in the sum of $50 upon the second violation within one year after having received a Notice of Violation.
   
b. A penalty of $200 upon the third violation within said one year period.
   
c. The customer shall be advised of these charges through a Notice of Intention to Impose a Penalty.

BE IT FURTHER RESOLVED that Resolution No. 91-666 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, 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: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-381

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 AN INTERACTIVE FIREARMS TRAINING SIMULATOR.

WHEREAS, the Federal Government has released another round of funds under the noncompetitive Local Law Enforcement Block Grant Program, and

WHEREAS, the Police Department desires to submit an application for an Interactive Firearms Training Simulator, for firearms training and 25 mobile workstations which would be installed in the Department’s patrol vehicles, and

WHEREAS, the Federal Grant Program would provide a ninety (90%) percent grant in the amount of $371,714, with a ten (10%) percent local match requirement, therefore, the City must match $371,714 with $41,302 in local funds, to be provided by the Police Department’s Asset Forfeiture Trust Account, for a total project cost of $413,016,

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 are 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 $371,714, for an Interactive Firearms Training Simulator, for firearms training and 25 mobile workstations which would be installed in the Department’s patrol vehicles, which requires $41,302 in local funds, a ten (10%) percent local match.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-382

A RESOLUTION AN AGREEMENT WITH SEVEN-UP BOTTLING COMPANY FOR INSTALLING COIN-OPERATED SODA VENDING MACHINES IN DAVIS, DOWNEY, GRACEADA, AND EAST LA LOMA PARKS IN THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Seven-Up Bottling Company for installing coin-operated soda vending machines in Davis, Downey, Graceada, and East La Loma Parks in the City of Modesto be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-383

A RESOLUTION AMENDING RESOLUTION NO. 96-294, AND RESOLUTION NO. 97-533, REGARDING ORDERING THE PELANDALE-SNYDER REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1, AND DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT, TO INCLUDE THE CITY'S INTENTION TO NOT SUCCEED TO A PROTESTED WILLIAMSON ACT CONTRACT FOR THE SOUTHERLY PORTION OF THE WATERMAN PARCEL.

WHEREAS, Modesto City Council Resolution No. 96-294 entitled, A Resolution Ordering the Pelandale-Snyder Reorganization to the City of Modesto, Annexation to the Modesto Municipal Sewer District No. 1, and Detachment from the Salida Fire Protection District (Uninhabited), was adopted by the Council of the City of Modesto on the 4th day of June, 1996, and

WHEREAS, Modesto City Council Resolution No. 97-533 amended Resolution No. 96-294 to include a provision finding that resolutions protesting Williamson Act contracts (Government Code Sections 51240, et seq.) were filed by the City by Modesto City Council Resolutions Nos. 74-104, 74-106, 75-299, 76-287, 76-288, 76-290, 76-1373, 76-1374, and 77-1093, with the Local Agency Formation Commission, and approved by the Local Agency Formation Commission with respect to the territory annexed to the City by virtue of Resolution No. 96-294, and
WHEREAS, the Local Agency Formation Commission, following hearings, by LAFCO Resolutions adopted on November 22, 1977, March 28, 1978, and April 19, 1978, upheld the City's protest resolutions, upon a finding that the Williamson Act contracts, including the annexed territory, were inconsistent with the publicly desirable future use and control of the land in question, and

WHEREAS, the City exercised its option provided in Government Code Section 51243(b) of not succeeding to the contracts upon annexation of the land to the City, for which the Williamson Act contracts were executed prior to January 1, 1991, and

WHEREAS, the amendments made to Government Code Section 51243 by Assembly Bill No. 2764 of the 1989-90 regular session, do not apply to the subject Williamson Act contracts because valid protests as above-described were filed with the Local Agency Formation Commission by the City in accordance with applicable requirements prior to January 1, 1991, and

WHEREAS, Resolution No. 97-533 adopted on June 4, 1996, inadvertently omitted one property that has a protested contract owned by Margaret Waterman, which omission was brought to the City's attention by the County Assessors Office, which is responsible for administering provisions of the Williamson Act, and

WHEREAS, the Council desires to amend Resolution No. 96-294, as amended by Resolution No. 97-533, to clarify the City's intention to not succeed to a protested Williamson Act contract for the Waterman parcel,
NOW, THEREFORE, BE IT RESOLVED, that based on each of the foregoing facts, Resolution No. 96-294 and Resolution No. 97-533 are hereby amended to include the City's intention to not succeed to a protested Williamson Act contract for the southerly portion of the Waterman parcel, which property is more particularly described 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 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

WILLIAMSON ACT CANCELLATION
RED ROCK RANCH

July 21, 1998
Job No. 71154A

ALL that certain real property being a portion of LOTS 2 and 11 of the NASH TRACT, as shown on the Official Map thereof, filed for record on December 22, 1908 in Book 4 of Maps at Page 10, Stanislaus County Records, lying within the South half of Section 6, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California being more particularly described as follows:

BEGINNING at the Northeast corner of the above mentioned LOT 11; thence South 01°06'37" East along the East line of said LOT 11, a distance of 448.43 feet; thence leaving last said line and proceeding North 88°26'56" West, a distance of 1499.25 feet to a point on the East right-of-way line of Carver Road; thence North 00°36'42" West along said right-of-way line, a distance of 449.23 feet; thence leaving said right-of-way line and proceeding South 88°24'43" East, a distance of 559.99 feet to the beginning of a curve concave to the Northwest, having a radius of 5000.00 feet; thence Easterly 665.53 feet along said curve through a central angle of 07°37'35"; thence North 83°57'42" East, a distance of 270.45 feet to a point on the East line of the above mentioned LOT 2; thence South 01°06'37" East along last said line, a distance of 80.21 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 16.02 acres, more or less.

[Signature]

Dave L. Skidmore, L.S. 7126
License Expires 12/31/98

LEGAL-71154A.WPD
MODESTO CITY COUNCIL
RESOLUTION NO. 98-384

A RESOLUTION APPOINTING RANDY CLARK TO THE COMMUNITY QUALITIES FORUM, TERM TO EXPIRE JANUARY 1, 2002

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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Randy Clerk is hereby appointed to the Community Qualities Forum, term to expire January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-385

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 96-375.

WHEREAS, pursuant to licenses issued by the City of Modesto providing for the collection of garbage, charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 96-375, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of maximum rates and charges for garbage service in the City of Modesto as shown on Exhibit “A” attached hereto, commencing July 1, 1998, and

WHEREAS, July 28, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revisions of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, a report dated July 20, 1998, from the Engineering and Transportation Department, a copy of which is on file in the office of the City Clerk, sets
forth recommended revisions of rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Maximum Charges for Garbage Service, which is attached hereto as Exhibit "A", is the revised schedule of maximum rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service is hereby adopted effective July 1, 1998, until revised by the City Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 96-375 is hereby superseded, effective July 1, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Dobbs, 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: Dobbs, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Fisher, Friedman

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Maximum Monthly Rates
(Once a Week Pickup Service)

The following maximum rates are for existing customers prior to July 1, 1996:

One 60 gallon container $12.69
One 90 gallon container $15.15
Each additional container $11.98

The maximum rate for new sign ups for service or change in service after July 1, 1996, shall be charged $15.15 per month regardless of size of container. The maximum rate for each additional garbage container shall be $11.98 per month.

The above maximum standard container rate shall apply for service when containers are placed in a location set forth in Section 5-5.11 of the Municipal Code.

DETACHABLE CONTAINERS*
Number of Collections Per Week

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1 CY</td>
<td>32.19</td>
</tr>
<tr>
<td>1 1/2 CY</td>
<td>43.04</td>
</tr>
<tr>
<td>2 CY</td>
<td>53.88</td>
</tr>
<tr>
<td>3 CY</td>
<td>75.56</td>
</tr>
<tr>
<td>4 CY</td>
<td>97.25</td>
</tr>
<tr>
<td>5 CY</td>
<td>118.93</td>
</tr>
<tr>
<td>6 CY</td>
<td>140.62</td>
</tr>
</tbody>
</table>

*These maximum rates reflect an adjustment for tip fees retroactive to July 1, 1996, and an allocation for hazardous materials indemnification insurance.
DETACHABLE CONTAINER RENTAL RATES ARE INCLUDED IN ABOVE SCHEDULE

Detachable container size 1 CY to 6 CY
Monthly rental rate $10.00

DROP BOX CONTAINERS

Pick up charge $134.04 per pick up
Rental $2.42 per day with $60.50 maximum for each 30-day rental period
Disposal charge Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS**

<table>
<thead>
<tr>
<th>Compactor Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>3 CY</td>
<td>115.45</td>
</tr>
<tr>
<td>4 CY</td>
<td>150.60</td>
</tr>
</tbody>
</table>

**These maximum rates reflect an adjustment for tip fees. This adjustment has not been made since July 1, 1996. The maximum rates also the first in a series of 4 annual adjustments to more accurately reflect the proportionality of disposal as a percent of total costs.

Roll-Off Type:
6 CY to 40 CY $134.04 per pickup
Washing of compactor at the request of customer $30.00
Disposal Charge: Actual charge to be paid by customer

EXTRA PICKUPS***

Standard containers or equivalent $3.50 plus $1.38/container
Detachable containers $12.00 plus $2.75/CY

***These maximum rates reflect an adjustment for tip fees which has not been made since July 1, 1996.

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.
DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th>1 CY</th>
<th>1½ CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.12</td>
<td>11.00</td>
<td>12.10</td>
<td>15.40</td>
<td>20.24</td>
<td>25.08</td>
<td>29.92</td>
</tr>
</tbody>
</table>

NOTATIONS

1. The above maximum residential rates include the $0.10 per month per household recycling fee payable to the City by the garbage company.
2. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service.
A RESOLUTION ACCEPTING THE BID OF K. J. WOODS CONSTRUCTION INC. FOR THE PROJECT TITLED "NORTH TRUNK SEWER - MARSALA - BANGS TO CARVER" PROJECT

WHEREAS, the bids received for North Trunk Sewer - Marsala - Bangs to Carver project were opened at 11:00 a.m. on May 19, 1998, 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 K.J. Woods Construction Inc. for $2,424,000.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of K.J. Woods Construction Inc. be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $347,386 TO FULLY FUND NORTH TRUNK SEWER - MARSALA - BANGS TO CARVER PROJECT

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

FROM: 612 480 J963; $347,386
TO: 612 480 K230; $347,386

The above represents a transfer of funds to account for the installation of a water transmission main as a part of the North Trunk Sewer Project. The Bangs Avenue Waterline has become a higher priority, and the main at Hatch/Morgan are not immediately required and can be delayed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED AIRPORT DISTRICT IMPROVEMENT – PHASE III

WHEREAS, the bids received for Airport District Improvement – Phase III were opened at 11:00 a.m. on July 7, 1998, 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 George Reed Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed Inc. for $1,148,569.00 be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $647,000 TO FULLY FUND AIRPORT DISTRICT IMPROVEMENTS - PHASE III PROJECT

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

FROM: 113 430 F687 A11; $ 52,000
       113 430 H056 A11; 343,000
       113 430 J478 A11; 204,000
       113 430 J233 A11; 8,000
       113 430 J238 A11; 40,000

TO:   113 480 J234 6010; $ 3,000
       113 480 J234 6040; 523,000
       113 480 J234 6050; 44,000
       113 480 J234 6060; 77,000

The above represents a consolidation of funds designated for Airport Neighborhood Streets. This is being done for ease of accounting and auditing purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF SOARES UNDERGROUND CONSTRUCTION FOR THE PROJECT TITLED "ALICE STREET - McHENRY AVENUE SEWER BYPASS"

WHEREAS, the bids received for Alice Street - McHenry Avenue Sewer Bypass were opened at 11:00 a.m. on July 7, 1998, 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 Soares Underground Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Soares Underground Construction for $223,496 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 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-391

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $146,700 TO FULLY FUND
ALICE STREET - MCHENRY AVENUE SEWER BYPASS

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

FROM: 621-480-H016 6040; $146,700

TO: 621-480-F709 6040; $146,700

Rehabilitation of sewer lines at two sites were originally budgeted in
account H016 Annual Sewer Rehabilitation. These sewer lines physically
connect to the sewer line on McHenry Avenue and were combined with the
Alice/McHenry project for purposes of construction. Funds will be used
as intended in the CIP document.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 28th day of July, 1998, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-392

A RESOLUTION ACCEPTING THE BID OF TRU-TECH COATING AND ROOFING SYSTEM FOR THE PROJECT TITLED "RE-ROOF AIRPORT HANGAR #3 - J852"

WHEREAS, the bids received for Re-Roof Airport Hangar #3 - J852 were opened at 11:00 a.m. on June 19, 1998, 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 Tru-Tech Coating and Roofing System be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Tru-Tech Coating and Roofing System for $15,975 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 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-392A

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR ROOF REPAIR

WHEREAS, this project is part of the Airport's 1997-98 CIP to reconstruct a hanger roof. The project was bid on two different occasions and both times the bids have been higher than the project's budget; and

WHEREAS, an additional $5,000 will be needed to support the project work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>#632-800-8003 Airport Contingency Reserve</td>
<td>$(5,000)</td>
</tr>
<tr>
<td>#632-480-J852-6040 Reroof Airport Hanger #3</td>
<td>$ 5,000</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-393

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE LOADER/BACKHOE FROM EMPIRE EQUIPMENT COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one loader/backhoe from Empire Equipment Company is hereby waived.

BE IT FURTHER RESOLVED that purchase of one loader/backhoe from Empire Equipment Company for a not to exceed price of $64,371.31.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-394

A RESOLUTION APPROVING THE REFINANCE OF THE 1992 FIRE TRAINING CENTER DEBT IN AN AMOUNT NOT TO EXCEED $700,000 AND RELATED DOCUMENTS, AND AUTHORIZING RELATED ACTIONS IN CONNECTION THERewith.

WHEREAS, pursuant to Resolution No. 92-321 adopted June 9, 1992, and the Agreement for the Joint Use and Management of the Regional Fire Training Center, Modesto Junior College, dated July 1, 1992, the City previously agreed to share the cost of constructing the Training Center in an aggregate principal amount of $800,000, and

WHEREAS, the City of Modesto, after due investigation and deliberation, has determined that it is in the interests of the City at this time to refinance the 1992 Fire Training Center debt, in an aggregate principal amount not to exceed $700,000, and

WHEREAS, the balance of the Fire Training Center debt is proposed to be refinanced through a commercial loan collateralized by a Certificate of Deposit with Bank of the West (the “Bank”), pursuant to the Note described below,

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

SECTION 1. Bank Loan. The City Council hereby authorizes commercial loan borrowing in an aggregate principal amount not to exceed $700,000. The loan is to be collateralized with a Certificate of Deposit with a face value at least equal to the principal balance outstanding plus one year interest.

SECTION 2. Note. The City Council hereby approves the form of the Note by and between the City and the Bank together with any additions thereto or changes therein deemed...
necessary or advisable by the City Attorney or Director of Finance, whose execution thereof shall be conclusive evidence of such officer’s approval of any additions and changes. The interest rate will be 1.00% above the rate paid by the Bank on the pledged collateral certificates of deposit. The Finance Director is hereby authorized and directed to execute the Note for and in the name and on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th of July 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Smith was upon roll call carried and the Resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None.

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

WHEREAS, this Council has conducted proceedings under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), to form Community Facilities District No. 1998-1 (the "District"), to authorize the levy of special taxes upon the land within the District, and to issue bonds in the principal amount of not to exceed $2,025,000, secured by the special taxes, for the purpose of financing certain public facilities;

WHEREAS, this Council desires to provide for the issuance of the bonds and to authorize the issuance of such bonds, designated Community Facilities District No. 1998-1 (Enterprise Business Park) Special Tax Bonds Series 1998 (the "Bonds") pursuant to the Act;

WHEREAS, there has been submitted to this Council a form of indenture (the "Indenture") authorizing the issuance of the Bonds;

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 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;

WHEREAS, the City proposes to sell the Bonds to Westhoff, Cone & Holmstedt (the "Underwriter") pursuant to the terms of a Bond Purchase Agreement (the "Bond Purchase Agreement") between the City and the Underwriter;

WHEREAS, the Underwriter proposes to offer the Bonds to the investing public by means an official statement (the "Official Statement"), the form of which has been presented to this Council and is on file with the City Clerk; and
WHEREAS, it appears that each of the documents and instruments which are now before this Council is in appropriate form and is an appropriate document or instrument to be executed and delivered for the purpose intended.

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

1. **Recitals.** The foregoing recitals are true and correct.

2. **Issuance of Bonds: Approval of Indenture.** Pursuant to the Act, this Resolution and the Indenture, special tax bonds designated as "Community Facilities District No. 1998-1 (Enterprise Business Park) Special Tax Bonds Series 1998" in an aggregate principal amount not to exceed $2,025,000, are hereby authorized to be issued. The Bonds shall be executed in the form set forth in and otherwise as provided in the Indenture.

In furtherance of the issuance of the Bonds, the City Council hereby determines that: (i) the Bonds will not be sold unless they are credit enhanced by a letter of credit; and (ii) on the basis of the foregoing, the proposed Bonds do not present any unusual credit risk.

The City Council hereby approves the form of Indenture on file with the City Clerk. The Mayor, the City Manager or the Interim Finance Director is hereby authorized and directed to execute the Indenture, for and in the name and on behalf of the City, in substantially such form, together with any additions thereto or changes therein deemed necessary or advisable by the Interim Finance Director upon consultation with Bond Counsel and the City Attorney, such approval to be conclusively evidenced by the execution and delivery thereof, and the City Clerk is hereby authorized and directed to attest such execution and deliver the Indenture on behalf of the City. The proceeds of the Bonds shall be applied by the City for the purposes and in the amounts as set forth in the Indenture.

3. **Appointment of Bond Counsel and Disclosure Counsel.** Brown & Wood LLP, San Francisco, California and Nossaman, Guthner, Knox & Elliott, LLP, San Francisco, California, are hereby appointed to serve as bond counsel and disclosure counsel, respectively, with respect to the issuance of the Bonds. The Mayor, the City Manager or the Interim Finance Director is hereby authorized and directed, for and in the name of and on behalf of the City to engage such firms for such services and to negotiate a fee for their services to be provided in conjunction with the issuance of the Bonds, such fees, with disbursements, to be paid as a cost of issuance of the Bonds.

4. **Approval of Bond Purchase Agreement.** The form and substance of the Bond Purchase Agreement for the Bonds is hereby approved. The Interim Finance Director is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Bond Purchase Agreement in substantially such form, together with such changes therein as the Interim Finance Director may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that (a) underwriter's discount shall not exceed 1.5% and (b) the maximum interest rate on the Bonds shall not exceed 12%, and the maximum term of any maturity shall not extend beyond the year 2020.
5. **Approval of Official Statement.** The City Council hereby approves the form of the Official Statement substantially in the form lodged with the City Clerk. The City Manager or the Interim Finance Director (as the case may be) of the City is authorized (i) to make such changes in the Official Statement, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, and (ii) to execute and deliver the Official Statement on or following the date of sale of the Bonds, the execution of the Official Statement by any of said persons to be conclusive evidence of the approval thereof. The City Manager or the Interim Finance Director (as the case may be) is hereby authorized and directed to execute a certificate deeming the Official Statement final for purposes of Rule 15c2-12 of the Securities Exchange Commission. The City Manager or the Interim Finance Director (as the case may be) shall cause copies of the Official Statement to be delivered to the Underwriter no later than seven business days following the sale of the Bonds to the Underwriter. The City Council hereby consents to and approves the distribution and circulation of the Official Statement by the Underwriter in connection with the offering, marketing and sale of the Bonds.

6. **Official Actions.** All actions heretofore taken by the officers and agents of the City with respect to the establishment of the District and the sale and issuance of the Bonds, are hereby approved, confirmed and ratified, and the officers of the City are hereby authorized and directed to do any and all things and take any and all actions and execute 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 any certificate, agreement, and other document described in the documents herein approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember ______Friedman_______, who moved its adoption, which motion being duly seconded by Councilmember ______Dobbs_______, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Conrad

**ATTEST:**

JEAN ZAHR, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By: MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 98-396

A RESOLUTION APPROVING AN AGREEMENT TO CONSTRUCT AND ACQUIRE PUBLIC IMPROVEMENTS FOR COMMUNITY FACILITIES DISTRICT NO. 1998-1
(Enterprise Business Park)

RESOLVED, by the City Council of the City of Modesto, California, that:

WHEREAS, this Council is conducting proceedings pursuant to appropriate special assessment and assessment bond acts for the acquisition of certain public improvements in this City; and

WHEREAS, there has been submitted to this Council a proposed form of agreement, entitled "Agreement to Construct and Acquire Public Improvements for Communities Facilities District No. 1998-1" (the "Agreement") by and between this City and the developer named therein (the "Developer");

NOW THEREFORE, IT IS ORDERED AS FOLLOWS:

1. The proposed form of the Agreement between this City and the Developer, heretofore submitted to this Council, is approved.

2. The Mayor, the City Manager or the Interim Finance Director is authorized and directed, for and on behalf of the City, to execute, and the City Clerk is authorized and directed to attest, the Agreement in substantially the form presented to this Council, with such changes thereto as the Mayor, City Manager or the Interim Finance Director may require or approve, such approval to be conclusively evidenced by execution, attestation and delivery of the Agreement to the Developer.

3. The amounts provided to be paid pursuant to the Agreement shall be paid from the taxes to be levied and the bonds to be issued in these proceedings and not otherwise.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-397

A RESOLUTION OF THE CITY OF MODESTO
ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS WITHIN IMPROVEMENT
DISTRICT NO. 27.

WHEREAS, the City Council of the City of Modesto, California (“Council”),
has by previous resolutions, initiated proceedings, declared its intention to form Improvement
District #27 (hereinafter “District”), issue bonds, and levy assessments, and approved the
Engineer’s Report that describes the formation, bond issuance and the assessments against
parcels of land within the District, pursuant to the provisions of the Municipal Improvement
Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of
California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division
10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are
not levied with regard to property values but rather per the method of spread indicated in the
Engineer’s Report, and these charges are for the purpose of paying for the storm drainage
improvements, and

WHEREAS, the City Council has determined and certifies that the charges are
either exempt from or in compliance with all the provisions of Proposition 218 which were
passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in
compliance with all laws pertaining to the levy of such charges,

    NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby orders the levy and collection of assessments within the District for the 1998-
99 fiscal year, and that a certified copy of this resolution together with appropriate
documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for
placement of such assessments on the 1998-99 County Tax Roll.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duersen
BELINDA DUERSKEN, Senior Accountant
MODESTO CITY COUNCIL
RESOLUTION NO. 98-398

A RESOLUTION OF THE CITY OF MODESTO
ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS WITHIN IMPROVEMENT
DISTRICT NO. 28.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #28 (hereinafter "District"), issue bonds, and levy assessments, and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the sewer improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in
compliance with all laws pertaining to the levy of such charges,

   NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby orders the levy and collection of assessments within the District for the 1998-
99 fiscal year, and that a certified copy of this resolution together with appropriate
documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for
placement of such assessments on the 1998-99 County Tax Roll.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa,

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerkson, Senior Accountant
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-399  

A RESOLUTION OF THE CITY OF MODESTO  
ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS WITHIN IMPROVEMENT  
DISTRICT NO. 29.  

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #29 (hereinafter "District"), issue bonds, and levy assessments, and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the street and water system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen, Senior Accountant
MODESTO CITY COUNCIL
RESOLUTION NO. 98-400

A RESOLUTION OF THE CITY OF MODESTO
ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS WITHIN PUBLIC FACILITIES
DISTRICT #6

WHEREAS, the City Council of the City of Modesto, California ("Council"),
has by previous resolutions, initiated proceedings, declared its intention to form Public
Facilities District #6 (hereinafter "District"), issue bonds, and levy assessments, and approved
the Engineer's Report that describes the formation, bond issuance and the assessments against
parcels of land within the District, pursuant to the provisions of the Municipal Improvement
Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of
California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division
10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are
not levied with regard to property values but rather per the method of spread indicated in the
Engineer's Report, and these charges are for the purpose of paying for the street and water
system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are
either exempt from or in compliance with all the provisions of Proposition 218 which were
passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in
compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 1998-99 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1998-99 County Tax Roll.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: "Jean Zahr"
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By "Michael Milich"
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By "Belinda Duerksen"
BELINDA DUERKSEN, Senior Accountant
MODESTO CITY COUNCIL
RESOLUTION NO. 98-401

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CORN AND HARRIS DEVELOPMENT, LLC, FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE NORTH TRUNK SEWER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Corn and Harris Development, LLC, for the acquisition of property rights needed for the North Trunk Sewer 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 July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Conrad

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HANS WAGNER, DONALD E. WAGNER TRUST, AND JOHN REGUSCI FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE NORTH TRUNK SEWER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hans Wagner, Donald E. Wagner Trust, and John Regusci for the acquisition of property rights needed for the North Trunk Sewer 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 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: ____________________________
JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING RENAE COOKSEY AND ROBERT MAYBERRY TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. Renae Cooksey and Robert Mayberry are hereby appointed to the Human Relations Commission; Ms. Cooksey with a term expiration of January 1, 2003 and Mr. Mayberry with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPOINTING TAMMY VANDEN BOSCH TO THE DISABLED ACCESS APPEALS BOARD

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

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

SECTION 1. Tammy Vanden Bosch is hereby appointed to the Disabled Access Appeals Board, with a term expiration of January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: J. Zahn, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-405  

A RESOLUTION APPOINTING EVERETT JACKSON TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE  

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

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

SECTION 1. Everett Jackson is hereby appointed to the Economic Development Loan Committee, with a term expiration of January 1, 2001.  

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:  

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang  

NOES: Councilmembers: None  

ABSENT: Councilmembers: Conrad  

ATTEST: Jean Zahr, City Clerk  

RESCINDED  
1998-431  
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-406  

A RESOLUTION APPROVING A DEVELOPMENT PLAN  
FOR PLANNED DEVELOPMENT ZONE, P-D(531).  
(KEARNEY VENTURES)  

WHEREAS, a verified application for an amendment to Section 21-3-9 of the  
Zoning Map was filed by Kearney Ventures on May 11, 1998, to reclassify from General  
Commercial Zone, C-2, to Planned Development Zone, P-D(531), to allow C-3 commercial  
uses including a mini warehouse storage facility, property located on the east side of McHenry  
Avenue south of East Orangeburg Avenue at 1234 McHenry Avenue, described as follows:  

C-2 to P-D(531)  

All that certain real property situate in a portion of the southwest quarter of the  
Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount  
Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State  
of California, described as follows:  

All of Lot 15 shown on that certain map of the Mensinger Colony, filed in the  
office of the Recorder of Stanislaus County, California, on May 18, 1909, in  
Volume 4 of Maps, Page 25;  

Excepting therefrom the easterly 10.00 feet.  

and  

WHEREAS, after a public hearing held on July 6, 1998, in the City Council  
Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by  
the Planning Commission, by its Resolution No. 98-46, that rezoning of the property as  
requested is required by public necessity, convenience, and general welfare for the following  
reasons:
1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval is compatible with existing and potential surrounding development.

2. That the requested planned development zone for a mini storage facility and uses as permitted in the C-3, Highway Commercial Zone is within an area designated by the General Plan for (C) Commercial Uses.

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 4, 1998, in the City Council Chambers, City Hall, 801 11th 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 Kearney Ventures 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. 98-46 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3094 -C.S. on the 4th day of August, 1998, reclassifying the above-described property from General Commercial Zone, C-2, to Planned Development Zone, P-D(531).

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(531), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Plot to accompany P-D application, Kearney Ventures" as amended in red, stamped approved by the City Council on August 4, 1998.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. A two-foot-wide planter area shall be installed between the east wall of the one-story mini storage units, and the adjacent alley to provide for a vine covering of the adjacent storage unit wall. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

4. Street dedication of seven feet along the McHenry Avenue frontage 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.

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

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

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

8. Prior to issuance of a building permit the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.

9. 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.

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

11. All signs shall comply with the sign requirements of the C-2 Zone.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(531):

The entire construction program be accomplished in one phase, construction to begin on or before July 6, 2000, and completion to be not later than July 6, 2001.

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 X 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(531), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department Development Services
MODESTO CITY COUNCIL
RESOLUTION NO. 98-407

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 21-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(531), PROPERTY LOCATED ON THE EAST SIDE OF MCHENRY AVENUE SOUTH OF EAST ORANGEBURG AVENUE AT 1234 MCHENRY AVENUE TO ALLOW C-3 COMMERCIAL USES INCLUDING A MINI WAREHOUSE STORAGE FACILITY. (KEARNEY VENTURES)

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, Kearney Ventures has proposed that the zoning designation for the property located on the east side of McHenry Avenue south of East Orangeburg Avenue at 1234 McHenry Avenue, be amended to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(531), in the City of Modesto ("the project"), to allow C-3 commercial uses including a mini warehouse storage 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 98-26 reviewed the proposed amendment to the Zoning Map and rezone to P-D(531) 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(531) 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 4th day of August, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
City of Modesto
Initial Study

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from C-2 to P-D, planned development zone. 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 Kearney Ventures to Rezone From C-2 to P-D to Allow C-3, Highway Commercial Uses Including A Mini Storage Facility, Property Located on the East Side of McHenry Avenue South of East Orangeburg Avenue at 1234 McHenry Avenue

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

C. Contact person, address and phone number:
   Dennis Wilson, Mid Valley Engineering, Inc.
   900 H Street
   Modesto, CA 95354
   phone (209) 526-4214

D. Project Location:
   East side of McHenry Avenue, south of East Orangeburg Avenue at 1234 McHenry Avenue

E. Project Sponsor:
   Kearney Ventures

F. General Plan Designation:
   Commercial (C)
G. **Zoning:**
C-2, General Commercial

H. **Description of Proposed Project:**
This is an application to rezone 4.60 acres from C-2 to P-D to allow C-3,
Highway Commercial Uses including a mini storage facility, property located on
the east side of McHenry Avenue south of East Orangeburg Avenue at 1234
McHenry Avenue. This site was previously occupied by the Chevrolet
dealership. The Acapulco Mexican Restaurant and Day's Inn Motel are located to
the north and the City Tire Sales Inc. store to the south. The applicant's plot plan
indicates that the mini-storage buildings will be built on the rear of the site. A
29,621 square foot, one-story storage structure will extend along the east and
portion of the south property lines. This structure will have a nine-foot wall
height and an overall roof height of 13-feet. A two-foot setback of this structure
from the rear alley line will allow an area to establish climbing vines that will
cover the rear building elevation of this facility. A second storage building will
be provided to the interior of this first described storage building. It will contain a
total of 38,586 square feet and will be a 21-foot high, two-story building. The
auto service building formerly used by the auto dealership will be remodeled for a
20,164 square foot gym facility. The auto show room building and car sale
buildings will be removed to allow construction of two commercial pads. The
applicant plot plan indicates that these will be a fast food restaurant and a video
store. Uses proposed by the applicant will generate a minimum parking
requirement of approximately 111 parking spaces. The applicant's plot plan
shows 176 parking spaces proposed. Access to this commercial project will be
from a central drop curb driveway on McHenry Avenue. This will allow closure
of one driveway near the north property line on McHenry Avenue. The plot plan
also indicates that in accordance with CalTrans, a seven foot right-of-way will be
dedicated for future improvement along the frontage of the property.

I. **Surrounding land uses:**
See H. above

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

III. **ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**
There are eighteen subject areas in the Master EIR 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
Development of the proposed planned development zone and resulting commercial uses will contribute to the traffic in the area. However, the proposal to redevelop this commercial property will allow an opportunity to acquire a seven-foot dedication of property for future widening of McHenry Avenue. A site traffic mitigation study was not required for the proposed change in use of this property. Development of the proposed commercial pads and mini storage facility is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality
This proposed zone change and development 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 zone change and development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land
The zone change and development 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 for C-2 uses. The requested rezoning will allow C-3 Zone uses including a mini storage facility, subject to conditions of approval. This property is also within a (C) Commercial 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 zone change and development 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 zone change and development 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 zone change and development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

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

K. Increased Demand for Parks and Open Space
This proposed zone change and development 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 zone change and development will not impact the Modesto School system, as these commercial facilities will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore still valid.

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

N. Increased Demand for Fire Services
This proposed zone change and development 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-half mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

O. Generation of Solid Waste
This zone change and development 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 zone change and development 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 zone change and development 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 zone change and development 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 rezoning from C-2 to P-D for a commercial development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: [Signature]
A RESOLUTION ACCEPTING THE PROJECT TITLED "RELIEF LINE AND APPURTENANT STRUCTURES, CANNERY SEGREGATION SECTION III" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Relief Line and Appurtenant Structures, Cannery Segregation Section III, has been completed by Mountain Cascade Inc., in accordance with the contract agreement dated June 2, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Relief Line and appurtenant Structures, Cannery Segregation Section III be accepted from said contractor, Mountain Cascade Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,317,275.17 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 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-409

A RESOLUTION ACCEPTING THE PROJECT TITLED "PAVEMENT DELINEATION AT VARIOUS LOCATIONS - FEDERAL AID PROJECT STPLHG-5059(023)" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pavement Delineation at Various Locations - Federal Air Project STPLHG-5059(023), has been completed by Safety Striping Services Inc., in accordance with the contract agreement dated June 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Pavement Delineation at Various Locations - Federal Air Project STPLHG-5059(023) be accepted from said contractor, Safety Striping Services Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $64,487.00 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 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-410

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE CAB AND CHASSIS WITH DUMP BODY FROM F.G. HART COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of One Cab and Chassis with Dump Body from F.G. Hart Company is hereby waived.

BE IT FURTHER RESOLVED that purchase of One Cab and Chassis with Dump body from F.G. Hart Company for a not to exceed price of $56,448.12.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-411

A RESOLUTION APPROVING A POLICY TO IMPLEMENT
THE MODESTO CITIZENS' ADVISORY GROWTH
MANAGEMENT ACT OF 1995 (MEASURE M) RELATING
TO SEWER IMPROVEMENTS.

WHEREAS, on November 4, 1997, the voters enacted Measure M which
provides that the City Council shall not approve, authorize, or appropriate funds for sewer
improvements without first holding an advisory election, and

WHEREAS, the Community Development and Housing Committee
recommended a proposed policy for the implementation of the Act to provide for the orderly
implementation of Measure M, and

WHEREAS, on August 4, 1998, the Council considered said proposed policy, a
copy of which is attached hereto,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto makes the determination that the proposed policy, a copy of which is attached hereto,
is consistent with the goals, objectives and standards set forth in the General Plan, based on
the following findings:

1. The Measure M policy establishes a direct relationship between Measure M votes and the 10-year Capital Improvement Program which prioritizes the expenditure of public money to fund basic infrastructure such as sewer and water. This furthers the General Plan goal of directing urban growth to areas currently served by City infrastructure where economically feasible.

2. Based on the current estimated “build out” rate of 1200 residential units per year, the City has an 8 to 9 year inventory of vacant sites for potential residential development if it only includes annexed land, or an
11 to 13 year inventory if it also includes land that has been subject to a Measure M vote but not yet annexed. This furthers the General Plan goal of maintaining at least a five year supply of vacant and agricultural land available for potential residential development.

3. The Measure M policy will not constrain the availability of land for potential residential development as identified in the five year housing element of the General Plan or the availability of land for potential residential development approved for extension of sewer service in 1997. This furthers the General Plan goal of ensuring the availability of housing for all economic segments of the community.

4. The Measure M policy requires all future decisions regarding Measure M votes to include an evaluation of land available for residential development, which furthers the General Plan goals of ensuring that the City maintains at least a five year supply of vacant and agricultural land and at least a five year inventory of land available for potential residential development.

5. The Measure M policy requires all future decisions regarding Measure M votes to include findings of General Plan consistency, which furthers the General Plan goals of encouraging periodic review of the City’s Urban Area Growth Policy and the City’s Housing Element.

BE IT FURTHER RESOLVED that the Council hereby approves a policy to implement the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) relating to sewer improvements. A copy of said Policy 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 4th day of August, 1998, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Policy to Implement the
Modesto Citizens' Advisory Growth
Management Act of 1995 (Measure M)

Before the City Council approves, authorizes, or appropriate funds for sewer improvements to any development project that has a residential component of five units or more which either exist at the time the election is held or are allowed by the City's General Plan and/or zoning, other than projects in those areas that have previously been subject to an advisory election, an advisory election shall be held at the City's sole discretion, as provided for in Measure M as follows:

1. **Action**
   a) Before a Specific Plan application is processed.
   b) In the case of a City-sponsored annexation, before the City submits an annexation application to LAFCO.
   c) In the case of annexations initiated by any party other than the City, advisory elections will be held before the City notifies LAFCO that sewer service is available to serve the territory proposed to be annexed.
   d) An advisory election pursuant to Measure M will be required before staff is authorized to process tentative subdivision maps for an area that is outside the City limits.

2. **Responsibility For Payment of Election Costs and Timing of Elections**
   After determining pursuant to Sections 5 and 6 of this policy that it is appropriate to have a Measure M advisory election, the Council shall schedule such an election to occur at the next regularly municipal election (the first Tuesday after the first Monday in November of each odd-numbered year). Such elections shall be held at City expense.

   Alternatively, after determining pursuant to Section 5 or 6 of this policy that it is appropriate to have a Measure M advisory election, the Council may schedule such an election at a date other than the next regularly scheduled municipal election provided the project proponent agrees to pay the entire cost incurred by the City in holding such an election.

   Other than Measure M elections for Infill Areas, each proposed project shall be the subject of a separate ballot measure. The Council shall consider on a case-by-case basis whether or not Infill Areas are to be grouped together for ballot measure purposes.

3. **Minimum Geographic Area to be Scheduled for a Measure “M” Vote**
   In the “Planned Urbanizing Area” depicted on Figure II-1 of the General Plan, the minimum area to be considered for a “Measure M” vote shall be a single “Comprehensive Planning District”, as described on Exhibit III-1 of the General Plan, and as defined in Section III-D of the General Plan text. There is no maximum geographic area to be considered for a Measure M vote, but the area
must include the entirety of the relevant Comprehensive Planning District boundaries.

In the “Baseline Developed Area” and the “Redevelopment Area” depicted on Figure III-1 of the General Plan, there is no minimum or maximum geographic area required to schedule a “Measure M” vote.

4. Definition of “Infill Areas”
“Infill Areas” are defined as those unincorporated parcels, as of January 1, 1998, which are located within the “Baseline Developed Area” and “Redevelopment Area”, depicted on Figure II-1 in the Modesto Urban Area General Plan.

5. Sequencing of Measure M Votes For “Infill Areas”
   a) When: The most substantial Infill Areas will not be scheduled until negotiations with the County regarding fiscal issues are complete. There needs to be significant preparation in advance of scheduling Measure M votes for Infill Areas. A successful Measure M vote may lead to public expectations that annexation will immediately follow, with corresponding expectations that existing deficient infrastructure will be upgraded. Therefore, the fiscal impacts of serving unincorporated areas may vary from area to area, irrespective of whether the City/County property tax agreement is in effect for those areas. The impacts of tax increment financing through the Redevelopment Agency should also be examined.
   
   b) Which Areas: The City will schedule a Comprehensive Measure “M” vote for the most substantial Infill Areas or logical groupings of such Areas. Since urban services are generally available or nearby in the Baseline Developed Area, and the “urban pattern” is fundamentally established, this approach provides significant time savings toward the ultimate annexation of all Infill Areas.
   
   c. “Infill Areas” which are not “substantial”: The City Council, at its sole discretion, may determine that certain Infill areas are not “substantial”, and therefore, would not need to be dependent on negotiations with the County.

6. Sequencing of Measure M Votes For Areas Which are Not “Infill Areas”
   a) No further Comprehensive Planning Districts will be scheduled for a Measure M vote, until substantial progress is made on building out the Specific Plans approved prior to July 1, 1998.

For the purpose of this Policy, “substantial progress” shall be measured by whether there is at least a five year supply of available vacant and agricultural land served with or scheduled to be served with urban infrastructure provided by the City’s CIP and whether there is at least a
five year inventory of available vacant sites for potential residential
development using a “build out rate” based on recent building permit
activity as well as other projected land use and housing trends.
Notwithstanding this definition, whenever Council receives a request for a
Measure M vote, Council shall evaluate the request in light of the policies,
objectives and standards set forth in the General Plan and shall make
appropriate General Plan consistency findings to support its decision.

Significant acreage has already been subject to a Measure M vote in
November 1997. Measures P & Q covered over 2,000 acres and more
than 8,100 potential dwelling units. When the 8,000 units of Village One
(approved by a 1990 “Measure A vote”) are added to this amount, a total
of approximately 14,000-16,000 potential dwelling units represent the
overall inventory of residential units.

At the current estimated “build out” rate of 1200 units per year, the City
has an eight to nine year inventory of vacant sites for potential residential
development if it only includes annexed land, or an eleven to thirteen year
inventory if it also includes land that has been subject to a Measure M vote
but not yet annexed.

b) Sequencing shall be guided by the new 10-year “Targeted” Capital
Improvement Program. The Capital Improvement Program process is
undergoing significant revisions. The time horizon is being extended from
5 years to 10 years, and the public facilities programmed within the CIP
are being prioritized (i.e., “Targeted”) to reflect recent Council decisions
approving seven Specific Plans. At the same time, the Capital Facility Fee
program is undergoing significant updating to reflect current costs, and the
public facilities called for to support the new General Plan.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-412

A RESOLUTION APPROVING THE AIRPORT BUSINESS PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Airport Business Plan, as attached, be, and is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
Business Plan
Modesto City-County Airport

The Airport shall contribute to Modesto's economic well-being and quality of life with quality commercial air service to key business and vacation markets, through good facilities for corporate and general aviation, through provision of cargo and related business services, and through recruitment of aviation related businesses.

The Airport shall generate sufficient revenues to cover both normal operating costs as well as capital improvement costs.

Goals

1. Obtain commercial air service to Los Angeles, San Diego and Las Vegas by 1999.

2. Obtain small package air cargo service by 1999.

3. Plan and provide airport facilities sized for 100,000 to 150,000 annual enplaned passengers.

4. Obtain new retail services in the airport terminal.

5. Expand facilities for general and corporate aviation through the addition of T-hangars and the upgrading of existing T-hangars.

6. Recruit aviation and airline related businesses to the airport.

Adopted by the City Council on ____________
MODESTO CITY COUNCIL
RESOLUTION NO. 98-413

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TRI-STAR MARKETING FOR MARKETING AND PROMOTION OF THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tri-Star Marketing for marketing and promotion of the Modesto City/County Airport 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 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
Business Plan
Modesto City-County Airport

The Airport shall contribute to Modesto's economic well-being and quality of life with quality commercial air service to key business and vacation markets, through good facilities for corporate and general aviation, through provision of cargo and related business services, and through recruitment of aviation related businesses.

The Airport shall generate sufficient revenues to cover both normal operating costs as well as capital improvement costs.

Goals

1. Obtain commercial air service to Los Angeles, San Diego and Las Vegas by 1999.

2. Obtain small package air cargo service by 1999.

3. Plan and provide airport facilities sized for 100,000 to 150,000 annual enplaned passengers.

4. Obtain new retail services in the airport terminal.

5. Expand facilities for general and corporate aviation through the addition of T-hangars and the upgrading of existing T-hangars.

6. Recruit aviation and airline related businesses to the airport.

Adopted by the City Council on ____________
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOROTHY BOGGERI, TRUSTEE; DOROTHY BOGGERI; AND ROBERT BOGGERI FOR THE LEASE OF 940 11TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Dorothy Boggeri, Trustee; Dorothy Boggeri; and Robert Boggeri for the lease of 940 11th Street 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 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN BAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-415

A RESOLUTION RENAMING THAT PORTION OF PARKER ROAD LOCATED BETWEEN CLAUS ROAD AND THE BURLINGTON NORTHERN SANTA FE RAILROAD TRACKS TO EAST BRIGGSMORE AVENUE.

WHEREAS, it is proposed to rename that portion of Parker Road located between Claus Road and the Burlington Northern Santa Fe Railroad Tracks to East Briggsmore Avenue, to avoid confusion in finding the new Amtrak Station, and

WHEREAS, this proposed street name change has been referred to City departments, utility companies, county offices, school districts and property owners, and no opposition has been received to date as a result of this notification, and

WHEREAS, said matter was considered by the City Council at its meeting held on August 4, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the proposal to rename that portion of Parker Road located between Claus Road and the Burlington Northern Santa Fe Railroad tracks to East Briggsmore Avenue.

BE IT FURTHER RESOLVED that in accordance with Government Code Section 34092 the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.
BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, and city departments regarding the name change.

BE IT FURTHER RESOLVED that the City shall replace the street name sign.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after its passage and introduction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _____ day of August , 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-416

A RESOLUTION APPROVING THE FINAL MAP OF THE  
MANOR OAK PLACE SUBDIVISION OF THE CITY OF  
MODESTO.

WHEREAS, Noralco, Inc., a California corporation, is possessed of a tract of land  
situated in the City of Modesto, County of Stanislaus, consisting of 7.51 acres, known as Manor  
Oak Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning  
Commission of the City of Modesto on the 3rd day of October, 1994, and extended by resolution  
on the 1st day of June, 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 Manor Oak Place 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 landscaping improvements 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 subdividers have 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 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 4th day of August, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-417


WHEREAS, the musical group, Homegrown, has requested a reservation for the use of Mancini Bowl on August 15, 1998, for a concert to benefit the Citrus for Charity program, 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 Financial Policy Committee met on July 21, 1998, and recommended that City assistance be provided, and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to Homegrown, to hold a benefit concert on August 15, 1998, 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 the request of Homegrown for direct City assistance to hold a benefit concert on August 15, 1998, in Mancini Bowl, located in Graceada Park, in the City of Modesto, subject to the following conditions:

1. The Community Services and Neighborhood Connections Department will waive park rental fees for Homegrown’s use of Mancini Bowl in Graceada Park on
August 15, 1998, from 6:00 p.m. to 10:00 p.m.

2. The City of Modesto Police Department shall provide City police officers and vehicles as needed to provide security during the concert on August 15, 1998.

3. Private security shall also be provided by City as required by the Police Department.

4. The Operations and Maintenance Department of the City shall provide park preparation prior to the concert and cleanup of the park following the concert.

5. The City of Modesto shall provide liability insurance for the concert, and

6. The City of Modesto Community Services and Neighborhood Connections Department shall provide a technician for sound and light production during the concert.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-418

A RESOLUTION APPROVING THE USE OF
AMPLIFIED INSTRUMENTS AND VOICE AND
PORTABLE CHEMICAL TOILETS AT THE CITY­
WIDE CHRISTIAN CONCERT AT MANCINI BOWL
IN GRACEADA PARK.

WHEREAS, the Christian Challenge Ministries, in cooperation with other
Modesto area churches, is sponsoring a Christian youth concert featuring a Seattle, Washington-
based Christian musical group, and

WHEREAS, the event is expected to draw approximately 2,000 spectators, and
WHEREAS, the use of amplified live music has been restricted to those nonprofit
organizations holding annual events prior to the passage of Ordinance 12-4.103, and
WHEREAS, based upon an agreement between the neighbors of Graceada Park
and the City Council, live music amplification can only be approved by the City Council, and
WHEREAS, portable chemical toilets were delivered to Graceada Park prior to
the beginning of the Concert in the Park series and have not been removed following the last
concert held on July 23, 1998, and
WHEREAS, the chemical toilets are needed during the Christian Challenge
Ministries concert,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it does hereby approve the requests for use of amplified instruments and voice for the City­
Wide Christian Concert at Graceada Park and for the use of the chemical toilets already in place
at the park following the Concert in the Park series.

8/4/98
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION TRANSMITTING A COPY OF ONE BALLOT MEASURE RELATING TO A PROPOSED CHARTER AMENDMENT FOR IMPARTIAL ARBITRATION FOR POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES, ONE BALLOT MEASURE FOR A PROPOSED CHARTER AMENDMENT RELATING TO A COMPANION MEASURE FOR BINDING INTEREST ARBITRATION, AND ONE ADVISORY MEASURE RELATING TO SEWER SERVICE EXTENSION TO BENT CREEK ESTATES SUBDIVISION FOR THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998, TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS

WHEREAS, Section 9280 of the state Elections Code provides that whenever any City measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis, and

WHEREAS, a copy of the ballot measure relating to a proposed Charter amendment for impartial arbitration for Police and Fire Department employee disputes, the ballot measure for a proposed Charter amendment relating to a companion measure for binding interest arbitration, and the advisory measure for sewer service extension to Bent Creek Estates subdivision proposed for the special municipal election of November 3, 1998, are marked respectively as Exhibits "A", "B" and "C", and attached hereto and made a part hereof.

NOW, THEREFORE, BET IT RESOLVED, by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of both above-described measures to the City Attorney for preparation of an impartial analysis explaining the effect of the measures.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare the impartial analysis of each of the above-described measures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
ARTICLE XII, SECTION 1206
IMPARTIAL ARBITRATION FOR
POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES

(a) IMPARTIAL ARBITRATION - DECLARATION OF POLICY. It is hereby declared to be the policy of the City of Modesto that strikes by police officers and firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

(b) PROHIBITION AGAINST STRIKES. No City of Modesto police officer or firefighter shall wilfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

(c) OBLIGATION TO NEGOTIATE IN GOOD FAITH. The City, through its duly authorized representatives, shall negotiate in good faith with recognized employee organizations which represent sworn members of the City of Modesto Police Department or the City of Modesto Fire Department on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement. Unless and until agreement is reached through negotiations between the City and a recognized employee organization for the police department or fire department bargaining unit, or a determination is made through the arbitration procedure hereinafter provided, no existing benefits or conditions of employment for said police department or fire department employees shall be eliminated or changed.

(d) IMPASSE RESOLUTION PROCEDURES. All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the recognized police department or fire department employee organization involved in the dispute shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the
employee organization cannot agree within three (3) days after receipt of such list on one of
the seven (7) to act as the third arbitrator, they shall alternately strike names from the list of
nominees until one name remains and that person shall then become the third arbitrator and
chairperson of the Arbitration Board.

Any arbitration proceeding convened pursuant to this Article shall be conducted in
conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil
Procedure. The Arbitration Board shall hold public hearings, receive evidence from the
parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in
the exercise of its discretion, may meet privately with the parties and mediate or mede-arb
issues in dispute. The Arbitration Board may also adopt such other procedures that are
designed to encourage an agreement between the parties, expedite the arbitration hearing
process, or reduce the costs of the arbitration process.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of
the parties to submit, within such time limit as the Arbitration Board may establish, a last offer
of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue
by majority vote by selecting whichever last offer of settlement on that issue it finds most
nearly conforms with those factors traditionally taken into consideration in the determination
of wages, hours, and other terms and conditions of public and private employment, including,
but not limited to, changes in the average consumer price index for goods and services, the
wages, hours, and other terms and conditions of employment of other employees performing
similar services, and the financial condition of the City and its ability to meet the cost of the
award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true
copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly
disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During
that ten day period the parties may meet privately, attempt to resolve their differences, and
by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the
conclusion of the ten (10) day period, which may be extended by mutual agreement between
the parties, the decision of the Arbitration Board, incorporating any amendments or
modifications agreed to by the parties, shall be publicly disclosed and shall be binding upon
the parties. The City and the recognized employee organization shall take whatever action
is necessary to carry out and effectuate the final Arbitration Board award (incorporating any
amendments or modifications agreed to by the parties as provided above).

The expenses of any arbitration convened pursuant to this article, including the fee for
the services of the Chairperson of the Arbitration Board, shall be borne equally by the parties.
All other expenses which the parties may incur individually are to be borne by the party
incursing such expenses.
PROPOSED AMENDMENT
TO THE CHARTER OF THE CITY OF MODESTO

Special Municipal Election

November 3, 1998

PROPOSED COMPANION MEASURE TO MEASURE A
(BINDING INTEREST ARBITRATION)

Section 1. The Council of the City of Modesto hereby proposes, on its own motion to add Article XII, Section 1206(e) to the Charter of the City of Modesto to read as follows:

Section 1206(e). GENERAL ARBITRATION PROVISIONS

Notwithstanding anything in this Article or in this Charter to the contrary, arbitration shall be subject to the following provisions:

(I) Arbitration shall be limited to issues of wages and benefits only. As used in this Article, “Wages and benefits” shall only mean

(A) Wage rates, including percentage or across-the-board wage increases or specialty pay; holiday pay; overtime pay; court pay; callback or hire back pay; master police officer and master detective pay; acting pay; certification pay; and assignment pay, and

(B) Medical, dental, vision, life and disability insurances; cafeteria plans; retirement pickups, insurance contributions and pension benefits to the extent negotiable by law; educational benefits; uniform allowance; vacation, holiday and sick leave benefits; and compensatory time off.

(ii) Arbitration shall be limited to resolution of impasse arising out of negotiations for a new or renewed Memorandum of Understanding between the parties. Arbitration shall not be utilized to resolve disputes or grievances concerning the interpretation or application of any negotiated Memorandum of Understanding or other agreement, or for any dispute arising during the effective period of an existing Memorandum of Understanding or other agreement.
(iii) No arbitration decision may be enforced nor may any additional financial costs be imposed on the taxpayers of the City as a result of any such arbitration decision without approval of the voters in a Citywide election. Notwithstanding any other provision of this Article, no wages, benefits or expenses relating to terms and conditions of employment shall be paid by the City pursuant to any arbitration decision under this Article unless and until additional revenues therefore have been approved in a Citywide election by a majority vote or any such greater voting percentage as may be required by any applicable provision of the California Constitution and/or State statutes. The City Council shall not be required to call an election under this Section more than once in any calendar year and may consolidate any such election with elections held for other purposes. City will pay all costs of any such election held on a regular municipal election date as provided for in Section 300 of this Charter. The costs of elections held on any other legally permissible date shall be borne equally by the parties, unless otherwise agreed by City Council.

(iv) Arbitration awards shall be in effect for a one (1) year period from the date of the final arbitration award. No award shall be retroactive or provide interest.

(v) Strikes shall be prohibited. As used in this Article, "strike" shall be interpreted to include, but shall not be limited to the following actions, whether taken individually or in concert with others, when scheduled to be on duty: sick out, slow down, work stoppage, curtailment of production, blue flu, sympathy strike, strike, refusal to perform fire or police department duties, and refusal to cross picket lines.

(vi) As provided in this Article, no employee who violates the prohibition against strikes shall be rehired.

(vii) As used in this Article, "Impasse" shall mean the point in time during labor negotiations when both parties have filed with the City Clerk a notice from each party that it has filed its "last, best and final offers" on all issues being negotiated together with a copy of its last, best and final offers on all issues being negotiated.

Section 2. Severability. If any provision or portion of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other portions, provisions or applications of the measure.

Section 3. Section 1206(e) shall be effective only if Measure A entitled "Impartial Arbitration for Police and Fire Department Employee Disputes" is enacted by the voters.
Section 4. Section 1206(e)(I) is intended to be an alternative to certain provisions in Measure __A__.

Section 5. Sections 1206(e)(ii), 1206(e)(iii), 1206(e)(iv), 1206(e)(v), 1206(e)(vi), and 1206(e)(vii) are intended to clarify, implement, and be compatible with provisions in Measure __A__.
Measure C - City of Modesto Sewer Service Extension Advisory Measure

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

The proposed Bent Creek Estates Subdivision, consisting of 22.6 acres, provided the area is first annexed to the City. This area is a parcel east of the Santa Fe Railroad Tracks, south of Parker Road and north of Dry Creek.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-420

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE BALLOT ARGUMENTS RELATING TO MEASURES A, B AND C TO BE PROPOSED TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998.

WHEREAS, Section 9282 of the state Elections Code provides that any authorized member of the legislative body of a city may file a written argument in favor of a proposed measure, and

WHEREAS, such argument shall not exceed 300 words in length and the city elections official shall cause such an argument to be printed with the following statement on the heading of the first page of the printed arguments:

“ARGUMENTS IN SUPPORT OR OPPOSITION OF THE PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS.”

and

WHEREAS, the City Clerk shall enclose a printed copy of such arguments with each sample ballot and such a printed argument is “official matter” within the meaning of Government Code Section 13303, and

WHEREAS, Measure A relates to amending the Charter to transfer authority to resolve public safety union contract disputes from City Council to an outside arbitration panel, and
WHEREAS, Measure B, is a companion measure to Measure A which would require voter approval of any decisions made by such an outside arbitration panel, and

WHEREAS, Measure C relates to the provision of sewer service to the Bent Creek Estates Subdivision,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Mayor of the City is hereby authorized to write arguments and rebuttal arguments in favor of Measure A, and Measure C, and an argument and rebuttal argument in opposition to Measure B, which are proposed for the November 3, 1998, Special Municipal Election.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the arguments relative to Measures A, B, and C.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-421

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MANUEL JUAREGUI FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 1718 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Manuel Juaregui for the acquisition of the property located at 1718 Hillside Drive for the Flood Protection 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 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-422

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BASIC RESOURCES INC. FOR THE LEASE OF OFFICE SPACE IN THE BEATY BUILDING LOCATED AT 1024 J STREET TO HOUSE THE NEIGHBORHOOD PRESERVATION UNIT OF THE HOUSING AND NEIGHBORHOODS DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Basic Resources Inc. for the lease of office space in the Beaty Building located at 1024 J Street to house the Neighborhood Preservation Unit 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 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY L. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-423

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND REDEV INC. FOR THE PURCHASE OF RIGHT OF WAY IN VILLAGE ONE FOR WILDFLOWER SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and REDEV Inc. for the purchase of right of way in Village One for Wildflower Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING REALLOCATION OF HOME FUNDS FROM THE BRIGGS ROAD SUBDIVISION PROJECT TO THE PARADISE ROAD SUBDIVISION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the reallocation of HOME funds from the Briggs Road Subdivision project to the Paradise Road Subdivision project be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-425

A RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 1009 MARKLEE WAY AND AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS IN RELATION TO SAID SALE.

WHEREAS, the City of Modesto is the owner of certain property located at 1009 Marklee Way, which was acquired at a Trustee’s sale in October, 1997, for the purpose of protecting the City’s interest, which was an Emergency Home Repair Program loan in the amount of $7,690, and

WHEREAS, after various attempts to sell the property to recover costs, an offer has been received from Antonio and Valerice Ramirez for the listing price of $95,000, with the City paying a one (1%) percent loan fee and normal closing costs, and

WHEREAS, City staff, by a report from the Office of Housing and Neighborhoods, dated August 11, 1998, has recommended the sale of said property to Antonio and Valerice Ramirez, and

WHEREAS, on August 11, 1998, the Council considered the staff recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the sale of City-owned property located at 1009 Marklee Way to Antonio and Valerice Ramirez in the amount of $95,000, with the City paying a one (1%) percent loan fee and normal closing costs.
BE IT FURTHER RESOLVED that the Council authorizes the City Manager to execute certain documents that may be necessary to complete the sale of said property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___11th___ day of ___August___, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __JUDY C. HALL__, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By __MICHAEL D. MILICH__, City Attorney

WHEREAS, the City of Modesto was awarded $650,426 in CDBG Disaster Relief Funds in FY97-98; however, the revenue was not included as part of the FY98-99 operating budget; and

WHEREAS, due to some expenditures incurred during FY 1997-98 and funds had been reallocated for property acquisition, some minor adjustments need to be made to account for these changes; and

WHEREAS, CDBG funds were allocated for replacement for thirteen buildings at Prescott Estates; however, due to increase in costs, additional funds are needed to carry out this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 and 1998-99 Annual Budgets are hereby amended as indicated below:

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<td>113-140-1454-0497</td>
<td>150,000</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 11th day of August 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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.98-427

A RESOLUTION APPROVING THE FINAL MAP OF THE
ALMOND VALLEY SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Kaufman and Broad - Central Valley, Inc., a California corporation,
is or will be possessed of a tract of land situated in the City of Modesto, County of Stanislaus,
consisting of 19.45 acres, known as Almond Valley Subdivision ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 3rd day of November, 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,

WHEREAS, the City Engineer of the City of Modesto has certified that the final
map of said Almond Valley 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, and that the City Clerk be authorized to certify the map of said
tract on behalf of the City of Modesto after subdividers acquire legal title to the Subdivision,
after subdividers have taken all actions reasonably necessary to form or annex to a City of
Modesto Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-
month appointment of a representative to act for it in a CFD election, which is in a form
acceptable to the City Attorney; after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdividers have 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 subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that neither this Resolution nor any agreement required by Section 4-4.604(c) of the Modesto Municipal Code shall be effective until subdividers acquire legal title to the Subdivision or until August 14, 1998, whichever is later.
The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-428

A RESOLUTION ADOPTING A USE AND FEE POLICY FOR CITY HALL AT THE MALL.

WHEREAS, the first phase of the City Hall at the Mall business plan is operational, and

WHEREAS, the Community Services and Neighborhood Connections Department has determined that additional services can be provided, such as receipt of certain utility payments, registration for recreation classes, reservations for facilities, and purchase of tickets for local events, and

WHEREAS, the Community Services and Neighborhood Connections Department has recommended that a use and fee policy be adopted for these services, and

WHEREAS, a copy of said use and fee policy is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, consideration of said use and fee policy was set for a public hearing of the City Council to be held on August 11, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said use and fee policy for City Hall at the Mall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the use and fee policy for City Hall at the Mall 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 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
      Mayor Lang

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
Community Services and Neighborhood Connections Department

City Hall at the Mall - Use and Fee Policy

I. Authorities for CHATM Use and Fee Policy

A. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Background
In February 1997, representatives from Macerich Corporation, owners of the Mall, met with City officials, and expressed "great interest and support, not only in keeping a police presence and the satellite office open on a permanent basis, but also expanding the office into a full-scale "City Hall at the Mall" and providing additional services."

B. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Executive Summary
"The objectives of the Modesto "City Hall at the Mall" may be met by focusing on four areas: 1) providing limited city services to citizens of our community, 2) providing a police presence in the mall; 3) providing an outlet to sell city surplus and souvenirs; and 4) providing a showcase to promote the City of Modesto."

C. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Definition of the Business
"This project utilizes the "City Hall at the Mall" concept to provide additional customer services to the public in an innovative manner."

D. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Definition of the Business
"Services provided at the satellite office will be implemented in phases."
Phase I, will function primarily as a police substation.
Phase II, will allow the City to provide informational resources to citizens.
Phase III, will provide additional equipment and staffing, opening the facility to 72 hours per week.
Future phases would be determined by the annual operating expenses budgeted for the overall operation of the office.

E. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Definition of the Business
"The project is designed to provide additional customer services to the public with minimal long-term expense to the city and to demonstrate that local government can be progressive and innovative in how services are delivered while remaining fiscally astute."
F. Agreement between Citizens First City Hall at the Mall Project Team and the Parks and Recreation Department
In October 1997, the Park and Recreation Department, now known as the Community Services and Neighborhood Connections Department, agreed to become the lead agency and manage the operation of the City Hall at the Mall.

G. Requests from city departments, community non-profit organizations, and other governmental agencies for a variety of services and functions.

II. Use Policy Actions

A. Mission Statement

The mission of the City Hall at the Mall is to make local government more accessible to community residents by providing information and a variety of services during non-traditional hours at a convenient location and to provide police presence at the Mall.

B. Objectives for Use Policy

1. To develop CHATM policies and procedures.
2. To establish priority uses and services for CHATM.
3. To create a positive image of CHATM by establishing processes directly related to the overall operation.
4. To form collaborative relationships with city departments for the provision of city services.
5. To facilitate community utilization of CHATM.
6. To provide accurate, friendly and professional services and responses to citizen requests.
7. To enable appropriate staff to make informed decisions on CHATM operations.
8. To generate revenue to offset partial cost of operation.

C. Service Categories

1. Policy identifies various service categories for the purpose of creating greater customer and staff convenience. Service categories are as follows:
   a. CHATM Conference Area Reservation Services
   b. Community Box Office Services
   c. CS&NC Department Class Registration Services
   d. CS&NC Rental Facility Reservation Services
   e. Display Area Services - Window Area
   f. Fax Services
   g. Information Binder Posting (Brochure/Flyers)
   h. Pay Station Services - Local Utilities
I. Pay Station Services - Regional Utilities
j. Pay Station Services - City Enterprise Services (bus passes, commuter bus passes)
k. Photocopy Services
l. Retail Services - Merchandising/Consignment Services
m. Request for City Services by Citizens (Fax the Council, tree requests, personnel applications, street repair, retirement medical, dog & business licenses, parking fines)

D. Geographical Service Area for CHATM
1. Policy supports a geographical service area for the City of Modesto - Modesto Mailing Address Only. Exception: Pay Stations - Regional Utilities

III. Priority of Use
A. Priority I - Vintage Faire Mall Administration, City of Modesto, and City of Modesto Co-sponsored Organizations
B. Priority II - Local Non-Profits (must have a Modesto mailing address) and Government Agencies that support and enhance the CRA TM Mission
C. Priority III - Local Businesses and Corporations that support and enhance the CHATM Mission

IV. Fee Establishment Policy

Fees for services provided at the CHATM are determined in one of three methods: 1) cost of service, 2) flat fee, and/or 3) comparison benchmarking.

A. Cost of Service Fee
A fee that is determined by the total direct cost per transaction, plus the indirect cost of department administration per transaction.

B. Flat Fee
A fee that does not cover the entire cost of service per transaction, but is considered reasonable and what the market will bear in the recovery of cost.¹

¹ City of Modesto Recreation Division Activity Fee Structure and Revenue Generation Policy Resolution 96-166
C. Comparison Benchmarking Fee
A fee that is derived through the comparison of similar fees for similar services in one or more organizations/businesses and then averaging those fees.

V. CHATM Uses Not Granted

A. Any use by an Organization for the commission of any acts intended to further any program or movement dedicated to overthrowing the United States or State of California governments by force, violence, or other unlawful means.

B. Any use by an Organization for the commission of any act which is prohibited by law or for the commission of any crime.

C. Any use which is inconsistent with the designed use of the facility.

D. Any use which is discriminatory in the legal sense.

E. Any use which involves the possession, consumption, or sale of any restricted substance.

F. Any use for casino or Las Vegas gambling type events.


H. Any previous violation by an Organization of City policies, procedures or regulations governing the use of the CHATM facility.

The CS&NC Director and/or designee reserves the right to cancel and terminate a permit and/or agreement immediately and without notice upon its discovery of a violation of any term condition, or provision of the permit and/or agreement.

Should any violation occur, the CS&NC Director and/or designee, at its discretion, shall have the right to deny any future requests for the use of the CHATM facility.
VI. CHATM Policies and Procedures - General

A. The CS&NC Department, as the primary administrator of the CHATM facility, will have the full responsibility for the management of all non-police services.

B. The CS&NC Department, as the primary administrator of the CHATM facility, will make every effort to accommodate City and other public services. Should any conflict occur in a requested accommodation, the CS&NC Director shall resolve the conflict, and the Director's decision shall be final.

C. At the discretion of the CS&NC Department Director, lower fees can be negotiated by the Director for one of more of the following reasons: 1) use that will render appropriate revenue levels to the CHATM facility through other means than user fees, 2) use that will foster the addition of desirable events to the calendar that were unattainable in the past, and 3) use where it is deemed that services rendered are sufficient to cover user fees.

D. The CHATM Project Team will act as a liaison between the City, Citizens First Committee and CHATM management. The primary function of the CHATM Project Team will be to keep the Citizens First Committee informed of the overall management strategies of CHATM.

VII. CHATM Facility Policies and Procedures - Services

A. CHATM Conference Area Reservation Services

1. Reservations will be accessed by City staff through the City E-mail system conference room booking calendar. All rules and regulations governing such use will be followed.

B. Community Box Office Services

1. City departments, non-profit and/or public organizations, and businesses and/or corporations that utilize the CHATM Box Office service will enter into an agreement with the CHATM Manager, and will be known as a Licensee.

2. The Licensee will be required to provide a notarized ticket manifest from a bonded ticket printer stating the number of tickets printed. All tickets must be audited by CHATM staff before they go on sale.

3. "Complimentary" tickets will not be issued at the CHATM facility.
4. If the event is cancelled, Licensee will be totally responsible for refunds on returned tickets.

5. The City and/or CHATM will not be liable to Licensee or to any other persons for any loss, theft, or defalcation of funds or tickets, of the Licensee whether such loss, theft, or defalcation was caused or done by employees of the City and/or CHATM or otherwise.

6. The CHATM box office can be set up to handle in-person, and phone, fax or mail-in orders. Ticket sales maybe conducted more than two weeks in advance of show day(s) only when such sales are actively promoted to the public by the Licensee. Effective date to terminate ticket sales will be negotiated by CHATM Manager.

7. At the Licensee's request, Visa and MasterCard orders will be accepted for ticket sales. The additional cost of this service will be 5% of the gross dollar amount of the charge orders processed.

8. Refunds will be issued only in the case of cancellation of the event.

9. No ticket exchanges will be processed.

10. A complete audit of all sales conducted at the CHATM facility will be provided as soon after sales are ended as possible. All box office fees incurred at the CHATM box office will be deducted from box office receipts before settlement.

11. The CHATM facility may arrange for their own computerized tickets to be printed for any Licensee and the costs of said tickets will be charged to the Licensee.

C. CS&NC Department Class Registration Services

1. Class registration services will be done in compliance with the policies and procedures as set forth by the CS&NC Department.

D. CS&NC Rental Facility Reservation Services

1. Rental facility reservation services will be done in compliance with the policies and procedures as set forth by the CS&NC Department.

E. Window Display Area Services

1. Window displays are to be designed, assembled and removed by the producing City Department.

2. Window displays must be approved in advance by the CHATM manager.
3. Window displays are to be changed monthly.
4. The CHATM manager will be responsible for scheduling all window displays with City Departments.
5. All window displays must comply with all public safety and fire prevention policies as adopted by the City of Modesto Fire Department and the Risk Manager's Division.
6. All decorative materials, such as, but not limited to, drapes, signs, banners, acoustical materials, hay and straw, moss, canvas, table centerpieces, and any other similar combustible materials shall be fireproofed. Tape and all other adhesive for decorating purposes are allowed only if approved by the CHATM Manager. Materials, such as nails, tacks, pins, etc., are not allowed for attaching decorations to the building.

F. Fax Services

1. All fax shall be approved by the CHATM Manager and/or designee.
2. Fax must serve business purposes only for designated priority users.
3. Payment for fax services shall be paid prior to fax being sent.

G. Information Binder Posting (Brochure/Flyers - 81/2" x11")

1. All information must be approved by the CHATM Manager and/or designee prior to binder posting.
2. Information binder posting will be available only for designated priority users.
3. Payment for binder posting shall be paid prior to information posting.

H. Pay Station Services - Local Utilities

1. All utility services that utilize the CHATM facility for pay station activity shall be approved by the CHATM Manager.
2. All pay station services will be done in compliance with the policies and procedures as set forth by the Finance Department and/or negotiated with the CHATM Manager.
I. Pay Station Services - Regional Utilities

1. All utility services that utilize the CHATM facility for pay station activity shall be approved by the CHATM Manager.
2. All pay station services will be done in compliance with the policies and procedures as set forth by the CHATM Use and Fee Policy.

J. Pay Station Services - City Services (City bus passes, commuter bus passes)

1. All City services that utilize the CHATM facility for pay station activity shall be approved by the CHATM Manager.
2. All pay station services will be done in compliance with the policies and procedures as set forth by the Finance Department and/or negotiated with the CHATM Manager.

K. Photocopy Services

1. All photocopy services shall be approved by the CHATM Manager and/or designee.
2. Photocopy services must serve business purposes only for designated priority users.
3. Payment for photocopy services shall be paid prior to copies being made.

L. Retail Services - Merchandising and/or Consignment

1. City departments, non-profit and/or public organizations, and businesses and/or corporations that utilize the CHATM facility for merchandising and/or Consignment service will enter into an agreement with the CHATM Manager, and will be known as a Licensee. All agreements will be reviewed monthly to determine the need for continued service.
2. The Licensee will be required to provide a letter on organization's letterhead stating merchandising and/or consignment item type and the number of items provided to the CHATM Manager. Licensee should be prepared to inventory in all merchandise available for sale before sales are begun.
3. Refunds for items will be granted within 10 days of purchase, if accompanied by sales receipt. The Licensee will be totally responsible for refunds.
4. Merchandising items exchange will be permitted within 10 days of purchase, if accompanied by sales receipt and approved by the CHATM Manager.

5. The City and/or CHATM will not be liable to Licensee or to any other persons for any loss, theft, or defalcation of merchandising items of the Licensee whether such loss, theft, or defalcation was caused or done by employees of the City and/or CHATM or otherwise.

6. At the Licensee's request, Visa and MasterCard orders will be accepted for merchandising item sales. The additional cost of this service will be 5% of the gross dollar amount of the charge orders processed.

7. A complete audit of all sales conducted at the CHATM facility will be completed monthly to determine gross sales. All merchandising item fees incurred at the CHATM facility will be charged on a monthly basis.

M. Request for City Services by Citizens

1. All City services offered shall be approved by the CHATM Manager. (Fax the Council, tree requests, personnel applications, street repair, retirement medical, business and dog licenses, parking fines)
# Appendix I. CHATM Use Priority and Fee Policy

<table>
<thead>
<tr>
<th>Service Category</th>
<th>Method Utilized in Determining Fee</th>
<th># I Use Priority &amp; Fee Policy</th>
<th># II Use Priority &amp; Fee Policy</th>
<th># III Use Priority &amp; Fee Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Cost of Service, Flat Fee, or Comparison Benchmarking)</td>
<td>(Vintage Faire Mall, City of Modesto &amp; Co-Sponsored Organizations)</td>
<td>(Local Non-Profits &amp; Government Must support and enhance CHATM Mission)</td>
<td>(Local Businesses &amp; Corporations Must support and enhance CHATM Mission)</td>
</tr>
<tr>
<td>CHATM Conference Area Reservation</td>
<td></td>
<td>No Fee</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Community Box Office (Ticketed Event where Admission is Charged)</td>
<td>Comparison Benchmarking</td>
<td>Flat Fee w/o ticket printing $.50 per ticket sold</td>
<td>Flat Fee w/o ticket printing $1.00 per ticket sold</td>
<td>Fee w/o ticket printing $1.00 and/or 10% of the gross per ticket sold, whichever is greater</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ticket Printing - $.10 per ticket sold</td>
<td>Ticket Printing - $.15 per ticket sold</td>
<td>Ticket Printing - $.20 per ticket sold</td>
</tr>
</tbody>
</table>

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1. City of Modesto official function approved by City Manager, Department Head and/or designee.

2. Co-sponsored Program: Program that is initiated by the CS&NC Department; that is in collaboration and/or partnership with the CS&NC Department; or has met specific criteria as set forth by the CS&NC Department and a written agreement an/or contract has been negotiated and approved.

3. Proof of tax-exempt status required. Non-Profit organizations must be tax-exempt in accordance with the Internal Revenue Service, Section 501(c)(3) and with the California Franchise Tax Board Section 23701(d).

4. Must be approved by School District Superintendent and/or Public Agency Administrator as an official school and/or public agency function and/or event.

5. Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.

6. Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.

City Hall at the Mall - Use and Fee Policy
<table>
<thead>
<tr>
<th>Service</th>
<th>Cost of Service</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS&amp;NC Department Class Registration</td>
<td>$1.00 per class transaction</td>
<td>N/A</td>
</tr>
<tr>
<td>CS&amp;NC Department Rental Facility Reservation</td>
<td>$9.00 per reservation transaction</td>
<td>N/A</td>
</tr>
<tr>
<td>Display/Exhibit Area (4'x7' in window area)</td>
<td>No Fee</td>
<td>N/A</td>
</tr>
<tr>
<td>Fax Services</td>
<td>No Fee</td>
<td>Within the (209) Area Code: $1.00 per page.</td>
</tr>
<tr>
<td>Information Binder Posting (Flyer, Brochures - 8 1/2&quot; x 11&quot;)</td>
<td>Flat Fee</td>
<td>$1.00 per information page, weekly</td>
</tr>
<tr>
<td>Pay Station - Local Utilities</td>
<td>Flat Fee</td>
<td>City Service Credits</td>
</tr>
<tr>
<td>Pay Station - Regional Utilities</td>
<td>Cost of Service</td>
<td>$1.00 per transaction, plus cost to transfer funds to utility organization</td>
</tr>
<tr>
<td>Pay Station - City Services</td>
<td>a. Flat Fee</td>
<td>a. Bus Pass $.25 per transaction</td>
</tr>
<tr>
<td></td>
<td>b. Cost of Service</td>
<td>b. Commuter Bus Pass $1.00 per transaction</td>
</tr>
<tr>
<td>Photocopy Services</td>
<td>Flat Fee</td>
<td>$0.35 per sheet</td>
</tr>
</tbody>
</table>

City Hall at the Mall - Use and Fee Policy
<table>
<thead>
<tr>
<th>Retail Services - Merchandising and/or Consignment</th>
<th>Comparison Benchmarking</th>
<th>City Surplus Items 87% commission per item</th>
<th>Per Item Sold: $1.00 and/or 10% of the gross, whichever is greater&lt;sup&gt;7&lt;/sup&gt;</th>
<th>Per Item Sold: $2.00 and/or 20% of the gross, whichever is greater&lt;sup&gt;8&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for City Services by Citizens</td>
<td>No Fee</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(Examples: Fax the Council, Tree Requests, Personnel Applications, Street Repair, Retirement Medical, Dog and Business Licenses, Parking Fines, General Inquiries)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>7</sup> Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.

<sup>8</sup> Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.
Appendix II. Cost of Service and Comparison Benchmarking Information for CHATM Fee Policy

<table>
<thead>
<tr>
<th>Service Category</th>
<th>Method Utilized in Determining Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHATM Conference Area</td>
<td>NO FEE</td>
</tr>
<tr>
<td>Reservation</td>
<td>Recommended CHATM Fee</td>
</tr>
<tr>
<td></td>
<td>#1 Flat Fee w/o ticket printing $.50 per ticket sold</td>
</tr>
<tr>
<td></td>
<td>Ticket printing - .10 per ticket sold</td>
</tr>
<tr>
<td></td>
<td>#2 Flat Fee w/o ticket printing $1.00 per ticket sold</td>
</tr>
<tr>
<td></td>
<td>(Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed)</td>
</tr>
<tr>
<td></td>
<td>Ticket printing - $.15 per ticket sold</td>
</tr>
<tr>
<td></td>
<td>#3 Fee w/o ticket printing $1.00 and/or 10% of the gross per ticket sold, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>(Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed)</td>
</tr>
<tr>
<td></td>
<td>Ticket printing - $.20 per ticket sold</td>
</tr>
<tr>
<td></td>
<td>Comparison Benchmarking</td>
</tr>
<tr>
<td>City of Fresno - Convention</td>
<td>Private promoter is charged a percentage and/or a flat fee of $1.00 per ticket, plus a Convention Center restoration fee of $.20 per ticket.</td>
</tr>
<tr>
<td>Center Box Office</td>
<td></td>
</tr>
<tr>
<td>City of Sacramento -</td>
<td>Private promoter is charged 5% of gross ticket sales and a per ticket handling fee of $1.00 or $1.50 per ticket. If tickets are printed by the Box Office, a fee is charged for ticket set-up fee and ticket paper stock.</td>
</tr>
<tr>
<td>Convention Center Box Office</td>
<td></td>
</tr>
<tr>
<td>City of Fairfield - City Hall</td>
<td>City sponsored events are charged $1.00 per ticket handling fee. Private promoter is charged a negotiated % of the ticket price.</td>
</tr>
<tr>
<td>at the Mall</td>
<td></td>
</tr>
<tr>
<td>Service</td>
<td>Recommended CHATM Fee</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>CS&amp;NC Department Class Registration</td>
<td>$1.00 per class transaction</td>
</tr>
<tr>
<td></td>
<td>Cost of Service - Current Fee Standard Approved By City Council</td>
</tr>
<tr>
<td></td>
<td>City of Modesto Community Services and Neighborhood Connections Department - Recreation</td>
</tr>
<tr>
<td></td>
<td>Admin Clerk II Cost of Service per hour is $22.60 (including benefits and indirect costs)</td>
</tr>
<tr>
<td></td>
<td>Anticipated time to complete a transaction is three minutes. Each three minute cost unit is $1.13</td>
</tr>
<tr>
<td>CS&amp;NC Department Rental Facility Reservation</td>
<td>$9.00 per reservation transaction</td>
</tr>
<tr>
<td></td>
<td>Cost of Service - Current Fee Standard Approved by City Council</td>
</tr>
<tr>
<td></td>
<td>City of Modesto Community Services and Neighborhood Connections Department - Recreation</td>
</tr>
<tr>
<td></td>
<td>Admin Clerk II Cost of Service per hour is $22.60 (including benefits and indirect costs)</td>
</tr>
<tr>
<td></td>
<td>Anticipated time to complete a transaction is twenty-four minutes. Eight, three minute cost units, at $1.13, for a total of $9.04</td>
</tr>
<tr>
<td>Display/Exhibit</td>
<td>NO FEE</td>
</tr>
<tr>
<td>Fax Services</td>
<td>Recommended CHATM Fee</td>
</tr>
<tr>
<td>#1 No Fee</td>
<td></td>
</tr>
<tr>
<td>#2 $1.00 within 209 area code; $1.50 first page and $2.00 successive pages outside 209 area code</td>
<td></td>
</tr>
<tr>
<td>#3 $1.00 within 209 area code; $1.50 first page and $2.00 successive pages outside 209 area code</td>
<td></td>
</tr>
<tr>
<td>Flat Fee - Current Fee Standard Approved by City Council</td>
<td></td>
</tr>
<tr>
<td>City of Modesto Community Services and Neighborhood Connections Department - Centre Plaza</td>
<td></td>
</tr>
<tr>
<td>Information Binder Posting</td>
<td>Recommended CHATM Fee</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td></td>
<td>#1 No Fee</td>
</tr>
<tr>
<td></td>
<td>#2 $1.00 per information page, weekly</td>
</tr>
<tr>
<td></td>
<td>#3 $2.00 per information page, weekly</td>
</tr>
<tr>
<td></td>
<td><strong>Flat Fee</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pay Station - Local Utilities</th>
<th>Recommended CHATM Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#1 City Service Credits</td>
</tr>
<tr>
<td></td>
<td>#2 $.23 M1D - per transaction</td>
</tr>
<tr>
<td></td>
<td>$.25 Cable One - per transaction</td>
</tr>
<tr>
<td></td>
<td><strong>Flat Fee</strong></td>
</tr>
<tr>
<td></td>
<td>Service Credits for City utilities</td>
</tr>
<tr>
<td></td>
<td>Standard Fees paid by each Utility for collection services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pay Station - Regional Utilities (Stanislaus County and Manteca Area Public Utilities)</th>
<th>Recommended CHATM Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#2 $1.00 per transaction</td>
</tr>
<tr>
<td></td>
<td><strong>Cost of Service - Current Fee Standard Approved By City Council</strong></td>
</tr>
<tr>
<td></td>
<td>City of Modesto Community Services and Neighborhood Connections Department - Recreation</td>
</tr>
<tr>
<td></td>
<td>Admin Clerk II Cost of Service per hour is $22.60 (including benefits and indirect costs)</td>
</tr>
<tr>
<td></td>
<td>Anticipated time to complete a transaction is three minutes. Each three minute cost unit is $1.13</td>
</tr>
<tr>
<td>Pay Station - City Services</td>
<td>Recommended CHATM Fee</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>a. City Bus Pass</td>
<td>#1 a. City Buss Pass $0.25 per transaction</td>
</tr>
<tr>
<td>b. Commuter Bus Pass</td>
<td>#1 b. Commuter Bus Pass $1.00 per transaction</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Flat Fee and</th>
<th>Cost of Service - Current Fee Standard Approved by City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Flat Fee: City Buss Pass</td>
<td>Standard Fee paid by City Transportation Division for this service at other locations</td>
</tr>
<tr>
<td>b. Cost of Service:</td>
<td>City of Modesto Community Services and Neighborhood Connections</td>
</tr>
<tr>
<td>Commuter Buss Pass</td>
<td>Department - Recreation</td>
</tr>
<tr>
<td>Admin Clerk II Cost of</td>
<td>Anticipated time to complete a transaction is three minutes. Each three minute cost unit is $1.13</td>
</tr>
<tr>
<td>Service per hour is $22.60</td>
<td>(including benefits and indirect costs)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Photocopy Services</th>
<th>Recommended CHATM Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 No Fee</td>
<td>Flat Fee - Current Fee Standard Approved by City Council</td>
</tr>
<tr>
<td>#2 $.35 per sheet</td>
<td>City of Modesto Master Fee Guide - Resolution 93-352</td>
</tr>
<tr>
<td>#3 $.35 per sheet</td>
<td></td>
</tr>
<tr>
<td>Retail Services Merchandising and/or Consignment</td>
<td>Recommended CHATM Fee</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>#1 City Surplus - 87% commission per item; and $1.00 per item sold on all other City Items</td>
<td></td>
</tr>
<tr>
<td>#2 $1.00 and/or 10% of the gross, whichever is greater, per item sold</td>
<td></td>
</tr>
<tr>
<td>(Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed)</td>
<td></td>
</tr>
<tr>
<td>#3 $2.00 and/or 20% of the gross, whichever is greater, per item sold</td>
<td></td>
</tr>
<tr>
<td>(Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed)</td>
<td></td>
</tr>
</tbody>
</table>

Comparison Benchmarking

City of Long Beach - City Store
Negotiated percentage. Percentage varies according to item.

City of Modesto - CS&NC Centre Plaza John Thurman Stadium
Licensee pays 25% of the gross receipts.

| Request for City Services by Citizens (Examples: Fax the Council, Tree Requests, Personnel Applications, Street Repair, Retirement Medical, Dog and Business Licenses, Parking Fines, General Inquiries) | NO FEE |
MODESTO CITY COUNCIL
RESOLUTION NO. 98-429

A RESOLUTION OF APPLICATION BY THE COUNCIL OF
THE CITY OF MODESTO INITIATING PROCEEDINGS AND
REQUESTING THE STANISLAUS COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE
PROCEEDINGS FOR THE KIERNAN AVENUE
REORGANIZATION, LOCATED IN THE EASTERN
PORTION OF THE KIERNAN BUSINESS PARK SPECIFIC
PLAN AREA, TO THE CITY OF MODESTO. (COUNCIL
INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings
pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3,
commencing with Section 56000 of the California Government Code, for the Kiernan Avenue
Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, notice of intent to adopt this resolution of application has been
given to each interested and each subject agency, and

WHEREAS, on February 3, 1975, the Council adopted Resolution No. 75-246
which protested the execution of the Hans and Donald Wagner Open Space Contract
Application No. 75-2008 to the Stanislaus County Local Agency Formation Commission,
hereinafter referred to as “LAFCO”, pertaining to Assessor’s Parcel No. 078-18-021; and, on
December 28, 1982, the Council adopted Resolution No. 82-930 which protested the execution
of the Reza Vossoughi, et al., Open Space Contract Application No. 83-3846 to LAFCO,
pertaining to Assessor’s Parcel No. 078-18-027, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a
description of the boundaries of the territory is set forth in Exhibit “A”, attached hereto and
by this reference incorporated herein, and

WHEREAS, said territory consists of 173.45 acres and contains 16 properties, as set forth on Exhibit “B”, attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit “A” attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Salida Fire Protection District.

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reasons for this proposed Kiernan Avenue Reorganization to the City of Modesto are as follows:

1. The proposed Kiernan Avenue Reorganization is required by public convenience or necessity because the Kiernan-Carver Comprehensive Planning District and the Kiernan Business Park Specific Plan are consistent with the City of Modesto Urban Area General Plan.
2. The proposed Kiernan Avenue Reorganization will result in an orderly planned use of land resources because the Kiernan Business Park Specific Plan will implement a Community Growth Policy of the General Plan to provide sufficient land supply; namely, it promotes the expansion of the Modesto Urban Area toward the north to ensure that the downtown redevelopment area remains the “central core” of Modesto, and provides social and economic development for the north side of Modesto,

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Kiernan Business Park Specific Plan, adopted by the Council of the City of Modesto on April 1, 1997.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit “A”, attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That pursuant to the provisions of Government Code Section 51243, the Council hereby states its intention not to succeed and does not succeed to the above described
Open Space Contracts, and, therefore, the Open Space Contracts mentioned above shall be null and void upon the effective date of this annexation.

4. That the proposed Reorganization is part of the Kiernan Avenue Business Park Specific Plan area, and has received CEQA environmental review through a Focused Environmental Impact Report ("EIR"), which EIR was certified on April 1, 1997, by the adoption of Council Resolution No. 97-160: the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR (SCH#94082005); and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Focused EIR in LAFCO's deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the Kiernan Avenue Reorganization to the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

WRITTEN DESCRIPTION
KIERNAN AVENUE REORGANIZATION
August 4, 1998

KIERNAN AVENUE
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property in portions of Sections 35 and 36, Township 2 South, Range 8 East and Sections 1 and 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 16 of Surveys, at Page 16, Stanislaus County Records, said point being the Northwest corner of the PELANDALE-SNYDER REORGANIZATION to the City of Modesto; thence North 89° 17' 50" East on the North line of said Pelandale-Snyder Reorganization and the South line of the North half of the South half of said Section 1 a distance of 50.00 feet to the POINT OF BEGINNING of this description; thence continuing on last said line North 89° 17' 50" East 2598.09 feet to the east line of the West half of said Section 1; thence on said East line North 0° 23' 41" West 1360.27 feet to the North line of Bangs Avenue South 89° 20' 49" West 662.15 feet to the Southerly extension of the East line of Parcel B as shown on the map recorded in Volume 37 of Parcel Maps, Page 61, Stanislaus County Records; thence on said Southerly extension and the East line of said Parcel B North 0° 15' 40" West 1295.81 feet to the Northeast corner of said Parcel B; thence on the North line of said Parcel B South 89° 26' 32" West 659.32 feet to the Southeast corner of Lot 38 of the Albermarl Tract, filed in Volume 4 of Maps, Page 19, Stanislaus County Records; thence on the East line of said Lot 38 North 0° 15' 48" West 666.18 feet to the Southeast corner of Lot 37 of said Albermarl Tract; thence on the South line of said Lot 37 South 89° 35' 04" West 613.40 feet to the East line of the West 678 feet of said Lot 37; thence on said East line North 0° 08' 25" West 692.71 feet to the North line of Kiernan Avenue (State Highway 219) (50.00 feet half-width); thence on the North line of said Kiernan Avenue the following five (5) courses: (1) South 89° 43' 37" West 223.33 feet; (2) North 86° 51' 46" West 251.06 feet; (3) North 0° 16' 23" West 15.07 feet; (4) South 89° 43' 37" West 173.34 feet; (5) North 38° 06' 17" West 42.45 feet to the East line of Dale Road (30.00 feet half-width); thence leaving said east line North 89° 41' 06" West 55.38 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence South 0° 17' 31" East 190.00 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence on the West line of said Dale Road (25.00 feet half-width) South 0° 08' 25" East 2581.23 feet to the South line of the North half of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian; thence continue on the West line of said Dale Road South 0° 08' 32" East 90.40 feet to the North line of the FLEUR DE VILLE reorganization to the City of Modesto; thence on said North line North 89° 38' 17" East 25.00 feet; thence continue on said North line North 89° 17' 59" East 50.00 feet to the East line of Dale Road (50.00 feet half-width); thence on the East line of said Dale Road South 0° 08' 32" East 1233.92 feet to the point of beginning.

Containing 173.45 Acres.
EXHIBIT "B"

KIERNAN AVENUE REORGANIZATION
ANNEXATION PROPOSAL MAP
KIERNAN AVENUE
REORGANIZATION TO THE CITY OF MODESTO

BASIS OF BEARINGS:

1 Course: N 89-17-50 E Distance: 2598.09
2 Course: N 00-23-41 W Distance: 1360.27
3 Course: S 89-20-49 W Distance: 662.15
4 Course: N 00-15-40 W Distance: 1295.81
5 Course: S 89-26-32 W Distance: 659.32
6 Course: N 00-15-48 W Distance: 666.18
7 Course: S 89-35-04 W Distance: 613.40
8 Course: N 00-08-25 W Distance: 692.71
9 Course: S 89-43-37 W Distance: 223.33
10 Course: N 86-51-46 W Distance: 251.06
11 Course: N 00-16-23 W Distance: 15.07
12 Course: S 89-43-37 W Distance: 173.34
13 Course: N 38-06-17 W Distance: 42.45
14 Course: N 83-41-06 W Distance: 55.38
15 Course: S 00-17-31 E Distance: 190.00
16 Course: S 00-08-25 E Distance: 2581.23
17 Course: S 00-08-32 E Distance: 90.40
18 Course: S 89-38-17 E Distance: 25.00
19 Course: N 89-17-59 E Distance: 50.00
20 Course: S 00-08-32 E Distance: 1233.92

Area = 173.45 acres
EXHIBIT “C”

KIERNAN AVENUE REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Kiernan Avenue Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Salida Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 6.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and developer financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets will be the responsibility of the developer and be integrated into the development of the project.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.
D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of developer fees, Mello Roos Community Facilities District and Enterprise Fund.
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GREG CLARK FROM THE GOLF COURSE COMMITTEE, EFFECTIVE AUGUST 11, 1998

WHEREAS, Greg Clark was appointed a member of the Golf Course Committee on January 2, 1996; and

WHEREAS, Greg Clark has tendered his resignation from the Golf Course Committee, effective August 11, 1998; and

WHEREAS, Greg Clark 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 Greg Clark from the Golf Course Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Greg Clark 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 11th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-431  

A RESOLUTION APPOINTING JULIAN LEMASTER TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE AND RESCINDING RES. 98-405

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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Julian Lemaster is hereby appointed to the Economic Development Loan Committee, with a term expiration of January 1, 2000.

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

BE IT FURTHER RESOLVED, that Res. 98-405 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-432

A RESOLUTION ACCEPTING THE PROJECT TITLED "PIPELINE REHABILITATION - CANNERY SEGREGATION SEGMENT II" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pipeline Rehabilitation - Cannery Segregation Segment II, has been completed by Insituform West, Inc., in accordance with the contract agreement dated June 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Pipeline Rehabilitation - Cannery Segregation Segment II be accepted from said contractor, Insituform West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $712,368.00 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 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-433

A RESOLUTION ACCEPTING THE PROJECT TITLED "PRESS BOX AND ELEVATOR TOWER ADDITION TO JOHN THURMAN FIELD" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Press Box and Elevator Tower Addition to John Thurman Field, has been completed by Acme Construction Company Inc., in accordance with the contract agreement dated January 27, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Press Box and Elevator Tower Addition to John Thurman Field be accepted from said contractor, Acme Construction Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $303,004.00 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 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-434

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING VIDEO VEHICLE DETECTION SYSTEM FOR ENGINEERING AND TRANSPORTATION DEPARTMENT-TRAFFIC DIVISION

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing video vehicle detection system for Engineering and Transportation Department-Traffic Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 29, 1998 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 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING A FIVE (5%) INCREASE IN SALARY FOR THE CITY MANAGER AND CITY ATTORNEY.

WHEREAS, by Resolution No. 98-258 effective June 23, 1998, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98-99 Effective 6/23/98", for Executive Management (Exhibit "J"), and

WHEREAS, the City Council desires to approve a five (5%) percent increase in salary to J. EDWARD TEWES, City Manager, and MICHAEL D. MILICH, City Attorney, effective August 18, 1998, which is within the range established in Exhibit "J" of Resolution No. 98-258,

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 J. EDWARD TEWES, the City Manager, and MICHAEL D. MILICH, the City Attorney, effective August 18, 1998, as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Hourly</th>
<th>Bi-Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>$ 56.8989</td>
<td>$ 4,551.9145</td>
<td>$ 9,900.4141</td>
</tr>
<tr>
<td>City Attorney</td>
<td>$ 53.1892</td>
<td>$ 4,255.1401</td>
<td>$ 9,254.9297</td>
</tr>
</tbody>
</table>
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-436

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:

Development and Operations Coordinator
Fleet Maintenance Supervisor

The job specifications for the classification of Development and Operations Coordinator (Range 438) as shown on the attached Exhibit “A”, and Fleet Maintenance Supervisor (Range 428) 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. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

   Police Officer Trainee

   The job specifications for the classification of Police Officer Trainee, as shown on the attached Exhibit "C", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

   Equipment Maintenance Supervisor I

   Finance Data Processing Manager

   Street Trees Crewleader

   Systems Manager

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after August 18, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 18th day of August, 1998, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

MICHAEL D. MILICH, City Attorney
DEVELOPMENT AND OPERATIONS 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

Under general direction, to manage, plan, prioritize, assign and monitor activities related to operations, systems development and support services; to coordinate information services activities with other divisions; and to provide highly complex staff assistance to the Information Services Manager.

SUPERVISION RECEIVED AND EXERCISED

 Receives general direction from the Information Services Manager.

 Exercises functional and technical supervision over assigned staff.

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, and monitor technology related projects pertaining to program analysis, development, implementation, training and the maintenance of applications systems and interfaces.

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

Develop, implement, monitor and enforce standards for all in-house and vendor supplied software packages. This includes programming, systems analysis and development, internal and external procedures, system interfaces, documentation, on-line teleprocessing systems, system security and recovery, file integrity and acceptance testing.

Analyze and advise the IS Manager regarding the selection of applications and systems software packages, hardware, training materials, facilities, personnel, budget and on development matters.
Essential Functions: (Continued)

Participate in the development of the Information Services work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Assist in budget preparation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in the selection of staff; provide or coordinate staff training; supervise, evaluate and coach assigned staff including maintaining discipline.

Provide staff assistance to all departments; meet with departmental staff regarding ongoing or planned projects; analyze user department requirements for technology related projects.

Coordinate activities with user departments and outside agencies and organizations; prepare and present staff and technical reports; conduct feasibility studies; assist in evaluating the City's long-range technology needs.

Conduct systems analysis and design for new projects or system revisions; install new software and software upgrades.

Oversee the timely run of production jobs, operations and equipment maintenance; compile information on computer utilization, cost and charges.

QUALIFICATIONS

Knowledge of:

- Computer technology, systems analysis, design and programming including principles and practices of program planning, control and evaluation.

- Function, capabilities and limitations of hardware and software.

- Data base design and administration, data communications and operating systems.

- Geographical Information Systems design, implementation and maintenance.
QUALIFICATIONS

Knowledge of: (Continued)

Requirements analysis, needs assessment and project management techniques.

Various software tools and languages such as COBOL, SQL, Report Writers and Oracle RDBMS.

Computer operating environments including UNIX, DOS, Windows 95 and Windows NT.

Local Area Network operating systems, the Internet and TCP/IP.

Programming languages and available software packages. Budgeting procedures and techniques.

Research techniques, methods and procedures.

Principles and practices of supervision, training and personnel management.

Ability to:

Plan, organize, supervise, train, and evaluate the work of assigned staff.

Quickly learn and use a variety of technologies, peripherals and software.

Analyze data, form logical conclusions and demonstrate sound professional judgment.

Accurately evaluate and prioritize hardware and software requests.

Recommend purchase of equipment, services and supplies.

Analyze complex administrative and information systems, identify problems, and develop logical conclusions and effective solutions.

Coordinate, direct and supervise systems analysis, design, and programming.

Prepare work plans and time estimates for projects and proposed systems.
QUALIFICATIONS

Ability to:

Develop and recommend cost-effective technical system improvements.

Analyze, interpret and report research findings.

Coordinate Information Services activities with user departments.

Assist other City staff in identifying technology related needs.

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:

Five years of increasingly responsible experience as a Programmer Analyst, Systems Analyst, or related position involving systems development, including one year of supervisory or lead responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in Computer Science, Systems Analysis, Business Administration or related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.
WORKING CONDITIONS (Continued)

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
FLEET MAINTENANCE SUPERVISOR

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

DEFINITION

To assign, supervise, and participate in the preventive maintenance and repair program for City vehicles and equipment; and to provide staff assistance to higher level supervisory staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Fleet Manager.

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

Essential Functions:

Establishes daily work priorities; inspects and evaluates equipment and prepares work orders.

Resolves a variety of routine personnel and related administrative matters.

Provides technical assistance to staff; inspects and evaluates work being performed; identifies problem areas and directs remedial action.

Instructs and provides for the training of staff in work methods, use of tools and equipment, and relevant safety precautions.

Maintains time, material, and equipment use records.

May test equipment on completion of work.

Responds to emergency situations as necessary.

Schedules and coordinates activities with other City departments and outside vendors.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - (Continued)

Essential Functions:

Assists in evaluation of economic life of equipment/vehicles.

Assists in preparation of budgetary estimates of the staffing, material, and equipment requirements for projected activities.

Writes specifications for the purchase of new equipment.

Ensures that activities are carried out in a safe and efficient manner; ensures compliance with all local, State and Federal regulations.

Monitors the performance of assigned staff for training needs and to meet expectations.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Basic supervisory principles and practices.

Techniques, methods, materials, tools, and equipment used in the overhaul, repair, and maintenance of gasoline and diesel-powered vehicles and equipment, trucks, and heavy construction equipment.

Principles and practices of purchasing materials and outside services.

Operation and maintenance of a wide variety of equipment, hand, shop, and power tools used in the course of work.

Relevant codes and regulations.

Safety practices, safe work methods, and safety regulations related to equipment maintenance work.
QUALIFICATIONS: (Continued)

Knowledge of:

Computer applications related to the work including word processing, spread sheet and database applications; computer applications related to equipment maintenance work.

Ability to:

Direct and instruct tasks involving highly skilled mechanical repair work.

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

Prepare and maintain a variety of accurate written and computerized records, and reports pertaining to the work.

Read and interpret equipment specifications, and manuals.

Operate and maintain equipment and tools used in the field.

Understand and implement programs to comply with local, State, and Federal laws.

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

Ability to lead by example.

Identify and implement effective courses of action to complete assigned work; use lead by example methodology.

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

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.
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:

Experience:

Four years of experience as a journey level automotive or heavy equipment mechanic, including one year of lead or supervisory experience. Experience using automated fleet management systems related to scheduling, vehicle replacement and cost analysis is highly desirable.

Education:

Equivalent to graduation from high school.

License or Certificate:

Possession of, or the ability to obtain, a valid California driver’s license.
POLICE OFFICER/POLICE OFFICER TRAINEE

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

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over nonsworn personnel.

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

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.
ESSENTIAL FUNCTIONS (Continued)

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.
ESSENTIAL FUNCTIONS (Continued)

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions;

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.
CITY OF MODESTO
Police Officer/Police Officer Trainee

Page - 5

Police Officer Trainee - Continued

Ability to: (Continued)

Prepare accurate and grammatically correct written reports.

Experience and Training Guidelines

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

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver’s license.

Additional Requirement:

Minimum of 21 years of age.

Police Officer

In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.
Knowledge of: (Continued)

Offensive and defensive weapons nomenclature and theory.
Self defense tactics.
First aid and CPR procedures and practices.
Interviewing and interrogation techniques.

Ability to:
Use and care for firearms.
Use maps and learn City geography.
Handle multiple assignments.

Experience and Training Guidelines

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

Experience:
None required.

Training:
Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.
License or Certificate

Possession of an appropriate, valid California driver's license.

WORKING CONDITIONS (For Both Levels)

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-437

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 98-258 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD DEVELOPMENT AND OPERATIONS COORDINATOR AND FLEET MAINTENANCE SUPERVISOR AND TO DELETE EQUIPMENT MAINTENANCE SUPERVISOR I, FINANCE DATA PROCESSING MANAGER, AND SYSTEMS MANAGER, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO DELETE STREET TREES CREWLEADER.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 98-258 to add Development and Operations Coordinator (Range 438) and Fleet Maintenance Supervisor (Range 428) and to delete Equipment Maintenance Supervisor I, Finance Data Processing Manager, and Systems Manager from the Management And Confidential Non-Sworn Class Range Table effective August 18, 1998, and further desires to amend Exhibit "A" of Resolution No. 95-26 to delete Street Trees Crewleader from the General Non-Sworn Class Range Table effective August 18, 1998,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 98-258. Exhibit "A" of Resolution No. 98-258 entitled "City Of Modesto Class Range Table Management And
Confidential Non-Sworn Classes, Effective June 23, 1998”, 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 18, 1998”, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” adds Development and Operations Coordinator (Range 438) and Fleet Maintenance Supervisor (Range 428) to the Management And Confidential Non-Sworn Class Range Table and deletes Equipment Maintenance Supervisor I (formerly Range 428), Finance Data Processing Manager (formerly Range 442), and Systems Manager (formerly Range 434) from the Management And Confidential Non-Sworn Class Range Table.

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 18, 1998, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes Street Trees Crewleader (formerly Range 118) from the General Non-Sworn Class Range Table.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after August 18, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<td>Administrative Clerk I (Confidential)</td>
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<td>406</td>
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<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<td>Microfilm Services Supervisor</td>
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<td>Senior Personnel Clerk</td>
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<td>Administrative Technician (Confidential)</td>
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<td>Public Information Technician (Confidential)</td>
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<td>Police Training and Records Technician (Confidential)</td>
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<td>Legal Services Technician</td>
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<td>Deputy City Clerk</td>
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<td></td>
<td>Executive Secretary</td>
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<td></td>
<td>Systems Technician</td>
</tr>
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<td>Workers’ Compensation Claims Examiner I</td>
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</tbody>
</table>
Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Custodian Supervisor
   Police Support Services Supervisor

424 Assistant Planner
   Asst. City Clerk/Auditor
   Buyer
   Workers' Compensation Claims Examiner II

425 Administrative Analyst I
   Executive Assistant

426 Stores Manager

427 Events Supervisor
   Legal Services Administrator

428 Parks Maintenance Supervisor
   Airport Maintenance Supervisor
   Trees Maintenance Supervisor
   Senior Buyer
   Accountant II
   Budget Analyst
   Public Works Supervisor
   Building Maintenance Supervisor
   Customer Services Specialist
   Customer Services Supervisor
   Fleet Maintenance Supervisor

429

430 Associate Planner
   Junior Civil Engineer
   Junior Traffic Engineer
   Neighborhood Preservation Supervisor
   Senior Crime Analyst
   Social Services Program Supervisor

431 Administrative Analyst II
   Affirmative Action Officer
   Personnel Analyst
   Assistant Risk Manager
   Recycling Program Coordinator
   Senior Budget Analyst
   Senior Community Development Program Specialist
   Systems Analyst
Class Range Table
Management and Confidential Non-Sworn Class
Page 3

<table>
<thead>
<tr>
<th>Code</th>
<th>Position</th>
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<tbody>
<tr>
<td>432</td>
<td>Plant Mechanic Supervisor</td>
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<td>Recreation Supervisor II</td>
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<td>Senior Accountant</td>
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<td>Youth Program Supervisor</td>
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<td>Industrial Waste Supervisor</td>
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<td>433</td>
<td>Organizational Development Specialist</td>
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<td>Laboratory Manager</td>
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<td>434</td>
<td>Senior Programmer Analyst</td>
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<td></td>
<td>Electrical Supervisor</td>
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<td>Engineering Systems Manager</td>
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<td>Secondary Treatment Site Supv.</td>
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<td>Operations Supervisor</td>
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<td>Arborist</td>
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<td>Land Surveyor</td>
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<td>Equipment Maintenance Supervisor II</td>
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<td>Assistant Civil Engineer</td>
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<td>435</td>
<td>Management Analyst</td>
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<td>Integrated Waste Specialist</td>
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<td>Business Analyst</td>
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<td>Cultural Services Manager</td>
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<td>Senior Planner</td>
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<td>Deputy City Attorney I</td>
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<td>Asst. Water Quality Control Supt.</td>
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<td>Transportation Planner</td>
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<td>Housing Program Supervisor</td>
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<td>Parks Planning and Development Manager</td>
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<td>Communications and Marketing Manager</td>
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<td></td>
<td>Property Agent</td>
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<td>Budget Officer</td>
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<td>Financial/Investment Officer</td>
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<td>Systems Engineer</td>
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<td>Development and Operations Coordinator</td>
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<td>439</td>
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<td>Purchasing Officer</td>
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<td>Associate Civil Engineer</td>
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<td>Associate Traffic Engineer</td>
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<td>Class Range Table</td>
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<tr>
<td>Management and Confidential Non-Sworn Class</td>
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<td>Page 4</td>
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</tbody>
</table>

| 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 |
|     | Water Superintendent |
|     | Building Maintenance Superintendent |
|     | Police Records Manager |
|     | Fire Marshal |
|     | Golf Services Manager |
|     | Deputy City Attorney II |

| 442 | Supv. Building Inspector |
|     | Supv. Construction Inspector |
|     | Manager of Budget and Financial Analysis |
|     | Information Services Manager |

| 443 | Deputy Chief Bldg. Official |
|     | Sr. Deputy City Attorney I |

| 444 | General Services Manager |
|     | Principal Planner |

| 445 | Customer Services Division Manager |
|     | Accounting Division Manager |
|     | Housing and Neighborhoods Division Manager |

| 446 | Water Quality Control Superintendent |

| 447 | Chief Building Official |
|     | Assistant to City Manager |
|     | Asst. Parks & Recreation Dir. - Civic Center |
|     | Asst. Parks & Recreation Dir. - Parks |
|     | Asst. Parks & Recreation Dir. - Recreation |
|     | Business Development Division Manager |
|     | Development Services Division Manager |
|     | Strategic Planning Division Manager |
|     | Senior Civil Engineer |
|     | Traffic Engineer |

Class Range Table
Sr. Deputy City Attorney II

Deputy Director - Engineering & Transportation
Deputy Director - Utilities

Assistant City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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| 101   | Custodian I  
       | Maintenance Aide |
| 103   | Administrative Clerk I |
| 104   |  |
| 105   |  |
| 106   |  |
| 107   | Administrative Clerk II  
       | Animal Control Officer I  
       | Custodian II |
| 108   |  |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
       | Equipment Service Worker I |
| 111   | Account Clerk  
       | Animal Control Officer II  
       | Evidence & Property Specialist |
| 112   |  |
| 113   | Computer Operator  
       | Administrative Technician  
       | Drafting & Graphics Technician |
| 114   | Electrical Technician I  
       | Storeskeeper  
       | Maintenance Worker II  
       | Equipment Service Worker II |
| 115   | Accounting Technician  
       | Planning Technician I  
       | Wastewater Treatment Plant Attendant  
       | Community Service Officer I  
       | Assistant to the Events Coordinator  
       | Code Enforcement Officer I |
Class Range Table
General Non-Sworn Classes
Page 2

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

117 Electrical Technician II
    Storm Water Inspector

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
    Assistant Buyer

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
<table>
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<tr>
<th>Class Range Table</th>
<th>General Non-Sworn Classes</th>
<th>Page 3</th>
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<tr>
<td>122</td>
<td>Coach Mechanic</td>
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<td>Fire Equipment Mechanic</td>
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<td>123</td>
<td>Maint. Mech. Crewleader - Pumps</td>
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<td>Civil Engineering Technician II</td>
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<td>124</td>
<td>Plant Mechanic</td>
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<td>Equipment Mechanic Crewleader</td>
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<td>Planning Assistant</td>
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<td>Crime Analyst</td>
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<td>126</td>
<td>Coach Mechanic Crewleader</td>
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<td>Electrician</td>
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<td>Housing Rehab. Specialist I</td>
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<td>Industrial Waste Inspector II</td>
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<td>Senior Fire Equipment Mechanic</td>
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<td>127</td>
<td>Civil Engineering Assistant</td>
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<td>Instrument Repair Technician</td>
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<td>Programmer Analyst II</td>
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<td>Public Improvement Specialist</td>
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<td>Community Development Program Specialist II</td>
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<td>130</td>
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<td>Construction Inspector</td>
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<td>Hazardous Material Program Coordinator</td>
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<td>131</td>
<td>Sr. Civil Engineering Asst.</td>
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132

133

134  Senior Building Inspector  
     Senior Construction Inspector  
     Fire Plan Checker  
     Plan Review Engineer
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ECONOMICS RESEARCH ASSOCIATES TO CONDUCT COMPREHENSIVE MANAGEMENT AUDIT OF THE CITY GOLF PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Economics Research Associates to conduct comprehensive management audit of the City golf program 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 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-439

A RESOLUTION DENYING THE PROJECT WITHOUT
PREJUDICE FOR AN AMENDMENT TO PLANNED
DEVELOPMENT ZONE, P-D(109) FOR A MULTI-
SCREEN THEATER AND RESTAURANTS AT THE
VINTAGE FAIRE MALL, LOCATED ON PROPERTY ON
THE EAST SIDE OF SISK ROAD NORTH OF STANDIFORD
AVENUE. (MACERICH VINTAGE FAIRE LIMITED
PARTNERSHIP)

WHEREAS, Planned Development Zone, P-D(109), was approved by the City
Council by Ordinance No. 1259-C.S., which became effective on April 25, 1973, to allow
development of a regional shopping center of 1,300,000 square feet on property located on the
east side of Sisk Road north of Standiford Avenue, and

WHEREAS, said P-D(109) has been amended by various documents adopted by
the City Council on several occasions, and

WHEREAS, a verified application for an amendment to P-D(109) was filed by
the Macerich Company on August 4, 1997, to allow an 18-screen theater and two restaurants
on the north side of the Mall, and

WHEREAS, that application was deemed not complete and by consent of the
applicant, that application was not processed by the City pending the submittal of certain items
by the applicant, and

WHEREAS, the applicant subsequently submitted the required items to
constitute a complete application on March 16, 1998, and

WHEREAS, the City's Community Development Department reviewed the
proposed project, and on May 4, 1998, and prepared Initial Study No. 98-17, which
determined that the proposed amendment to P-D(109) is within the scope of the General Plan Master EIR (SCH No. 92052017), and that pursuant to Section 15177 of the CEQA Guidelines, no new environmental document would be required, and

WHEREAS, a public hearing was held by the Planning Commission on May 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 98-39, the Planning Commission recommended to the City Council the approval of the application for said project, subject to the conditions set forth in said Planning Commission Resolution, a copy of which resolution is on file in the Office of the City Clerk, and

WHEREAS, said recommendation of the Planning Commission relating to the project was set for a City Council public hearing, duly noticed to be held on Tuesday, June 16, 1998, which public hearing was continued to August 18, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was held by the Council, and evidence both oral and documentary was taken and introduced, and

WHEREAS, after said hearing, the Council found and determined that said project as recommended by the Planning Commission should be denied without prejudice,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the project be denied without prejudice.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 18th day of August, 1998, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-440

A RESOLUTION DENYING WITHOUT PREJUDICE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND MACERICH VINTAGE FAIRE LIMITED PARTNERSHIP AND SIGNATURE THEATRES, LLC, IN CONJUNCTION WITH AN AMENDMENT TO P-D(109) TO ADD A MULTI-SCREEN CINEMA TO THE VINTAGE FAIRE MALL.

WHEREAS, Government Code Section 65864, et seq., authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, by City Council Resolution No. 91-185, adopted on March 26, 1991, the City Council established procedures and requirements for the consideration of development agreements, and by City Council Resolution No. 97-492, adopted on August 26, 1997, the City Council revised said procedures and requirements and superseded Resolution No. 91-185, and

WHEREAS, the Planning Commission on May 18, 1998, held a public hearing to consider an application by Macerich Vintage Faire Limited Partnership to amend Planned Development Zone, P-D(109), for the addition of a 16-screen theater and two restaurants, and

WHEREAS, the Planning Commission by Resolution 98-39 recommended approval of the amendment to Planned Development Zone, P-D(109), which included, with the consent of the applicant, a condition requiring a development agreement to address certain issues be negotiated and executed prior to City Council approval of the amendment, and
WHEREAS, the City Council held a duly noticed public hearing on June 16, 1998, for the proposed amendment to Planned Development Zone, P-D(109), at which hearing the City Council voted to continue the public hearing to August 18, 1998, to allow for the negotiation and execution of a Development Agreement, and

WHEREAS, a proposed Development Agreement having been negotiated between representatives of the City of Modesto and the applicants, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to the City Council concerning the proposed Development Agreement, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-47, adopted on August 3, 1998, recommended to the City Council approval of the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on August 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and
WHEREAS, after said hearing, the Council found and determined that said proposed Development Agreement and rezoning as recommended by the Planning Commission should be denied,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the proposed Development Agreement be denied without prejudice.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES. Councilmembers: Conrad

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. 98-441

A RESOLUTION DENYING THE PROJECT WITHOUT PREJUDICE FOR AN AMENDMENT TO REZONE FROM SPECIFIC PLAN OVERLAY, SP-O, ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(530) FOR MULTI-SCREEN THEATRE, HOTEL, RESTAURANTS, AND RETAIL USES, LOCATED ON PROPERTY ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the Modesto City Council certified a Final Focused Environmental Impact Report (SCH# 94082005), and adopted Resolution No. 97-159 adopting the Kiernan Business Park Specific Plan, and

WHEREAS, on April 7, 1998, the Council adopted Resolution No. 98-170 approving Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theatres with a Planned Development Zone in the Regional Commercial designation, as requested by Costa Limited Partners, and

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on February 9, 1998, to rezone from Specific Plan Overlay (SP-O) Zone, to Planned Development Zone, P-D(530), to allow a multi-screen theatre, hotel, restaurants, and retail commercial uses, on property located on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, a public hearing was held by the Planning Commission on May 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the application for an amendment to Section 2-3-8 of the zoning Map which was filed by Costa Limited Partners, at which hearing evidence both oral and documentary was received.
and considered, and

WHEREAS, by Resolution No. 98-40, the Planning Commission recommended to the City Council the approval of the application for said project, subject to the conditions set forth in said Planning Commission Resolution, a copy of which resolution is on file in the Office of the City Clerk, and

WHEREAS, said recommendation of the Planning Commission relating to the project was set for a City Council public hearing, duly noticed to be held on Tuesday, June 16, 1998, which public hearing was continued to August 18, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to allow for the negotiation and execution of a development agreement for the project, and

WHEREAS, in the interim, the Planning Commission held a duly noticed public hearing on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to the City Council concerning the proposed development agreement, in accordance with City Council Resolution No. 97-492, adopted on August 26, 1997, relating to establishing procedures and requirements for the consideration of development agreements, and

WHEREAS, by Planning Commission Resolution No. 98-48, adopted on August 3, 1998, the Planning Commission recommended to the City Council approval of a Development Agreement between Costa Limited Partners and WestStar Cinemas, Inc., and the City of Modesto, and

WHEREAS, on August 18, 1998, the Council considered this matter at its duly noticed public hearing, at which time evidence both oral and documentary was taken and
introduced, and

WHEREAS, after said hearing on August 18, 1998, the Council found and determined that said project as recommended by the Planning Commission should be denied without prejudice,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the request to rezone the project be denied without prejudice.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-442

A RESOLUTION DENYING WITHOUT PREJUDICE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND COSTA LIMITED PARTNERS AND WESTSTAR CINEMAS, INC., IN CONJUNCTION WITH A REZONING FROM SP-O TO P-D TO ALLOW A MULTI-SCREEN CINEMA, HOTEL, AND RETAIL CENTER ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD.

WHEREAS, Government Code Section 65864, et seq., authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, by City Council Resolution No. 91-185, adopted on March 26, 1991, the City Council established procedures and requirements for the consideration of development agreements, and by City Council Resolution No. 97-492, adopted on August 26, 1997, the City Council revised said procedures and requirements and superseded Resolution No. 91-185, and

WHEREAS, the Planning Commission on May 18, 1998, held a public hearing to consider an application by Costa Limited Partners and WestStar Cinemas, Inc., in conjunction with a rezoning from a Specific Plan Overlay (SP-O) Zone to a Planned Development, P-D(530), Zone to include a 16-screen theatre, hotel, and retail center on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, the Planning Commission by Resolution 98-40 recommended approval of the proposed rezoning which included, with the consent of the applicant, a
condition requiring a development agreement to address certain issues be negotiated and executed prior to City Council approval of the rezoning, and

WHEREAS, the City Council held a duly noticed public hearing on June 16, 1998, on the proposed rezoning from Specific Plan Overlay (SP-O) to Planned Development, P-D(530), Zone, at which hearing the City Council voted to continue the public hearing to August 18, 1998, to allow for the negotiation and execution of a Development Agreement, and

WHEREAS, a proposed Development Agreement having been negotiated between representatives of the City of Modesto and the applicants, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to the City Council concerning the proposed Development Agreement, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-48, adopted on August 3, 1998, recommended to the City Council approval of the proposed Development Agreement between the City of Modesto and Costa Limited Partners and WestStar Cinemas, Inc., in conjunction with a rezoning from Specific Plan Overlay (SP-O) Zone to Planned Development Zone, P-D(530), to allow a multi-screen cinema, hotel, and retail center, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on August 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the
Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Costa Limited Partners and WestStar Cinemas, Inc., and

WHEREAS, after said hearing, the Council found and determined that said proposed Development Agreement and rezoning as recommended by the Planning Commission should be denied without prejudice,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the proposed Development Agreement be denied without prejudice for the following reasons:

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING VAPOROOTER SERVICE FOR OPERATIONS AND MAINTENANCE DEPARTMENT - WASTEWATER COLLECTION

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing vaporooter service for Operations & Maintenance Department - Wastewater Collection Division to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 29, 1998 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 25th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-444

A RESOLUTION ACCEPTING THE BID OF RUTHERFORD AND SMITH CONSTRUCTION INC. FOR THE PROJECT TITLED "RANCH CANNERY PUMP STATION AND FORCEMAIN - SCHEDULE A"

WHEREAS, the bids received for Ranch Cannery Pump Station and Forcemain-Schedule A were opened at 11:00 a.m. on August 11, 1998, 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 Rutherford and Smith Construction Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rutherford and Smith Construction Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-445

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: APPROVING A CONTRACT FOR THE PROJECT TITLED "RANCH CANNERY PUMP STATION AND FORCemain - SCHEDULE A" AWARDED TO RUTHERFORD AND SMITH CONSTRUCTION, INC.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("EIR") (SCH 96042009) for the Wastewater Master Plan, and

WHEREAS, on November 18, 1997, the City's Public Works and Transportation Department by Environmental Assessment Initial Study, reviewed the proposed Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final 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 Final Master EIR, and

WHEREAS, on August 25, 1998, the City Council considered approving a contract for the "Ranch Cannery Pump Station and Forcemain - Schedule A" to be awarded to Rutherford & Smith Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared on
November 18, 1997, 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 project is within the scope of the Master Plan covered by the Wastewater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

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 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
INTRODUCTION
Section 21157.1(c) of the California Environmental Quality Act provides that "if the lead agency, based on the initial study, determines that a purposed subsequent project will have no additional significant effect on the environment, as defined in subdivision d of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings pursuant to Section 21081 shall be required by this division." This prototype Initial Study has been developed by the City as the information basis on which all subsequent wastewater master plan projects will be evaluated in compliance with Section 21157.1(c).

DETERMINATION
On the basis of this initial evaluation:

I find that the proposed project's effects were adequately addressed in the Wastewater Master Plan Master EIR (State Clearinghouse No. 96042009) or the General Plan Master EIR. No new environmental document nor findings are necessary.

I find that the proposed project's effects were not fully addressed in the Wastewater Master Plan Master EIR and that additional environmental analysis is necessary.

Antonio S. Tovar
Assistant Civil Engineer

November 18, 1997
DESCRIPTION OF SUBSEQUENT PROJECT (Indicate Assessor’s Parcel Number and include attachments as necessary)

Assessor’s Parcel Number: 22-01-08.

The project consists of the design for pumping and conveyance systems for direct land disposal of cannery waste at the Secondary Treatment Plant Site, 7007 Jennings Road, is needed. This will allow conveyance of the segregated cannery wastewater directly to the City’s ranch land without treatment.

EVALUATION OF ENVIRONMENTAL IMPACTS

A. TRAFFIC AND CIRCULATION NEEDS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to traffic and circulation needs. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 21 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The construction and operation of the subsequent project would result in approximately 12 and no vehicle trips per day respectively, and would not substantially degrade the level of service along affected roadways and intersections.

3. The service capacity (regarding circulation) of the subsequent project is zero and is therefore substantially similar to that described in the Wastewater Master Plan Master EIR. Consequently, the subsequent project would support an overall development level and population consistent with the growth projections embodied in the Wastewater Master Plan.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A
B. DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to degradation of air quality and generation of odors. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 36 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction of the subsequent project would result in approximately 0 pounds per day and 0 tons per year of NOx, below the significance levels of 55 pounds per day and 10 tons per year. Operation of the subsequent project would not result in air pollutant emissions substantially in excess of those analyzed in the WWMP MEIR, and therefore would not result in any additional exceedences of SJVUAPCD thresholds.

3. Objectionable odors would not be created in excess of those analyzed and described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

C. GENERATION OF NOISE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to generation of noise. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 38 through 39 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project would not generate significant noise beyond the levels described in the General Plan Master EIR.
Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. The Contractor shall install noise reduction equipment (mufflers) when construction is near homes of schools.

2. Equipment staging areas shall be located as far from residences as possible.

D. LOSS OF AGRICULTURAL LAND

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to loss of agricultural land. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 50 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is outside the General Plan boundary but is proposed to be sited on land that is currently in use, which is not designated as prime farmland, and will therefore not convert prime agricultural land or displace or substantially impair the agricultural productivity of prime agricultural land outside of the City’s General Plan boundary.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

E. INCREASED DEMAND FOR WATER SUPPLIES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for water supplies. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 57 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project would not use large amounts of water or significantly waste water in a way not described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

F. INCREASED DEMAND FOR SANITARY SEWER SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for sanitary sewer services. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 58 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not create the need for sanitary sewer services beyond that analyzed in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

G. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to loss of sensitive wildlife and plant habitat. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 69 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project is not the parallel outfall crossing at the Tuolumne Crossing, nor is the pipeline 24C, 7B or 7C as designated on Figure IV-6 of the Wastewater Master Plan Master EIR nor is it located on lands that can be characterized as open pasture lands, wetlands, or vernal pools.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

H. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORIC SITES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to disturbance of archaeological or historic sites. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 77 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not affect any structure or artifact of known historical importance or significance.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

I. DRAINAGE, FLOODING AND WATER QUALITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to drainage, flooding, and water quality. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 92 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project would not locate any structures within a 100-year flood plain that are not described in the WWMP and that would contribute to substantial flooding.

3. The subsequent project would not create any discharges in addition to those analyzed in the WWMP MEIR that could result in a violation of water quality standards.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

J. INCREASED DEMAND FOR STORM DRAINAGE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for storm drainage. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 98 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not cause the drainage system to unsafely convey and dispose of storm flows.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

K. INCREASED DEMAND FOR PARKS AND RECREATION

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for parks and recreation. Substantial evidence for this conclusion is as follows.
1. Page(s) VI - 106 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Parks and Recreation Director has confirmed that the subsequent project would not result in the long-term disruption of the normal use or require the reduction in size of an existing park not analyzed in Section VI of the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

L. INCREASED DEMAND FOR SCHOOLS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for schools. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 108 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The Director of Planning and Research of the Modesto City Schools has confirmed that the subsequent project would not result in a substantial increase in the demand for schools in addition to that described in Chapter IV, Section 12 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility subsequent project:

1. N/A

M. INCREASED DEMAND FOR POLICE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for police services. Substantial evidence for this conclusion is as follows.
1. Page(s) VI - 109 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Police Chief has confirmed that construction and operation of the subsequent project would not exceed the capacity of local police services beyond that described in Chapter IV, Section 13 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

N. INCREASED DEMAND FOR FIRE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for fire services. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 115 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Fire Chief has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for fire services in addition to that described in Chapter IV, Section 14 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

O. GENERATION OF SOLID WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with
regard to generation of solid waste. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 116 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for solid waste in addition to that described in Chapter IV, Section 15 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

P. GENERATION OF HAZARDOUS WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to generation of hazardous waste. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 128 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not potentially result in an unauthorized release of a hazardous substance or generate, use, store, or transport of any hazardous waste substantially in addition to that described in the WWMP MEIR, or violate a federal, state, or local laws or regulations for hazardous materials or hazardous wastes.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A
Q. LANDSLIDES AND SEISMIC ACTIVITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to landslides and seismic activity. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 137 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not located in an area in which landslides and seismic activity threaten the public health and safety.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

R. ENERGY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to energy. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 138 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Directors confirms that the subsequent project would not create a significant increase in demand for energy beyond that analyzed in Chapter IV, Section 18 of the General Plan MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A
A RESOLUTION ACCEPTING THE PROJECT TITLED "WATER STORAGE BUILDING AT WATER TANK NO. 6" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Water Storage Building at Water Tank No. 6, has been completed by Paul Anderson Construction, in accordance with the contract agreement dated February 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Water Storage Building at Water Tank No. 6 be accepted from said contractor, Paul Anderson Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $118,614.00 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 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-447

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO REIMBURSE CITY FOR RIDES TAKEN BY COUNTY EMPLOYEES ON MAX

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to reimburse City for rides taken by County employees on MAX 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 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING ADVANCEMENT OF $100,000 FOR AN AMENDMENT TO A CONSULTING CONTRACT FOR THE NINTH STREET RAILROAD RELOCATION PROJECT.

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

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

WHEREAS, Amendments 9 and 10 began the actual design and property research for the project, and

WHEREAS, Amendment 11 will accommodate design changes initiated on the Tuolumne Boulevard Extension, and

WHEREAS, Amendment 12 for the Kansas-Needham Overcrossing is a major redesign effort (cost of $429,000) which will align the over-crossing to the future Highway 132, and

WHEREAS, the City Council, by Resolution No. 98-335, adopted on June 11, 1998, approved the new alignment, and

WHEREAS, City staff has requested that the City Council advance $100,000 for the design effort to allow the consultant to establish the exact right-of-way requirements and elevations of the Kansas-Needham structure which will give Modesto Irrigation District...
sufficient plans to begin design of their utility relocation work, (3 power lines are in conflict with the new overcrossing), which must be completed by April 1, 1999, in order to meet power requirements for the canning season, and

WHEREAS, any delay past this date will postpone the entire over-crossing project a full year and will subject the project to a price increase of five (5%) percent or about $550,000 on an $11 million dollar construction project, and

WHEREAS, Cal-Trans has not completed its review of Amendment 12, and the $100,000 advance will keep the project moving pending Cal-Trans’ review and acceptance of Amendment 12 and will also allow the consultant time to develop plans in order to meet requirements for MID’s relocation of the power lines in conflict with the overcrossing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the City Council hereby approves the advance of $100,000 to further the design of the Kansas-Needham Overcrossing in accordance with Amendment 12 to the consulting contract for the Ninth Street Railroad Relocation Project and to meet requirements for MID’s relocation of the power lines in conflict with the overcrossing.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACEADA MANSION PARTNERSHIP FOR THE LEASE OF A PORTION OF WELL NO. 2 LOCATED AT 110 POPLAR AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Graceada Mansion Partnership for the lease of a portion of Well No. 2 located at 110 Poplar Avenue 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 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD - CENTRAL VALLEY INC. FOR WATER LINE EXTENSION ALONG PRESCOTT ROAD AND SNYDER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad - Central Valley Inc. for water line extension along Prescott Road and Snyder Avenue 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 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-451

A RESOLUTION APPROVING THE FINAL MAP OF THE WILDFLOWER SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman Capital Corporation, a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.66 acres, known as Wildflower Subdivision ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of April, 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 Wildflower 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, and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after subdividers have taken all actions reasonably necessary to form or annex to a City of Modesto Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-month appointment of a representative to act for it in a CFD election which is in a form acceptable to the City Attorney, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been
paid, and after subdividers have 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 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 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET
APPROPRIATING FUNDS FROM CONTINGENCY RESERVE TO THE PROMOTIONS
ACCOUNT IN THE DOWNTOWN IMPROVEMENT FUND

WHEREAS, the Board of Directors of the Downtown Improvement District has requested that
$5,000 be used from the Downtown Improvement District reserve account to engage a professional
consultant to critique the Mayor’s Downtown Nights project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-
99 Annual Budget is hereby amended as indicated below:

Expenditures
#090-800-8000-8003 Contingency Reserve $(5,000)
#090-140-1442-0237 Promotions $ 5,000

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 25th day of August 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [signature]
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: [signature]
STAN FEATHERS, Budget Officer
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JACK DOOLEY FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE AUGUST 25, 1998

WHEREAS, Jack Dooley was appointed a member of the Landmark Preservation Commission on January 2, 1996; and
WHEREAS, Jack Dooley has tendered his resignation from the Landmark Preservation Commission, effective August 25, 1998; and
WHEREAS, Jack Dooley 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 Jack Dooley from the Landmark Preservation Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Jack Dooley 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 25th day of August, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING PUBLIC HEALTH GOALS REPORT

WHEREAS, Title 22 of the California Healthy and Safety Code requires that all large water system providers issue a public notice on water quality standards in their service area; and

WHEREAS, said report was issued on July 1, 1998, and a public hearing was held on August 25, 1998 to hear public comments.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Public Health Goals Report be, and is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING KATHLEEN COHN AND LINDA AVEDON AND REAPPOINTING HONOR DENNEY, JUDITH KENYON, KATHLEEN MORGAN AND PATRIOT ROBERTS TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Kathleen Cohn and Linda Avedon are hereby appointed to the Community Qualities Forum with term expirations of January 1, 2002.

SECTION 2. The following are hereby reappointed to the Community Qualities Forum:


SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed and reappointed members 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 25th day of August, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-456

A RESOLUTION APPROVING A CHANGE IN PROCEDURE AND AUTHORIZING THE PURCHASING OFFICER TO PURCHASE VARIOUS VEHICLES THROUGHOUT FISCAL YEAR 1998-1999 BY AUCTION, NEGOTIATION, INFORMAL AND FORMAL BID PROCESSES AND FROM THE STATE OF CALIFORNIA COMPETITIVELY BID CONTRACTS WITHOUT RETURNING TO CITY COUNCIL FOR FINAL APPROVAL OF AWARD AND PURCHASE.

WHEREAS, by a report dated August 25, 1998, from the Finance Department/Purchasing Division, a copy of which report is on file in the City Clerk’s Office, a request was made to authorize the Purchasing Officer to purchase various vehicles throughout Fiscal Year 1998-1999 by auction, negotiation, informal and formal bid processes and from the State of California competitively bid contracts without returning to City Council for final approval of award and purchase for a total not to exceed the budgeted amount of $1,309,000.00, and

WHEREAS, Section 8-3.203(d) of the Modesto Municipal Code provides that the Purchasing Officer, in his discretion, may determine that a process other than the formal bid procedure set forth in Section 8-3.204 of the Modesto Municipal Code will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves a change in the procedure and authorizes the Purchasing Officer to purchase various vehicles throughout Fiscal Year 1998-1999 by auction, negotiation, informal and formal bid processes and from the State of California competitively bid contracts without returning to City Council for final approval of award and purchase for a total not to exceed the budgeted amount of
$1,309,000.00, as requested in the report dated August 25, 1998 from the Finance
Department/Purchasing Division, a copy of which report 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 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "PELANDALE EXPRESSWAY PHASE 1A"

WHEREAS, the bids received for Pelandale Expressway Phase 1A were opened at 11:00 a.m. on August 18, 1998, 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 $1,644,227.20 from George Reed Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $1,841,534.46 TO CREATE A CIP PROJECT ACCOUNT TO AID PROJECT ACCOUNTING OF THE PELANDALE EXPRESSWAY PHASE 1A PROJECT

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

FROM: 141 430 J924 6040; 141 430 J924 6050; 141 430 J924 6060; 1,644,227.20
     82,211.36
     115,095.90

TO: TBD 6040 6050 6060

1,644,227.20
82,211.36
115,095.90

This transfer will create a new CIP project so project costs can be tracked separately from future phases of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-459

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017): APPROVING A CONTRACT FOR A PROJECT TITLED "PELANDALE EXPRESSWAY PHASE 1A".

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, on Engineering and Transportation Department, by an Initial Study, reviewed the proposed Pelandale Avenue Extension in regard to a project titled "Pelandale Expressway Phase 1A", 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 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 1, 1998, the City Council considered said matter, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared 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 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

9/1/98
City of Modesto
Initial Study

PELANDALE AVENUE EXTENSION - Dale Road to the existing Pelandale Ave. 1700' West of McHenry Ave. Including PRESCOTT ROAD EXTENSION - Snyder Ave. to the new Pelandale Ave.

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 Expressway Phases 1A, 1B, and 1C.

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:
   Pelandale Avenue - from Dale Road to the existing Pelandale Avenue approximately 1700 feet West of McHenry Avenue, and Prescott Road - from Snyder Avenue to the new Pelandale Avenue.

E. Project sponsor:
   City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:
   Commercial (C)
   Regional Commercial (RC)
   Residential (R)
G. **Zoning:**

Specific Plan (SP-O)
County Planned Industrial (PI)

H. **Description of Proposed Project:**

This is an application to construct a two lane roadway within the limits previously described.

I. **Surrounding land uses:**

The project is bounded on the North and South by agricultural land zoned P-SP-O, and SP-O. To the west is a developed residential area zoned R3, and to the East are vacant lots currently within Stanislaus County.

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 Pelandale Avenue and Prescott Road Extensions 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 an agricultural 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 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 8-10 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 roadway 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 roadway 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 Avenue and Prescott Road Extensions 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 Avenue and Prescott Road Extensions, 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 Avenue and Prescott Road Extensions, that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to the Pelandale Avenue and Prescott Road Extensions 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]

Dean Phillips,  
Associate Civil Engineer
A RESOLUTION ACCEPTING THE PROJECT TITLED "96/97 ANNUAL SEWER REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 96/97 Annual Sewer Rehabilitation, has been completed by Soares Underground Construction, in accordance with the contract agreement dated February 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the 96/97 Annual Sewer Rehabilitation be accepted from said contractor, Soares Underground Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $228,468.60 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 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HDR INC. TO CONDUCT AN ASSESSMENT OF THE CITY'S CURRENT AND LONG TERM SOLID WASTE MANAGEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HDR Inc. to conduct an assessment of the City's current and long term solid waste management program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR/City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-462

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:

Geographic Information Systems Coordinator

Airport Operations and Maintenance Supervisor

Equal Opportunity Officer

The job specifications for the classification of Geographic Information Systems Coordinator (Range 434), as shown on the attached Exhibit "A", Airport Operations and Maintenance Supervisor (Range 428), as shown on the attached Exhibit "B", and Equal Opportunity Officer (Range 431), as shown on the attached Exhibit "C", which are hereby
made a part of this resolution by reference, are hereby approved and made a part of this Position 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 classification:

Senior Equipment Operator

The job specification for the classification of Senior Equipment Operator (Range 120), as shown on the attached Exhibit "D", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Storm Water Inspector
Engineering Systems Manager
Affirmative Action Officer
Airport Maintenance Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after September 1, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO
No. 3704
AUGUST, 1998

GEOGRAPHIC INFORMATION SYSTEMS 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 administer the work of the Geographic Information Systems (GIS) program; to design databases and procedures required to support GIS applications; to plan production steps for GIS applications and to act as the chief liaison between the system and its users.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Information Services Manager.

May exercise functional and technical supervision over assigned 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, direct, and coordinate the implementation of goals, objectives, policies, procedures, standards and work programs for the City-wide GIS program.

Assist in budget preparation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Conduct a needs assessment for City-wide GIS; prepare Request for Proposals (RFP) for GIS functions and services.

Establish and maintain partnerships with other outside agencies for the exchange of data, ideas, and programming.

Conduct analytical studies; develop and review reports of findings, alternatives and recommendations; prepare a variety of reports regarding program activities.

Confer with City management regarding GIS services requested and delivered; develop long and short range GIS program and implementation plans, including hardware and software upgrades.

EXHIBIT A
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Essential Functions:

Resolve service complaints received from user departments and implement corrective action; monitor operating condition of City's GIS computer equipment to assure efficiency.

Receive and prioritize requests for GIS computer applications development and oversee the development and implementation process.

Direct GIS computer operations, including data control and data entry activities; coordinate the acquisition of personal computers and software for individual department use.

May participate in the selection of staff; provide or coordinate staff training; may supervise, evaluate and coach assigned staff including maintaining discipline.

Monitor developments and legislation related to information systems matters; evaluates this impact upon City operations and recommend and implement equipment, policy, and procedural improvements.

Participate on various City management teams; represent the City in meetings with representatives of manufacturers, vendors, professional and business organizations and other government agencies.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices, and techniques of GIS management including applications design, system analysis, data base management; and hardware and software options for geographic and land-oriented applications.

General operating principles and parameters of client server systems and personal computers used by the City.

Administrative principles and methods, including goal setting, program development and implementation.
QUALIFICATIONS (Continued)

Knowledge of:

Research techniques, methods and procedures.

Principles and practices of supervision, training and personnel management.

Ability to:

Plan, organize, administer, review, and evaluate City-wide GIS development, programming, and computer operations activities including data entry and control functions.

Develop, implement, and interpret goals, objectives, policies, procedures, standards, work programs and internal controls.

Analyze complex problems, evaluate alternatives, and make creative recommendations.

Assess GIS user department needs, set priorities, and meet such needs in a timely and effective manner.

Exercise sound independent judgement within policy guidelines.

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

Represent the City effectively in meetings with other businesses or agencies.

Prepare clear, concise and complete reports, correspondence, and other written material.

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 experience involving the operation, maintenance, and implementation of automated mapping and/or GIS systems. Experience with systems such as ESRI’s ArcInfo, ArcView, and MapObjects is desirable.
Experience and Training Guidelines (Continued)

Education:

Equivalent to graduation from an accredited four year college or university with major coursework in computer science, engineering, public administration, geography or a closely related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time.
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 preconstruction 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.
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.

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.
CLASS SPECIFICATIONS

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 develop, implement, and coordinate the City's Equal Opportunity Program; ensure City compliance with all relevant laws and policies; and perform other related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from department head.

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

Essential Functions:

Administer the City's Equal Opportunity Programs, which include EEO (Equal Employment Opportunity) compliance, ADA compliance, contractor compliance and related programs and systems; monitor program compliance and produce required reports; manage the automation of program data; develop and recommend City rules and regulations relating to affirmative action and equal opportunity; provide consultation, education and training programs on equal opportunity issues and policies to city staff.

Investigate and facilitate the resolution of discrimination and harassment complaints and develop procedures which create a non-discriminatory work environment.

Provide staff support to the Equal Opportunity/Disability Commission.

Plan and participate in recruitment outreach, particularly when underutilization is a concern; coordinate with departments on equal opportunity issues; monitor equal opportunity program progress.

Monitor personnel actions and activities (e.g. recruitments, appointments, promotions, retentions, and terminations) for equal opportunity purposes; oversee the development of special employment programs.

Monitor legislation and litigation.

Serve as the City's representative to Stanislaus County Mayor's Committee for the Employment of Persons with Disabilities.

EXHIBIT C
EXAMPLES OF DUTIES (Continued)

Make oral presentations before community groups and City officials.

Serve as the City's advocate in equal employment matters.

Interact closely with City officials, staff, citizens, and community organizations.

Apply specialized knowledge and judgment in recommending actions to be taken on complex, technical, and sensitive issues.

Conduct audits or classification studies for purposes of validating job standards, removal of artificial barriers or the development of specialized classifications.

Participate in recruitments in furtherance of equal opportunity goals; perform test development activities and adverse impact analyses; coordinate and administer examinations; respond to recruitment or examination complaints.

Act as liaison to the community, professional organizations, and educational institutions, and respond to requests for information on job opportunities, professional development, and work-study programs.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Pertinent Federal, State and local laws, court decision, and administrative guidelines relating to affirmative action and equal employment opportunity.

Principles and practices of analysis and statistical methodology.

Principles and practices of organization, administration and personnel management.

Technical writing styles and English composition fundamentals.

Ability to:

Provide effective program development and implementation in the area of affirmative action and equal opportunity.
QUALIFICATIONS (Continued)

Ability to:

Maintain the City’s compliance with all reporting and other requirements.

Develop and maintain harmonious working relationships with contractors, enforcement agencies, and community organizations; interact effectively with personnel at all levels.

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

Work with and control sensitive and confidential information; provide appropriate sensitivity to multi-cultural issues.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Experience:

Two years of increasingly responsible experience in equal opportunity, affirmative action, personnel, public administration, or human resources programs.

Training:

Equivalent to a Bachelor’s degree from an accredited college or university with major course work in social science, public administration, business administration, industrial relations, human resources management, or a related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and viewing a computer screen.
CITY OF MODESTO
NO. 6313

SENIOR EQUIPMENT OPERATOR

AUGUST, 1988

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 operate the most difficult and complex heavy construction, maintenance and transportation equipment in a variety of maintenance activities including excavating, grading, trenching, loading and related operations according to required standards; and to perform semi-skilled and skilled maintenance tasks.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

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:

Essential Functions:

Operate heavy construction equipment such as backhoes, motor graders, large front-end loaders, and cranes for a variety of construction operations involving streets, drainage systems, water lines, sidewalks, curbs and gutters.

May provide lead supervision to a small crew of lower level maintenance staff.

Break out and load asphalt and concrete onto large dump trucks.

Grade and crown City streets, roads and alleys using a motor grader; roll asphalt.

Identify equipment needs for each assigned project.

Perform minor repairs on equipment and report the need for major repairs; check and adjust fluid level; grease and lubricate moving parts as required.

EXHIBIT D
Essential and Marginal Function Statements - (Continued)

Essential Duties:

Perform additional construction and maintenance tasks such as concrete work, truck driving, asphalt spreading, jackhammering and a variety of repair activities when equipment is not in use.

Provide training to lower level staff in the operation.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operation and maintenance requirements of trucks and heavy power-driven equipment.

Practices, methods, and materials used in construction and maintenance work.

Traffic laws, ordinances, and rules involved in truck and heavy equipment operations.

Safe work practices; working in and around open trenches.

Traffic control on construction sites.

Principles of personnel supervision and training.

Ability to:

Operate a variety of complex heavy power-driven equipment.

Locate utilities and be familiar with Underground Service Alert (U.S.A.) procedures.

Perform a variety of semi-skilled and skilled construction and maintenance tasks.

Load equipment on tractors for transport.

Learn the geography and street system of the City.
QUALIFICATIONS - (CONTINUED)

Ability to:

Read blue prints; participate in construction meetings.

Perform maintenance on assigned equipment in an efficient, safe manner.

Understand and follow oral and written instructions.

Work independently or in a crew situation, as assigned.

Set up and work in construction sites at night, in adverse weather, or in emergencies.

Supervise and train lower-level maintenance staff.

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

Occasionally lift up to 100 pounds.

Experience and Training Guidelines

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

Experience:

Three years of increasingly responsible experience performing maintenance work involving the operation of heavy construction equipment.

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

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

Environmental Conditions:

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

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy or moderate or light lifting, bending, stooping, kneeling, crawling, walking, climbing, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-462A

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE
TABLE TO DELETE STORM WATER INSPECTOR
(RANGE 117).

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 September 1, 1998", which is attached hereto and made a part hereof as
though set forth in full herein. Said amended Exhibit "A" deletes class specification for Storm
Water Inspector (Range 117).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on
and after September 1, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the _1st_ day of _September_ , 1998, 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, Dobbs, Fisher, Friedman, Serpa,
         Smith, Mayor Lang

NOES:    Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  Jean Zahr
         JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 101   | Custodian I  
       | Maintenance Aide |
| 103   | Administrative Clerk I |
| 104   |       |
| 105   |       |
| 106   |       |
| 107   | Administrative Clerk II  
       | Animal Control Officer I  
       | Custodian II |
| 108   |       |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
       | Equipment Service Worker I |
| 111   | Account Clerk  
       | Animal Control Officer II  
       | Evidence & Property Specialist |
| 112   |       |
| 113   | Computer Operator  
       | Administrative Technician  
       | Drafting & Graphics Technician |
| 114   | Electrical Technician I  
       | Storeskeeper  
       | Maintenance Worker II  
       | Equipment Service Worker II |
| 115   | Accounting Technician  
       | Planning Technician I  
       | Wastewater Treatment Plant Attendant  
       | Community Service Officer I  
       | Assistant to the Events Coordinator  
<pre><code>   | Code Enforcement Officer I |
</code></pre>
<table>
<thead>
<tr>
<th>Class</th>
<th>Job Title</th>
</tr>
</thead>
</table>
| 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 |
| 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  
Assistant Buyer |
| 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 Maint. Mech. Crewleader - Pumps
   Civil Engineering Technician II
   Maint. Mech. Crewleader - Parks

124 Plant Mechanic
   Equipment Mechanic Crewleader
   Planning Assistant
   Equipment Crewleader
   Community Development Program Specialist I
   Wastewater Collection System Crewleader
   Laboratory Analyst II

125 Crime Analyst
   Sr. Wastewater Treatment Plant Operator

126 Coach Mechanic Crewleader
   Building Inspector I
   Electrician
   Housing Rehab. Specialist I
   Housing Financial Specialist
   Industrial Waste Inspector II
   Senior Fire Equipment Mechanic

127 Civil Engineering Assistant
   Landscape Technician

128 Instrument Repair Technician
   Programmer Analyst II
   Public Improvement Specialist
   Community Development Program Specialist II

129

130 Building Inspector II
   Construction Inspector
   Housing Rehabilitation Spec. II
   Hazardous Material Program Coordinator

131 Sr. Civil Engineering Asst.
| Page 134 | Senior Building Inspector  
|          | Senior Construction Inspector  
|          | Fire Plan Checker  
|          | Plan Review Engineer |
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-463  

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 98-258 ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 97-375."

WHEREAS, by Resolution No. 98-258, effective June 23, 1998, the City Council granted salary and benefit changes to Management And Confidential Employees, Including Council Appointees, and now wishes to further amend Exhibit "A" of Resolution No. 98-258,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 98-258 Exhibit "A" of Resolution No. 98-258 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 23, 1998", 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 1, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Geographic Information Systems Coordinator (Range 434), Equal Opportunity Officer (Range 431), and Airport Operations and Maintenance Supervisor (Range 428) to the Class Range Table, and deletes Engineering Systems Manager (Range 434), Affirmative Action Officer (Range 431), and Airport Maintenance Supervisor (Range 428) from the Class Range Table.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 1, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td></td>
</tr>
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<td>405</td>
<td></td>
</tr>
<tr>
<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
<tr>
<td>413</td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td>414</td>
<td>Administrative Technician (Confidential)</td>
</tr>
<tr>
<td>415</td>
<td>Secretary</td>
</tr>
<tr>
<td>416</td>
<td></td>
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<td>417</td>
<td></td>
</tr>
<tr>
<td>418</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>419</td>
<td>Public Information Technician (Confidential)</td>
</tr>
<tr>
<td>420</td>
<td>Police Training and Records Technician (Confidential)</td>
</tr>
<tr>
<td></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
421

422 Office Supervisor

423 Custodian Supervisor
Police Support Services Supervisor

424 Assistant Planner
Asst. City Clerk/Auditor
Buyer
Workers’ Compensation Claims Examiner II

425 Administrative Analyst I
Executive Assistant

426 Stores Manager

427 Events Supervisor
Legal Services Administrator

428 Parks Maintenance Supervisor
Trees Maintenance Supervisor
Senior Buyer
Accountant II
Budget Analyst
Public Works Supervisor
Building Maintenance Supervisor
Customer Services Specialist
Customer Services Supervisor
Fleet Maintenance 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

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 Mechanic Supervisor  
   Recreation Supervisor II  
   Senior Accountant  
   Youth Program Supervisor  
   Industrial Waste Supervisor  

433 Organizational Development Specialist  
   Laboratory Manager  

434 Senior Programmer Analyst  
   Electrical Supervisor  
   Sr. Housing Rehab. Specialist  
   Secondary Treatment Site Supv.  
   Operations Supervisor  
   Arborist  
   Land Surveyor  
   Equipment Maintenance Supervisor II  
   Assistant Civil Engineer  
   Assistant Traffic Engineer  
   Geographic Information Systems Coordinator  

435 Management Analyst  
   Senior Personnel Analyst  
   Administrative Services Officer  
   Integrated Waste Specialist  
   Business Analyst  
   Cultural Services Manager  

436 Senior Planner  

437 Deputy City Attorney I  

438 Asst. Water Quality Control Supt.  
   Transportation Planner  
   Housing Program Supervisor  
   Parks Planning and Development Manager  
   Communications and Marketing Manager  
   Property Agent  
   Budget Officer  
   Financial/Investment Officer  
   Systems Engineer  
   Development and Operations Coordinator  

439  

440 Purchasing Officer  
   Associate Civil Engineer  
   Associate Traffic Engineer
**Class Range Table**  
Management and Confidential Non-Sworn Class  
Page 4

<table>
<thead>
<tr>
<th>Class</th>
<th>Title</th>
</tr>
</thead>
</table>
| 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  
        Water Superintendent  
        Building Maintenance Superintendent  
        Police Records Manager  
        Fire Marshal  
        Golf Services Manager  
        Deputy City Attorney II |
| 442   | Supv. Building Inspector  
        Supv. Construction Inspector  
        Manager of Budget and Financial Analysis  
        Information Services Manager |
| 443   | Deputy Chief Bldg. Official  
        Sr. Deputy City Attorney I |
| 444   | General Services Manager  
        Principal Planner |
| 445   | Customer Services Division Manager  
        Accounting Division Manager  
        Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Chief Building Official  
        Assistant to City Manager  
        Asst. Parks & Recreation Dir. - Civic Center  
        Asst. Parks & Recreation Dir. - Parks  
        Asst. Parks & Recreation Dir. - Recreation  
        Business Development Division Manager  
        Development Services Division Manager  
        Strategic Planning Division Manager  
        Senior Civil Engineer  
        Traffic Engineer |
Sr. Deputy City Attorney II

Deputy Director - Engineering & Transportation
Deputy Director - Utilities

Assistant City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO MOVE SALARY AND BENEFIT FUNDS FOR THE NEWLY CREATED POSITION OF GEOGRAPHIC INFORMATION SYSTEMS COORDINATOR

WHEREAS, representatives from Engineering & Transportation, Personnel and Finance Departments coordinated the reinvention of the former classification of Engineering Systems Manager; and

WHEREAS, this newly created position will be assigned to the Information Services Division of the Finance Department; and

WHEREAS, funds for this position need to be moved from Organization #4112 to Organization #1242, and equally funded by the General, Water and Wastewater funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 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 City Council of the City of Modesto held on the 1st day of September 1998 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST:  

JAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
### Attachment A

#### Expenditures – Fund #010
- #010-410-4112-0110 Salaries: $(55,827)$
- #010-410-4112-0188 Benefits: $(12,116)$
- #010-780-7000-7713 Transfer out to Fund 713: $22,647$

#### Revenue – Fund #010
- #010-410-4112-9990 Service Credits: $(45,296)$

#### Expenditures – Fund #713
- #713-120-1242-0110 Salaries: $55,827$
- #713-120-1242-0188 Benefits: $12,116$

#### Revenue – Fund #713
- #713-700-7000-9010 Transfer in from Fund 010: $22,647$
- #713-700-7000-9610 Transfer in from Fund 610: $22,648$
- #713-700-7000-9621 Transfer in from Fund 621: $22,648$

#### Expenditures – Fund #610
- #610-440-5015-0255 City Forces: $(22,648)$
- #610-700-7000-7713 Transfer Out to Fund 713: $22,648$

#### Expenditures – Fund #621
- #621-440-5201-0255 City Forces: $(22,648)$
- #621-700-7000-7621 Transfer out to Fund 713: $22,648$
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE FOR PARTICIPATING IN THE SUBSIDIZED FEDERAL WORK STUDY PROGRAM FOR THE 1998-99 AUGUST TO MAY ACADEMIC YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community college District and Modesto Junior College for participating in the subsidized Federal Work Study Program for the 1998-99 August to May academic year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION WAIVING ZONING APPLICATION FEES IN THE EVENT THE MACERICH AND COSTA CINEMA PROJECTS ARE RESUBMITTED WITHIN ONE YEAR.

WHEREAS, by Resolution No. 98-439 adopted by the City Council on August 18, 1998, the Council denied the proposed Macerich Vintage Faire Limited Partnership project without prejudice for an amendment to Planned Development Zone, P-D(109), for a multi-screen theatre and restaurants at the Vintage Faire Mall, located on property on the east side of Sisk Road North of Standiford Avenue, and by Resolution No. 98-440 adopted by the City Council on August 18, 1998, the Council denied without prejudice the companion proposed development agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and

WHEREAS, by Resolution No. 98-441 adopted by the City Council on August 18, 1998, the Council denied the proposed Costa Limited Partners project without prejudice for an amendment to rezone from Specific Plan Overlay, SP-O, Zone, to Planned Development Zone, P-D(530), for multi-screen theatre, hotel, restaurants, and retail uses, located on property on the north side of Pelandale Avenue east of Sisk Road, and by Resolution No. 98-442 adopted by the City Council on August 18, 1998, the Council denied without prejudice the companion proposed development agreement between the City of Modesto and Costa Limited Partners and Weststar Cinemas, Inc., and

WHEREAS, the action taken by the Council on August 18, 1998, “without prejudice” allows the above-described proponents to re-file applications without having to wait
a full year after denial by the Council, and

WHEREAS, filing fees are established by Council resolution to cover the actual costs of preparing, publishing and mailing notices, as well as to cover the costs of staff time in evaluating the proposals, however, the Council desires to waive filing fees should either of the above-mentioned proponents wish to resubmit their applications for the proposed cinema projects within the one year period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that zoning application filing fees are hereby waived for the Macerich and Costa proposed cinema projects as described above in the event that either of the proponents wish to resubmit zoning applications within the one year period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPOINTING CAROLYN FRASER AS THE HUMAN RELATIONS COMMISSION'S LIAISON TO THE EQUAL OPPORTUNITY/DISABILITY 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 Human Relations Commission liaison to the Equal Opportunity/Disability Commission, and the Secretaries thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING ARNOLD NAIMARK AS THE HUMAN RELATIONS COMMISSION'S LIAISON TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Arnold Naimark is hereby appointed as the Human Relations Commission's liaison to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Human Relations Commission liaison to Citizens Housing and Community Development Committee, and the Secretaries thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF RISK MANAGEMENT INFORMATION SYSTEM SOFTWARE (RMIS)

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Risk Management Information System Software (RMIS) is hereby waived.

BE IT FURTHER RESOLVED that purchase of Risk Management Information System Software for a not to exceed price of $94,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF MONZINGO CONSTRUCTION FOR THE PROJECT TITLED "BUTTE AVENUE WATERLINE"

WHEREAS, the bids received for Butte Avenue Waterline were opened at 11:00 a.m. on August 25, 1998, 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 $92,574 from Monzingo Construction be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF MONIES TO FULLY FUND BUTTE AVENUE WATERLINE PROJECT

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

FROM: Alley H2O Line - Alpine/Eureka, 610-480-C151 6040; $77,500
TO: Butte Waterline 6040; $77,500

and

FROM: Strengthen Water System, 610-440-K482 6040; $27,108.62
TO: Butte Waterline 6040; $27,108.62

Funds were not originally identified in the CIP document for this specific project. Transfer is needed to fully fund the project and for ease of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE FOR PROVISION OF FUNDS TO THE CONVENTION AND VISITORS BUREAU FOR FISCAL YEAR 1998-99

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 provision of funds to the Convention and Visitors Bureau for Fiscal Year 1998-99 based on 13.33% of the Transient Occupancy Tax accrued for Fiscal Year 1998-99 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-473

A RESOLUTION AUTHORIZING THE SALE OF ONE (1) SURPLUS 1988 SUBURBAN (VIN #IGNGRZ6NJF105549) AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON OCTOBER 3, 1998, AT 824 W. KIERNAN AVENUE.

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 one (1) 1988 Suburban (Vin #IGNGRZ6NJF105549) which has been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, October 3, 1998, at their facility located at 824 W. Kiernan Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that one (1) 1988 Suburban (Vin #IGNGRZ6NJF105549) has become surplus property to the City’s needs and the Council does hereby authorize the sale of said surplus property.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, October 3, 1998, at 824 Kiernan Avenue, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject to the appropriate insurance being on file in the Office of the City Clerk.
BE IT FURTHER RESOLVED that at least five (5) days 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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

9/8/98
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAHRUMP HEIFER RANCH FOR THE LEASE OF THE HAILWOOD RANCH PROPERTY TO REMOVE LAND NEEDED FOR A TRAINING FACILITY FOR THE POLICE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Pahrump Heifer Ranch for the lease of the Hailwood Ranch Property to remove land needed for a training facility for the Police Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HASKELL AND INEZ N. MEDDERS FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 1710 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Haskell and Inez N. Medders for the acquisition of the property located at 1710 Hillside Drive for the flood protection 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 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING A RELEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND BEVERLY A. CABRAL FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the release agreement between the City of Modesto and Beverly A. Cabral for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-477

A RESOLUTION APPROVING THE FINAL MAP OF THE SYMPHONY PARK SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ROBERT J. AND JOAN L. CARDOZA (husband and wife), JOHN R. AND ANNE L. PORTEOUS (husband and wife), and REDEV. INC., a California corporation, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 18.51 acres, known as Symphony Park Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 18th day of November, 1996, 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 Symphony Park 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,

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

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 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 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 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-478

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD FOR PHASE II RAILROAD AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Union Pacific for Phase II Railroad agreement be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Scipa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE CALIFORNIA ENERGY COMMISSION UNDER THE PETROLEUM VIOLATION ESCROW ACCOUNT PROGRAM.

WHEREAS, the Community Services and Neighborhood Connections (CS&NC) Department submitted a grant application to the California Energy Commission for $200,000 in funding under the Petroleum Violation Escrow Account Program (PVEA) for new windows and new lighting at the Police Department main building, new HVAC at the Police Evidence and Property Facility, for replacement of the HVAC at the McHenry Museum and the addition of film coating to windows at the Maddux Youth Center, and

WHEREAS, the CS&NC Department has been notified that the above projects have been accepted by the State for funding, and in order for the State to proceed with awarding the funds, a Council resolution is required, and

WHEREAS, on September 8, 1998, the Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts $200,000 in grant funding from the California Energy Commission for the above projects.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute an agreement and other related documents in relation to the acceptance of said funding.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $5,000 TO PROVIDE FUNDING FOR FIRST NIGHT

WHEREAS, First Night is a national organization that provides alcohol free events on New Year's Eve; and

WHEREAS, in order for the First Night Committee to proceed with plans, funding needs to be established.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Account #010-800-8000-8003  $(5,000)
Account #010-360-3622-1000  $5,000

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 City Council of the City of Modesto held on the 8th day of September 1998 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KATHLEEN A. MORGAN FROM THE SIGN IMPROVEMENT COMMITTEE, EFFECTIVE SEPTEMBER 8, 1998

WHEREAS, Kathleen A. Morgan was appointed a member of the Sign Improvement Committee on July 22, 1997; and
WHEREAS, Kathleen A. Morgan has tendered her resignation from the Sign Improvement Committee, effective September 8, 1998; and
WHEREAS, Kathleen A. Morgan 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 Kathleen A. Morgan from the Sign Improvement Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Kathleen A. Morgan for her 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 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-482

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF LABOR AND SERVICES NECESSARY FOR EMERGENCY SEWER LINE REPAIR ON THE EMERALD TRUNK SEWER

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of labor and services necessary for emergency sewer line repair on the Emerald Trunk Sewer is hereby waived.

BE IT FURTHER RESOLVED that purchase of labor and services necessary for emergency sewer line repair on the Emerald Trunk Sewer for a not to exceed price of $400,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-483

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

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

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

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

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

WHEREAS, the creation of Mello-Roos Community Facilities Districts, pursuant
to the Act of 1982, Chapter 2.5 commencing with Section 53311 of Part 1 of Division 2 of Title 5
of the California Government Code, for the financing and completion of public works
improvements has become an increasingly integral part of City planning for the creation of such
improvements, and
WHEREAS, it has been determined to be financially prudent for the City to require a subdivision, for which a Community Facilities District ("CFD") is proposed or determined to provide the financing for at least some improvements, to actually form the subject CFD or annex to an existing CFD before its tentative subdivision map required by the California Subdivision Map Act is finally approved, and

WHEREAS, a tentative subdivision map may have its final approval conditioned upon satisfaction of a requirement imposed by City policy in existence at the time the subject map was deemed complete in accordance with the California Subdivision Map Act, and

WHEREAS, the District Administrator's outside engineering consultant has recommended that all subdivision agreements for subdivisions within Community Facilities Districts specify the creditable infrastructure or infrastructure segment percentages to be provided by the developer in detail, and

WHEREAS, it is fiscally prudent for the District Administrator and the City to have advance, detailed knowledge of proposed credit amounts associated with proposed creditable infrastructure or infrastructure segment percentages, and

WHEREAS, inclusion of a list of infrastructure segments required to be completed by the Facility Master Plan associated with the Specific Plan in which a subdivision is located, or other infrastructure specification, in future subdivision agreements along with proposed credit amounts would provide greater certainty to both the development community and the City with respect to exactly what would be required of each developer in each Community Facilities District, as well as the appropriate credit in each case, and

WHEREAS, an additional purpose for listing the infrastructure/infrastructure
segments and credits as above would be to provide an earlier opportunity for clarification of tax
credit issues before irrevocable commitments have been made by either the affected developer or
the District Administrator, and

WHEREAS, in order for the City's Community Facilities Districts to have
sufficient cash on hand to provide necessary administration, its consultants have advised it that tax
credits be limited to provide for an uncreditable sum in order to compensate the City for the cost
of staff time, consultant costs and indirect costs of administration, and

WHEREAS, the City's Community Facilities Districts Policies & Procedures
already state that certain costs cannot be “credited” by developers against special facilities taxes
because those costs are reimbursable, and

WHEREAS, it is necessary that a portion of the Community Facilities District's
one-time special tax required to be paid on each lot in each subdivision be paid in cash, yielding a
positive cash flow, and

WHEREAS, it has been determined that the “contingency” portion of a facility
segment estimated cost/credit should be “uncreditable” in order to recoup the City's “sunk”
planning and engineering costs, administrative costs, consultant costs and other indirect costs, and

WHEREAS, with respect to the Village One Community Facilities District No.
1996-1, it has been determined that of the 25% contingency portion of the facilities segment
credit, 10.5% of the contingency portion of the facilities segment credit should be “uncreditable”,
and

WHEREAS, it has been determined that a similar, appropriate portion of each
contingency amount attributable to facilities costs in future Community Facilities Districts should
also be "uncreditable" to provide immediate cash reserves for the aforementioned costs,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its "Policies and Procedures" relating to the implementation of its Specific Plans, and relating to Mello-Roos Community Facilities Districts be revised or amended as set forth below.

BE IT FURTHER RESOLVED that on and after December 1, 1998, Finance Plans created in conjunction with Specific Plans or other analogous Plans required by law for development shall require a determination whether or not a Community Facilities District shall be at least one means of financing infrastructure within the relevant Plan.

BE IT FURTHER RESOLVED that the City of Modesto's Director of Community Development shall, after consultation with the City's Director of Engineer & Transportation, and the City's District Administrator make the determination required within the next preceding paragraph.

BE IT FURTHER RESOLVED that where it has been determined that any infrastructure shall be acquired, constructed or maintained through Community Facilities District financing, it shall be the policy of the City of Modesto that each subdivision within such proposed or existing CFD shall have approval of its tentative subdivision map conditioned upon the creation of or annexation to such CFD, as appropriate, by that subdivision prior to final approval of its subdivision map.

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

1. That a new Paragraph 6 be added to read as follows:
6. District Administration

2. That a new Paragraph 6(a) be added to read as follows:

6(a) District Administration Requirement of Infrastructure/Credit Specification in Subdivision Agreements.

On or after December 1, 1998, it shall be City policy with respect to those subdivisions located within the boundaries of a proposed Community Facilities District, an existing Community Facilities District, or a proposed or existing annexation to a Community Facilities District that the subdivision agreement required by the City for each such subdivision specify the creditable infrastructure or infrastructure segment percentages to be provided by the Developer of that subdivision in detail, as well as proposed credit amounts associated with the subject infrastructure or infrastructure segment percentages. The infrastructure or infrastructure percentages shall be among those required to be completed by the Facility Master Plan or another similar infrastructure specification pertaining to the subdivision for which an agreement is sought.

3. That a new Paragraph 6(b) be added to read as follows:

6(b). District Administrator To Consult With Director Of Community Development Re Inclusion of Community Facilities Districts In Specific (Or Other) Plan Finance Plans.

When Specific or analogous Plans required by law for development are being prepared by the City, the City's Director of Community Development, after consultation with the City's Director of Engineering and Transportation and its District Administrator, shall determine whether or not a Community Facilities District shall be at least one means of financing infrastructure within any proposed Specific Plan on and after December 1, 1998, once the Director of Community Development has determined that a Community Facilities District shall be one means of financing such infrastructure, each subdivision within such a Plan shall have approval of its tentative subdivision map conditioned on the creation of or annexation to a Community Facilities District prior to final approval of its subdivision map, and the District Administrator shall assist the Director of Community
Development in ensuring enforcement of this policy.

4. That a new Paragraph 6(c) be added to read as follows:

6(c). **Uncreditable Portion Of Contingency Estimates In Village One.**

The District Administrator, in coordination with the City's Community Development Department, shall ensure that the contingency portion of each facility segment credit against the one-time facilities taxes otherwise due shall be uncreditable, and received in cash, in an amount equivalent to 10.5% of the 25% contingency portion of each such facility segment credit, so that Village One developers will receive a net credit of 14.5% with respect to the contingency portion of each such facility segment credit against the appropriate one-time facilities tax.

5. That a new Paragraph 6(d) be added to read as follows:

6(d). **Uncreditable Portion Of Contingency Costs To Be Included In Future Community Facilities Districts.**

The District Administrator, in coordination with the City's Community Development Department, shall insure that an uncreditable percentage of each future one-time facilities tax is incorporated into each of the City's future Community Facilities Districts by means of inclusion in the Public Report and in the Rate and Method of Apportionment of Taxes. In order to ensure that the City's sunk costs of planning and engineering, ongoing administration, indirect costs and consultant costs can be paid from cash on hand generated by this requirement, some portion of the estimated cost of each facility, facility segment, or unit cost of a facility shall be disallowed from presentation for credit against the special one-time facilities tax which would otherwise be due with respect to the provision of that facility.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, 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:**
- Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

**NOES:**
- None

**ABSENT:**
- None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-484

A RESOLUTION GRANTING AN EXEMPTION OF
CAPITAL FACILITIES FEES TO JIM CLICK OF WESTNET
PROPERTIES FOR A SIX-UNIT STUDIO APARTMENT
LOCATED AT 830 SECOND STREET.

WHEREAS, by letter submitted on August 11, 1998, from Jim Click of Westnet Properties, a request was made for an exemption of Capital Facilities Fees (CFF) for six-very low-income apartment units located at 830 Second Street in the City of Modesto, which is part of a redevelopment proposal for the northeast corner of Martin Luther King Drive and Paradise Avenue, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council's policy which was adopted on January 13, 1998, to expand eligibility for CFF exemptions and deferrals to all affordable housing developers, following a public hearing, and

WHEREAS, said request was set for a public hearing of the City Council at 4:00 p.m. on September 8, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held on the proposed matter,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby grants an exemption to the Capital Facilities Fees (CFF) for six-very low-income apartment units located at 830 Second Street in the City of Modesto, which is part of a redevelopment proposal for the northeast corner of Martin Luther King Drive and Paradise
Avenue, as requested.

BE IT FURTHER RESOLVED that the City Manager or his authorized
designee are hereby authorized to execute a Capital Facilities Fees Exemption Agreement with
Jim Click of Westnet Properties in relation to this matter.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of September, 1998, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor
Lang

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. 98-485

A RESOLUTION GRANTING AN EXEMPTION OR DEFERRAL OF CAPITAL FACILITIES FEES TO SELF-HELP ENTERPRISES FOR LOW-INCOME HOUSING UNITS TO BE BUILT AT THE SOUTH SIDE OF BRIGGS AVENUE AT SEYBOLD AVENUE IN THE CITY OF MODESTO.

WHEREAS, by letter submitted on August 11, 1998, from Tom Collishaw of Self-Help Enterprises, a request was made for an exemption or deferral of Capital Facilities Fees (CFF) for 21 low-income houses located on the south side of Briggs Avenue at Seybold Avenue in the City of Modesto, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council's policy which was adopted on January 13, 1998, to expand eligibility for CFF exemptions and deferrals to all affordable housing developers, following a public hearing, and

WHEREAS, said request was set for a public hearing of the City Council at 4:00 p.m. on September 8, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held on the proposed matter,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby grants an exemption or deferral to the Capital Facilities Fees (CFF) for 21 low-income homes located on the south side of Briggs Avenue at Seybold Avenue, limited to households earning less than 80% of the Median Area Income (MAI) totaling $80,199, subject to the following provisions:
1. Homebuyers earning less than 55% of the MAI will be eligible for an exemption from CFF fees provided there is no resale of the property for a ten year period.

2. Households earning between 55-80% of the MAI will be granted a CFF deferral for five years. Payments of principal and interest would begin in year six, with no interest accruing during the deferral period. The CFF would be paid over a ten-year period at 5% interest on the unpaid balance.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute a Capital Facilities Fees Exemption Agreement with Self-Help Enterprises in relation to this matter.

BE IT FURTHER RESOLVED that the Council requests Self-Help Enterprises to make a presentation to the City Council at a future meeting in relation to the construction quality.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING BOWEN AVENUE TRAFFIC CALMING PLAN

WHEREAS, in response to residents' concerns about speeding and pedestrian safety on Bowen Avenue, a traffic-calming plan consisting of a series of devices along Bowen Avenue to slow down vehicles was created.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Bowen Avenue Traffic Calming Plan be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "HIGHWAY VILLAGE SIDEWALK/CURB REPAIRS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Highway Village Sidewalk/Curb Repairs, has been completed by K&D Enterprises Inc., in accordance with the contract agreement dated April 14, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Highway Village Sidewalk/Curb Repairs be accepted from said contractor, K&D Enterprises Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $71,048.68 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-488

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR
THE PROJECT TITLED "REHABILITATION OF SLUDGE DRYING BEDS AT
WASTEWATER TREATMENT PLANT"

WHEREAS, the bids received for Rehabilitation of Sludge Drying Beds at
Wastewater Treatment Plant were opened at 11:00 a.m. on June 2, 1998, 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 $278,852.00 from Teichert Construction be accepted as the lowest responsible
bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the bid of $278,852.00 from Teichert Construction be accepted and the execution of
a contract for the completion of the project by the City's designated officials be
authorized.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 15th day of September 1998, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-489

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE NEW FEMA REVENUE ($195,965) AND RECOGNIZE PREVIOUSLY FEMA REVENUE ($87,454) AND APPROPRIATE A NEW CIP PROJECT

WHEREAS, the sludge drying beds at the Wastewater Treatment Plant were damaged during the Flood of 1997.

WHEREAS, this project will repair and upgrade the beds by receiving up to $283,418 in FEMA/State OES funding; and

WHEREAS, the City has already received and included in the contingency reserve $87,453 of FEMA and OEA funding.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>621 800 8000</td>
<td>8170 FEMA</td>
</tr>
<tr>
<td></td>
<td>$195,965</td>
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<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>621 800 8000</td>
<td>8003 Wastewater Contingency Reserve (87,453)</td>
</tr>
<tr>
<td>621 480 H832</td>
<td>6000 Wastewater Flood Restoration Project (32,838)</td>
</tr>
<tr>
<td>621 440 K003</td>
<td>6000 Rehabilitation of Sludge Drying Beds $316,256</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

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. 98-490  

A RESOLUTION DESIGNATING DESARROLLO LATINO-AMERICANO, INC., (DLA) AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FOR MODESTO'S HOME PROGRAM.

WHEREAS, the City of Modesto receives an annual grant from HUD under the HOME Investment Partnerships Program (HOME), which regulations require that at least 15% of the annual grant allocation be reserved for housing to be developed, sponsored, or owned by Community Housing Development Organizations (CHDOs), and

WHEREAS, to receive a CHDO designation, an organization must be a legally recognized nonprofit, community-based service organization, committed to have the capacity to develop affordable housing in the community it serves, as well as a requirement that a minimum of one-third of its board be either low income, reside in low-income community, or be an elected representative of a low-income neighborhood organization, and

WHEREAS, the Desarrollo Latino-Americano, Inc., (DLA), meets the CHDO requirements and has applied for CHDO status, and

WHEREAS, City staff has reviewed DLA's application and has determined that the organization meets the basic HOME CHDO requirements, however, if DLA is approved, staff will require independent financial audits in accordance with OMB Circular A-110, and

WHEREAS, said matter was considered by the Council at its meeting of September 15, 1998,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Desarrollo Latino-Americano, Inc., (DLA), is hereby designated as a Community Housing Development Organization (CHDO) for Modesto’s HOME program.

BE IT FURTHER RESOLVED that independent financial audits are hereby required in accordance with OMB Circular A-110.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __15th__ day of __September__, 1998, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Dobbs__, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-491

A RESOLUTION APPROVING THE WOODLAND NEIGHBORHOOD PARK MASTER PLAN AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017).

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 Community Services and Neighborhood Connections Department, by Initial Study, EA/CS 9810, dated September 4, 1998, reviewed the proposed Woodland Neighborhood Park, 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 measurers 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 15, 1998, the City Council considered approving the Woodland Neighborhood Park Master Plan and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study, EA/CS9810, dated September 4, 1998, prepared by the Community Services and Neighborhood Connections Department, for the proposed project, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by

-1-
reference, 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 Woodland Neighborhood Park Master Plan is hereby approved.

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 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 15th day of September, 1998, by Councilmember __________ Friedman, who moved its adoption, which motion being duly seconded by Councilmember __________ Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

WOODLAND NEIGHBORHOOD PARK

EA/CS 9810
City of Modesto
Initial Study

Woodland Neighborhood Park

E.A. No. EA/CS 9810
September 4, 1998

I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Woodland Neighborhood Park

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

C. Contact person, address and phone number:
Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:
In the west area of Modesto on the south side of Torrid Avenue between Shasta and Yellowstone Avenues.

E. Project sponsor:
City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353
F. General Plan Designation:

The area proposed as the Woodland Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will construct a seven-acre neighborhood park within the Woodland Neighborhood. The new park will replace the existing Woodland Neighborhood Park located adjacent to the Martone Elementary School site. This project will develop the park, including grading, paving, street improvements, underground utilities, landscaping, an irrigation system, a basketball court, a sand volleyball court, a restroom building, a softball field, informal picnic areas, play apparatus and lighting.

I. Surrounding land uses:

South: Single-family subdivisions, zoned R-1.
West: Single-family residences on large lots zoned A-2-10

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

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, not a destination that requires a vehicle trip. There will be no on-site parking and it is expected that most people will walk or bike to the park. An existing residential collector street that currently terminates just to the south of the park site will be extended north to Torrid Avenue with this project. This extension of Shasta Avenue is consistent with the General Plan and the General Plan Master EIR, which anticipated that this street would be completed. 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-1-37) are 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 project 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. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in 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 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 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. 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 project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. 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 project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand for storm drainage. 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

Development of this park site is a requirement of adopted Mitigation measure A.1 on pages IV-11-10 and IV-11-11 of the Master EIR. This project will satisfy that requirement by making neighborhood park facilities available in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Woodland Neighborhood. The demand for parks and open space will be met with the development of this park. 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

This commercial development 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. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.

B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).

C. The Woodland Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

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

Signature: [Signature]
Date: 9-8-98

Fred Allen, Parks Planning and Development Manager
Woodland Park
Final Park Plan
City of Modesto

Legend

1. Sand Play Area
2. Informal Picnic Area
3. Restroom Building
4. Sand Volleyball Court
5. Full Basketball Court
6. Softball Field
7. 9' Vehicular Path
8. 6' Pedestrian Path

· Accent Tree
· Grove Tree
· Canopy Tree
· Evergreen Tree

North
1" = 30'-0"
June 5, 1994

KRM DESIGN GROUP
MODESTO CITY COUNCIL
RESOLUTION NO. 98-492

A RESOLUTION APPROVING THE YOSEMITE NEIGHBORHOOD PARK MASTER PLAN AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017), AND RENAMING THE PARK TO CREEKWOOD NEIGHBORHOOD PARK.

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 Community Services and Neighborhood Connections Department, by Initial Study, EA/CS 9803, dated September 4, 1998, reviewed the proposed Yosemite Neighborhood Park, 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 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 15, 1998, the City Council considered approving the Yosemite Neighborhood Park Master Plan, reviewed said Initial Study, and considered renaming the park to Creekwood Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study, EA/CS9803, dated September 4, 1998, prepared by the Community Services and Neighborhood Connections Department.
Department, for the proposed project, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, 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 Yosemite Neighborhood Park Master Plan is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City Council Policy No. 6.005 provides a procedure for selecting names for City Parks, and paragraph 3 of said policy provides an exception to the procedure, therefore, the Yosemite Neighborhood Park is hereby renamed the Creekwood Neighborhood Park.

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 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 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

YOSEMITE NEIGHBORHOOD PARK

EA/CS 9803

RENAMED TO CREEKWOOD NEIGHBORHOOD PARK
I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Yosemite Neighborhood Park

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

C. Contact person, address and phone number:
Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:
In the southeast area of Modesto on the west side of Creekwood Drivee between Mechalys Way and Ardia Avenue, adjacent to Hughes School.

E. Project sponsor:
City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353
F. **General Plan Designation:**

The area proposed as the Yosemite Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. **Zoning:**

R-1 Residential

H. **Description of Proposed Project:**

This project will construct a five-acre neighborhood park within the Yosemite Neighborhood. This project will the park, including grading, paving, underground utilities, landscaping, an irrigation system, basketball half-courts, family picnic units, a group picnic facility, a children's play area with play apparatus, a skate area, a restroom building and lighting.

I. **Surrounding land uses:**

South: Single-family subdivisions, zoned R-1.
West: Hughes Elementary School and single-family residences, zoned R-1.

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**

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, and will not be a destination that requires a vehicle trip. There will be no on-site parking and it is expected that most people will walk or bike to the park. The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. 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-1-37) are 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 project 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. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in 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 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 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. 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 project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. 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 project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand for storm drainage. 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

This project will provide neighborhood park facilities in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Yosemite Neighborhood. The demand for parks and open space will be met with the development of this park. 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

This commercial development 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. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.

B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).

C. The Yosemite Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

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

Signature: 

Date: 9-8-98

Fred Allen, Parks Planning and Development Manager
A RESOLUTION APPROVING DIRECT CITY
ASSISTANCE FOR THE HOMELESS VETERANS
STAND DOWN EVENT TO BE HELD AT THE
THURMAN AND FAIRWAY SOCCERFIELDS ON

WHEREAS, the event committee for Homeless Veterans has requested direct City assistance for the Homeless Veterans Stand Down event to be held at Thurman and Fairway Soccerfields on October 10 and 11, 1998, and

WHEREAS, the event provides a variety of services, information and referral to local veterans, and

WHEREAS, the event committee has requested that the facility and equipment (PA system) fees be waived, that the City provide other services at no cost to the event, and that the sum of $2,000 in funding be provided toward expenses of the 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, the Financial Policy Committee met on August 18, 1998, and recommended awarding the sum of $2,000 in grant funding toward the event and to provide other direct City assistance to the event, and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to the Homeless Veterans Stand Down event to be held at Thurman and Fairway Soccerfields on October 10 and 11, 1998.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the event committee for the Homeless Veterans Stand Down event for direct City assistance in the amount of $2,000 in CDBG grant funding and other direct City assistance as needed for the event to be held at the Thurman and Fairway Soccerfields on October 10 and 11, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF PEARPOINT INC. FOR THE PURCHASE OF ONE NEW VAN WITH CLOSED CIRCUIT TELEVISION SYSTEM

WHEREAS, the bids received for one new van with closed circuit television system were opened at 11:00 on August 18, 1998, and later tabulated by the Purchasing Division of the Finance Department for the consideration of the Council; and

WHEREAS, the Purchasing Division of the Finance Department has recommended that the bid of Pearpoint Inc. for the amount of $131,058.90 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $131,058.90 from Pearpoint Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $90,500 FROM THE FLEET RESERVE ACCOUNT AND $40,558.90 FROM THE SEWER RESERVE ACCOUNT TO PURCHASE A NEW VAN

WHEREAS, the Fleet Services Division has requested a new van with a television system. The existing van is seventeen years old and the parts are very difficult to obtain; and

WHEREAS, the unit with diagnose problem areas within the sewer and storm drain lines and will be used for inspections of lines to check for compliance with the city’s specifications prior to acceptance, after construction; and

WHEREAS, for Fiscal Year 1997-98, $90,500 was made available in Account #720-480-5814-50-30; however, these funds were not encumbered in Fiscal year 1997-98 and therefore funds were returned to the reserve account at the end of the fiscal year; and

WHEREAS, additional funds of $40,558.90 are needed for this purchase. The original estimate of $90,500 was obtained in Fiscal Year 1996-97 and since then, the price has increased and more specifications have been added.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

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<thead>
<tr>
<th>Appropriations</th>
<th>720 800 8000 8003</th>
<th>720 480 5814 5218</th>
<th>Transfers</th>
<th>720 700 7000 9621</th>
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<td>621 800 8000 8003</td>
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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 City Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "STANDIFORD AVENUE - ROAD CONSTRUCTION AND STORM DRAINAGE IMPROVEMENTS"

WHEREAS, the bids received for "Standiford Avenue - Road Construction and Storm Drainage Improvements" were opened at 11:00 a.m. on August 25, 1998, 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 George Reed Inc. in the amount of $1,244,444.00 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $85,700 TO FULLY FUND THE PROJECT TITLED "STANDIFORD AVENUE - ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS"

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

FROM: Pavement Maintenance, 070-430-K156-6040
TO: Standiford Avenue, 070-430-J935-6040

Bids for the project were higher than the engineer's estimate. Specifically, the price bid for rockwell installation was approximately 33% higher than the engineer's estimate and higher than prices received for rockwells on recent projects. Transfer is needed to fully fund the project and for ease of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-498

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE VILLAGE ONE HIGH SCHOOL REORGANIZATION TO THE CITY OF MODESTO, LOCATED IN THE AREA NORTH OF THE SYLVAN AVENUE SPECIFIC PLAN AREA. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Village One High School Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency, and

WHEREAS, there are no Williamson Act contracts within the annexation area, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit “A”, attached hereto and by this reference incorporated herein, and

WHEREAS, said territory consists of 132.4 acres, as set forth on Exhibit “B”, attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere
of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit “A” attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Stanislaus Consolidated Fire Protection District.

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reasons for this proposed Village One High School Reorganization to the City of Modesto are as follows:

The High School District now wishes to proceed with design and construction of the High School to serve the Village One community and beyond, and the District needs City services to do so, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the
chief petitioner,

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

1. That future development of this site shall be consistent with the Village One Specific Plan, adopted by the Council of the City of Modesto on October 16, 1990.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit “A”, attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is part of the Village One Specific Plan area, and has received CEQA environmental review through a Program Environmental Impact Report (“EIR”), (SCH#90020181), which EIR was certified on September 11, 1990, by the adoption of Council Resolution No. 90-757, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Program EIR in LAFCO’s deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the
Village One High School Reorganization to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

WRITTEN DESCRIPTION
VILLAGE ONE HIGH SCHOOL REORGANIZATION

TO THE CITY OF MODESTO

All those portions of Sections 11 and 12, Township 3 South, Range 9 East, Mount Diable Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the east one-quarter section corner of said Section 11; thence on the east line of said Section 11, North 0°04'19" East 50.03 feet to the north line of the Village One Reorganization to the City of Modesto, recorded June 1, 1992 as instrument number 050895, Stanislaus County Records and the POINT OF BEGINNING of this description; thence on said north line, North 89°54'47" West 25.00 feet to the southerly extension of the west line of Roselle Avenue; thence on said southerly extension and the west line of Roselle Avenue, North 0°21'34" West 630.78 feet to the easterly extension of the south line of Parcel A as shown in Book 3 of Parcel Maps, Page 87, Stanislaus County Records; thence on said easterly extension, North 89°48'35" West 5.00 feet to the east line of said Parcel A; thence on said east line, North 0°21'34" West 329.50 feet to the north line of said Parcel A, said point also being on the easterly extension of the south line of Parcel 2 as shown in Book 8 of Parcel Maps, Page 62, Stanislaus County Records; thence on said easterly extension, North 89°47'36" West 20.00 feet to the east line of said Parcel 2; thence on said east line, North 0°21'34" West 329.50 feet to the north line of said Parcel 2, said point also being on the south line of Parcel B as shown in Book 4 of Parcel Maps, Page 57, Stanislaus County Records; thence on said south line, South 89°46'34" East 20.00 feet to the east line of said Parcel B; thence on said east line and the east line of Parcel A of said Parcel Map, North 0°21'34" West 652.25 feet to the westerly extension of the north line of Parcel A as shown in Book 4 of Parcel Maps, Page 45, Stanislaus County Records; thence on said extension and the north line of said Parcel A, North 89°48'07" East 1350.37 feet to the northeast corner of said Parcel A; thence on the easterly extension of the north line of said Parcel A, North 89°48'07" East 1591.62 feet to the east line of 40.00 feet wide Litt Road (20.00 feet half-width); thence on said east line, South 0°20'26" East 1973.01 feet to the north line of Sylvan Avenue and the north line of the previously mentioned Village One Reorganization to the City of Modesto; thence on said north line, South 89°48'45" West 1592.43 feet to the southerly extension of the east line of Parcel C as shown in Book 4 of Parcel Maps, Page 143, Stanislaus County Records; thence on said southerly extension, North 0°19'50" West 30.00 feet to the southeast corner of said Parcel C; thence on the south line of Parcel C and Parcel B of said Parcel Map, South 89°48'45" West 1258.97 feet to the beginning of a 15.00 feet radius curve at the northeast corner of Roselle Avenue and Sylvan Avenue; thence North 89°54'47" West 59.96 feet to the point of beginning of this description.

Containing 132.4 acres, more or less.
EXHIBIT "B"

ANNEXATION PROPOSAL MAP
VILLAGE ONE HIGH SCHOOL REORGANIZATION TO THE CITY OF MODESTO

1: N 89 54 47 W 25.00
2: N 00 21 34 W 630.78
3: N 89 48 35 W 5.00
4: N 00 21 34 W 329.50
5: N 89 47 36 W 20.00
6: N 00 21 34 W 329.50
7: S 89 46 34 E 20.00
8: N 00 21 34 W 652.25
9: N 89 48 07 E 1350.37
10: N 89 48 07 E 1591.62
11: S 00 20 26 E 1973.01
12: S 89 48 45 W 1592.43
13: N 00 19 50 W 30.00
14: S 89 48 45 W 1258.97
15: N 89 54 47 W 59.96

AREA = 132.4 ACRES

BASIS OF BEARINGS:
Bearings are based on the California State Plane Coordinate System, Zone 3.

900 0 900 1800 Feet
EXHIBIT “C”

VILLAGE ONE HIGH SCHOOL REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Village One High School Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Stanislaus Consolidated Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 7.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and developer financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets will be the responsibility of the developer and be integrated into the development of the project.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.
D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of developer fees, Mello Roos Community Facilities District and Enterprise Fund.
A RESOLUTION APPROVING A PROPERTY TAX SHARING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PORTION OF THE COFFEE/CLARATINA REORGANIZATION NOT INCLUDED IN THE CITY/COUNTY MASTER PROPERTY TAX SHARING AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the property tax sharing agreement between the City of Modesto and Stanislaus County for the portion of the Coffee/Claratina reorganization not included in the City/County master property tax sharing agreement 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 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-500

A RESOLUTION APPROVING DIRECT CITY
ASSISTANCE REQUESTED BY BILL BARR OF
FESTIVAL EVENTS FOR THE MODESTO PASTA
FESTIVAL TO BE HELD AT THE TUOLUMNE
RIVER REGIONAL PARK ON SEPTEMBER 26

WHEREAS, Bill Barr of Festival Events has requested direct City assistance for
the Modesto Pasta Festival to be held at Tuolumne River Regional Park on September 26 and 27,
1998, and

WHEREAS, following last year’s successful event, Bill Barr paid the City for
services provided, including police and park personnel and facility use, as well as a per person
charge, and

WHEREAS, the City’s cost estimate from the Police Department for services for
this year’s event is approximately $4,500 higher than the amount billed for last year’s event, and

WHEREAS, Bill Barr has requested that the same level of service be provided for
the event at the same cost as last year, and

WHEREAS, in order to provide adequate police services at no additional cost to
the Pasta Festival, additional funding is needed, 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 Financial Policy Committee met on September 15, 1998, and
recommended providing direct City assistance for the event, and
WHEREAS, the Council deems it appropriate to grant approval for direct City assistance for the Modesto Pasta Festival to be held at Tuolumne River Regional Park on September 26 and 27, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of Bill Barr for direct City assistance for the Modesto Pasta Festival to be held at the Tuolumne River Regional Park on September 26 and 27, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE FOR DIRECT CITY ASSISTANCE FOR THE MODESTO PASTA FESTIVAL

WHEREAS, this is the second year of the Modesto Pasta Festival. After the last successful event, Bill Barr of Festival Events, paid the City for services provided; and

WHEREAS, the cost estimate for Police Department services was approximately $4,500 higher than what was billed. Mr. Barr is requesting the same level of service to be provided at the same cost as last year.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Transfer From:
#010-800-8000-8003 ($4,500)

Transfer To:
#010-190-1961-0130 $4,500

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 City Council of the City of Modesto held on the 22nd day of September 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Smith, Serpa, Mayor Lang

NOES: Councilmembers: Friedman

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 CALLANDER ASSOCIATES FOR CONSULTANT SERVICES TO PROVIDE A MASTER PLAN, DESIGN DEVELOPMENT REPORT AND CONSTRUCTION DOCUMENTS FOR STOCKARD COFFEE NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Callander Associates for consultant services to provide a Master Plan, Design Development Report and Construction Documents for Stockard Coffee Neighborhood 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 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-502

A RESOLUTION ACCEPTING A $15,000 GRANT FROM THE UNITED STATES GOLF ASSOCIATION FOR THE JUNIOR GOLF PROGRAM.

WHEREAS, City staff has been notified that a grant application submitted to the United States Golf Association Foundation, Inc., (USGA), on behalf of the City of Modesto Junior Golf Program has been approved, and

WHEREAS, this one-year, $15,000 grant will provide funds for activities of the P.A.L. golf program, the Kids Fore Golf Program, and for the purchase of equipment for these two components of the City’s Junior Golf Program, and

WHEREAS, funds will be held by the Greater Modesto Community Foundation in order to provide accountability and will be paid to FM Golf, Inc., as reimbursement for the cost of golf instructors, equipment and driving range fees and range balls, and to the City for green fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the $15,000 grant offer from the United States Golf Association Foundation, Inc., (USGA), toward the activities of the P.A.L. golf program, the Kids Fore Golf Program, and for the purchase of equipment for these two components of the City’s Junior Golf Program and approves the terms and conditions of the agreement.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City Manager, or his designee, be and it is hereby authorized.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and submit all documents, including but not limited to amendments, payment requests and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 98-503

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP FOR CONSULTANT SERVICES TO PROVIDE A MASTER PLAN, DESIGN DEVELOPMENT REPORT AND CONSTRUCTION DOCUMENTS FOR MARK TWAIN NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and RRM Design Group for consultant services to provide a Master Plan, Design Development Report and Construction Documents for Mark Twain Neighborhood 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 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-504

A RESOLUTION ACCEPTING A GRANT OFFER
FOR FEDERAL FUNDS TO COMPLETE THE
AIRPORT'S FISCAL YEAR 1999 CAPITAL
IMPROVEMENT PROJECTS.

WHEREAS, each year the City is eligible for Airport Improvement Program
(AIP) funds to complete needed airport capital improvement projects, and

WHEREAS, on March 24, 1998, the City Council approved a multi-year federal
application for funds for the Modesto City-County Airport in the amount of $2,100,250, which
was submitted to the Federal Aviation Administration (FAA), and

WHEREAS, the first year’s estimate for the projects is $600,400 and consists of
improvements to the airport’s aircraft rescue and firefighting program and designing the
construction of a general aviation roadway, and

WHEREAS, the first year’s projects have already been approved in the airport’s
FY 99 capital improvement budget, and

WHEREAS, the FAA approved the City’s application for funds and has provided
the City with a federal grant in the amount requested for the first year’s recommended projects in
the sum of $600,400, and

WHEREAS, the FAA has notified City staff that acceptance of the grant dated
September 3, 1998, must occur on or before September 30, 1998, and

WHEREAS, the FAA’s approval is for 90% of the estimated cost of the projects,
WHEREAS, the projects are included as part of the airport's future Passenger Facility Charge program (PFC), and

WHEREAS, it is anticipated the 10% match, or $66,712, will be covered by the PFC, and

WHEREAS, acceptance of the grant offer will obligate the City of Modesto to accomplish the projects described as AIP Project No. 3-06-0153-21,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the Federal Aviation Administration in the amount of $600,400 to complete the Airport's Fiscal Year 1999 capital improvements.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City Manager, or his designee, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant offer.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahra, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-505

A RESOLUTION APPROVING THE CITY’S INVESTMENT POLICY NO. 1.019

WHEREAS, Government Code Section 53646 requires that local agencies annual adopt an investment policy.

WHEREAS, the current investment policy continues to meet the requirements of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the execution of Investment Policy No. 1.019 by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SKIP MCCABE FROM THE GOLF COURSE ADVISORY COMMITTEE, EFFECTIVE SEPTEMBER 22, 1998

WHEREAS, Skip McCabe was appointed a member of the Golf Course Advisory Committee on July 22, 1997; and

WHEREAS, Skip McCabe has tendered his resignation from the Golf Course Advisory Committee, effective September 22, 1998; and

WHEREAS, Skip McCabe 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 Skip McCabe from the Golf Course Advisory Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION GRANTING APPROVAL FOR THE INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT AN INTERNATIONAL FESTIVAL IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS, AND RESCINDING RESOLUTION NO. 95-394

WHEREAS, the International Festival Committee (hereinafter referred to as the Committee) has filed a request with the City Council seeking approval of certain changes to the International Festival, an international and ethnic cultural event celebrating diversity in the community, and

WHEREAS, the City co-sponsors the International Festival held annually each October, and

WHEREAS, the Committee has requested the use of Graceada Park for the International Festival, which offers a variety of arts and crafts and food booths as well as entertainment, and

WHEREAS, the Committee has requested direct City assistance for the festival, and

WHEREAS, the Human Services Committee met on September 16, 1998, and recommended supporting the proposed festival changes, and

WHEREAS, the Council has considered the request for direct City assistance with the International Festival activities, and the Council deems it appropriate to grant approval of the changes and assistance to the Committee relating to said request, subject to certain conditions,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto...
that it does hereby approve the following changes, subject to the conditions set forth, relating to the Committee's request for direct City assistance with the International Festival activities.

1. The Committee will conduct the International Festival on Saturday, the first weekend in October.

2. The event will be conducted from 9:00 a.m. to 10:00 p.m. on the designated day. Entertainment will be conducted from 10:00 a.m. to 9:30 p.m. on Saturday.

3. The City shall provide and set up the portable stage with awning at Graceada Park prior to 8:00 a.m. for entertainment and will remove said stage after 7:00 p.m. on the event day.

4. The City shall provide use of the portable PA system during the International Festival.

5. The City shall allow the Committee the use of amplified instrumentation at the event during designated event times at a volume not to disturb the adjoining neighborhoods.

6. The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems.

7. The City shall provide litter removal from the park site during the event.

8. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.

9. The City shall provide the cost of mailing up to 800 pieces of information, not to exceed $300.00.

10. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales area.

11. The Committee shall be responsible for providing portable toilets at the park site.

12. The City shall waive all fire inspection and business license fees; however, the Committee shall be responsible for any and all other fees as may be
required by other agencies.

13. The City shall provide 60 garbage cans and liners for the collection of garbage. Cans will be delivered on Friday, prior to the event and removed after the event on Sunday.

14. The Committee shall provide its own hired, licensed and insured 24-hour security for the beer garden as well as night time security.

15. The City will provide police assistance during the International Festival activities as deemed necessary by the Police Chief.

16. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb-side parking for the Committee during the event.

17. All public improvements shall be left in the same condition as existed prior to the Festival.

18. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and non-hazardous condition. Any obstructions to public or private use shall be removed by the Committee not later than 9:00 p.m. on Sunday, after the event.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its International Festival:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee’s International Festival and the use of the City facilities for the Committee’s International Festival.
3. That the Committee shall provide to the City Clerk current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than $1,000,000 per occurrence; include the City of Modesto, its agents, officers, employees, and volunteers, as an additional insured; provide the City with ten days’ written notice prior to cancellation, alternation or material change in coverage. The Committee shall also file acceptable verification of coverage for legal liquor liability. Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verification shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 95-394 adopted August 1, 1995, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

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. 98-508

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(109), TO ALLOW A MULTI-SCREEN THEATRE COMPLEX AND RESTAURANTS ADDITION TO THE NORTH SIDE OF THE VINTAGE FAIRE MALL, LOCATED ON THE NORTH SIDE OF SISK ROAD AND ON THE WEST SIDE OF DALE ROAD (THE MACERICH COMPANY)

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, Macerich Vintage Faire Limited Partnership, the current owners of Vintage Faire Mall, proposed an amendment to Planned Development Zone, P-D(109), to allow a multi-screen theatre complex and restaurants addition on the north side of the Vintage Faire Mall, located on the north side of Sisk Road and on the west side of Dale Road, in the City of Modesto ("the project"), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a 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, on May 4, 1998, the City's Community Development Department, by Environmental Assessment Initial Study 98-17, reviewed the proposed amendment to P-D(109) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (SCH No. 92052017), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development Zone, P-D(109), to allow a multi-screen theatre complex and restaurants addition on the north side of the Vintage Faire Mall, located on the north side of Sisk Road and on the west side of Dale Road, in the City of Modesto ("the project"), a copy of which Initial Study 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 no additional significant environmental effects will occur as a result of the proposed amendment to P-D(109) that were not previously examined in the General Plan Master EIR, because the MEIR assumed growth of existing commercial areas, including this area, and the traffic generated by this proposal is less than was analyzed in the MEIR.

2. That no new additional mitigation measures or alternatives will be required as a result of the proposed amendment to P-D(109) that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR.
3. That the proposed amendment to P-D(109) is within the scope of the General Plan Master EIR because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

4. That the Initial Study, Environmental Assessment No. 98-17, provides the substantial evidence to support the above findings.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Smith

NOES: Councilmembers: Friedman, Serpa, Lang

ABSENT: Councilmembers: None

ATTEST: ____________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________
MICHAEL D. MILICH, City Attorney
City of Modesto
Initial Study

Amendment to P-D (109) for a Multi-Screen Theater
At the Vintage Faire Mall (Macerich)

E.A. No. 98-17
May 4, 1998

I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Amendment to P-D (109) for a Multi-screen Theater at the Vintage Faire Mall

B. Lead agency name and address:

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

C. Contact person, address and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

Located on the east side of Sisk Road north of Standiford Avenue
E. Project sponsor:
The Macerich Company, PO Box 2172, Santa Monica, CA 90407-2172

F. General Plan Designation:
Commercial (C)

G. Zoning:
Planned Development Zone, P-D (109)

H. Description of Proposed Project:
This is an application to amend the Planned Development zone for the Vintage Faire Mall to add a 16-screen theater and two restaurants on the north side of the Mall.

I. Surrounding land uses:
The project is bounded on the north by vacant land zoned for professional offices, on the east by existing commercial and office development, on the south by existing commercial development, and on the west by State Highway 99.

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

This rezoning proposes development consistent with the General Plan designation of Commercial for this site. The General Plan Master EIR analyzed potential increases in traffic generation from all commercial areas in the existing City, including this site. The MEIR analyzed increases in traffic ranging from 89% to 230% on the streets surrounding this project. The traffic analysis prepared for this project indicates that the project will cause increases ranging from 2% to 30%, well below the levels analyzed in the MEIR. 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-1-37) are 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. In addition, a letter from the San Joaquin Valley Unified Air Pollution Control District indicates that the project may slightly exceed the Air District’s threshold of significance for ROG. However, this was based on an assumption of the project generating 6,000 average daily trips. The traffic analysis prepared for this project (which the Air District did not have for their review) indicates that the actual traffic generation for this project is 2,900 additional trips. Therefore, this project’s air quality impacts are significantly below the Air District’s thresholds of significance. 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 project 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 is not close to residential areas that are sensitive to increased noise levels. The project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in 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 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 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. 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 project is located in an area that has a positive storm drainage basin, and is not prone to flooding. 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 project will be served by an existing positive storm drainage basin that is adequate in size to serve this project, and will not have any significant impact on the demand for storm drainage. 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

This commercial development 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

This commercial development 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. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

A. No additional significant environmental effects will occur as a result of the proposed amendment to P-D(109) that were not previously examined in the General Plan Master EIR, because the MEIR assumed growth of existing commercial areas, including this area, and the traffic generated by this proposal is less than was analyzed in the MEIR.

B. No new additional mitigation measures or alternatives will be required as a result of the proposed amendment to P-D(109) that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR.

C. The proposed amendment to P-D(109) is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

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

Signature:

Steve Mitchell,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 98-509

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 77-384 ENTITLED "A RESOLUTION AMENDING RESOLUTION NO. 73-213 TO APPROVE A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(109). (VINTAGE FAIRE REGIONAL SHOPPING CENTER)". (THE MACERICH COMPANY)

WHEREAS, the Modesto City Council, by Ordinance No. 1259-C.S., which was introduced on March 12, 1973, finally adopted on March 26, 1973, and which became effective on April 25, 1973, granted Planned Development Zone, P-D(109), to allow development of a regional shopping center of 1,300,000 square feet on property located on the east side of Sisk Road north of Standiford Avenue, and

WHEREAS, City Council Resolution No. 73-213 adopted by the City Council on March 12, 1973, approved the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 1343-C.S., which was introduced on March 25, 1974, finally adopted on April 8, 1974, and which became effective on May 8, 1974, approved an application to expand the boundaries of Planned Development Zone, P-D(109), to include an area to the south to be used as a storm water ponding basis, and

WHEREAS, City Council Resolution No. 74-228 adopted by the City Council on March 25, 1973, approved a revised development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and
WHEREAS, City Council Resolution No. 75-604 adopted by the City Council on May 27, 1975, amended condition no. 11 of Section 1 of Resolution No. 73-213 to correct the number of street trees that had to be paid for by the developer of Planned Development Zone, P-D(109), and

WHEREAS, City Council Resolution No. 76-269 adopted by the City Council on February 9, 1976, denied the appeal of Ernest W. Hahn, Inc., Carter Hawley Hale Properties, Inc., and Sears Roebuck and Company for an amendment to Planned Development Zone, P-D(109), to permit construction of wall signs in excess of 35 feet in height, and affirmed the decision of the Planning Commission, and

WHEREAS, the Modesto City Council, by Ordinance No. 1610-C.S., which was introduced on April 11, 1977, finally adopted on April 18, 1977, and which became effective on May 18, 1977, granted an amendment to Planned Development Zone, P-D(109), to include a family amusement machine center, and

WHEREAS, City Council Resolution No. 77-384 adopted by the City Council on April 11, 1977, approved and amendment to the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(109), was filed by The Macerich Company on August 4, 1997, to allow an 18-screen theater and two restaurants on the north side of the Mall, and
WHEREAS, the application was deemed not complete and by consent of the applicant, was not processed by the City pending the submittal of certain items by the applicant, and

WHEREAS, the applicant subsequently submitted the required items to constitute a complete application on March 16, 1998, and

WHEREAS, after a public hearing on May 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-39, that amendment of Planned Development Zone, P-D(109), as proposed, was required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-39, and

WHEREAS, by Resolution No. 98-39 the Planning Commission recommended to the Council that Planned Development Zone, P-D(109), be amended to allow an 18-screen theater and two restaurants on the north side of the Mall, and

WHEREAS, the City Council held a public hearing on June 16, 1998, at which hearing the City Council voted to continue the public hearing to August 18, 1998, to allow for the negotiation and execution of a Development Agreement, and

WHEREAS, a proposed Development Agreement was negotiated between representatives of the City of Modesto and the applicants, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to
the City Council concerning an amendment to Planned Development Zone, P-D(109), and the proposed Development Agreement, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-47, adopted on August 3, 1998, recommended to the City Council approval of the proposed amendment to Planned Development Zone, P-D(109), and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on August 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and an amendment to Planned Development Zone, P-D(109), and

WHEREAS, thereafter, by Resolution No. 98-439, the Council denied without prejudice the request for rezoning and by Resolution No. 98-440, the Council denied without prejudice the proposed development agreement to add a multi-screen cinema to the Vintage Faire Mall, thus allowing the applicant to re-apply at any time, and

WHEREAS, the applicant subsequently resubmitted an application on September 4, 1998, and the Planning Commission held a duly noticed public hearing on this application on September 21, 1998, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-55 adopted on September 21, 1998, recommended to the City Council
approval of the proposed amendment to Planned Development Zone, P-D(109), as proposed to allow a 16-screen theater complex and two restaurants, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed amendment to P-D(109) is required by public convenience or necessity, because it will enhance the economic vitality of Vintage Faire Mall, one of the communities' major retail centers, without conflicting with the City's goals for downtown.

2. The proposed amendment to P-D(109) will result in an orderly planning use of land resources, because the theaters will be located in an area of the City that is already developed and has adequate infrastructure to serve the project.

3. The proposed amendment to P-D(109) is in accordance with the community's objectives as set forth in the General Plan, because it will not conflict with the General Plan goal of downtown being the entertainment center of the region, for the following reasons:
   a. Adding a multi-screen theater to Vintage Faire Mall, which has over 1,000,000 square feet of retail, does not make the Mall an entertainment center.
   b. The theater operator for the project, Signature Theaters, has committed to closing the existing Briggsmore Seven cinemas and the existing second-run four-screen theater at the Mall, reducing the potential conflict with the Tenth Street Place cinemas.

WHEREAS, said matter was again set for a public hearing of the City Council to be held at 4:00 p.m., on September 22, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and an amendment to Planned Development Zone, P-D(109), and
WHEREAS, after said public hearing held on September 22, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of The Macerich Company for an amendment to Planned Development Zone, P-D(109), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-55 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3097-C.S. on the 22nd day of September, 1998, amending Section 2 of Ordinance No. 1610-C.S., to allow a 16-screen theater complex and two restaurants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 77-384 entitled "A Resolution Amending Resolution No. 73-213 to Approve a Development Plan for Planned Development Zone, P-D(109). (Vintage Faire Regional Shopping Center)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(109), is hereby approved subject to the following conditions:

1. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto, the property owner and the theater operators is in effect. In the event, for any reason, the development agreement is terminated prior to the opening of the theater, then the zoning, including development entitlements, as it relates to the theater shall be null and void. In such event the City may, in addition to any of the remedies set forth in the development agreement, withhold and/or revoke any theater-related permit including grading, excavation, building and/or occupancy permits.

9/28/98

-6-
2. The theater at the project site shall not open before November 1, 2001. In the event that any theater project of ten or more screens located outside the City of Modesto and within a ten mile radius and/or the city limits of the City of Ripon from the previously approved theater in downtown Modesto is approved, then the opening date restriction shall be for one year subsequent to such approval, but in no event later than November 1, 2001.

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

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

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

6. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular access-way to connect to P-D(166) for on-site traffic circulation for the benefit of the property to the northwest, substantially as shown on the plot plan. If the property to the north (Assessor's Parcel No. 76-28-15) develops with commercial or office uses, then vehicular accessways, as determined by the Community Development Director, shall be provided to the property, in a manner to be approved by the City Attorney, substantially as shown on the plot plan. All costs associated with the construction of the accessways shall be paid for by the owner of such neighboring parcels.

7. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

8. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

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

10. 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.

11. All conditions of City Council Resolution No. 77-384 not in conflict with this resolution shall remain in full force and effect."

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Smith

NOES: Councilmembers: Friedman, Serpa, Mayor Lang

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. 98-510

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): AMENDING SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONE, SP-O, TO PLANNED DEVELOPMENT ZONE, P-D(532), PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD TO ALLOW A MULTI-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES. (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a 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, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed amendment to the Zoning Map and rezone to Planned Development to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR,

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(532), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions
of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although
other projects have been approved in this area since the EIR was certified, these projects were
already assumed in the analysis for the EIR.

3. No new information, which was not known and could not have been
known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR
was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the
substantial evidence to support the above findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
Community Development Director is hereby authorized and directed to file a notice of
approval or determination within five (5) business days with the Stanislaus County Clerk
pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-510

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH. NO. 94082005): AMENDING SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONE, SP-0, TO PLANNED DEVELOPMENT ZONE, P-D(530), PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD TO ALLOW A MULTI-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES. (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(530), in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a 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, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed amendment to the Zoning Map and rezone to P-D(530) to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR.

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(530), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although
other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the substantial evidence to support the above findings.

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.
City of Modesto
Initial Study

Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

E.A. No. 98-16
May 4, 1998

I. PURPOSE

On April 1, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans (SCH# 94082005). This Final Focused EIR analyzed the impacts of build-out of the Kiernan Business Park Specific Plan, which includes the area in which this project is proposed. Section 21166 of Public Resources Code allows the Kiernan Business Park Focused EIR to be used for subsequent projects, provided 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:

Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

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 north side of Pelandale Avenue, east of Sisk Road.

E. Project Sponsor:
Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353

F. General Plan Designation: Regional Commercial (RC)

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

H. Description of Proposed Project:
This is a rezoning for a 4,500-seat multi-screen theater, 155,870 square feet of retail space, a 125-room hotel, and four restaurants, located on 37 acres.

I. Surrounding land uses:
The project area is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH SECTION 21166 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 Kiernan Business Park Specific Plan Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages IV-A-1 through IV-A-48 of the Kiernan Business Park Focused EIR. A Traffic Access Analysis dated March 20, 1998 was prepared for an earlier version of this project. The earlier version was identical to the current proposal, except that it had 22,482 square feet less retail, and one less restaurant. The traffic analysis indicated that the project
would generate 9,400 average daily trips. The City's Transportation Division has estimated that the changes to the latest proposal would add 1,474 average daily trips, for a total of 10,874 average daily trips. This compares with 10,658 average daily trips predicted in the Focused EIR. Although the project generates slightly more trips than was predicted in the EIR, the increase (2%) will not create significantly greater traffic impacts than were anticipated in the EIR. The Traffic Access Analysis’ assessment of the impacts on the nearby street system, and the measures needed to alleviate those problems, are also consistent with those contained in the Focused EIR. Therefore, the proposed project is consistent with the analysis contained in the Traffic and Circulation Section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages IV-B-1 through IV-B-10 of the Kiernan Business Park Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality. Because the traffic analysis is consistent with the EIR, the air quality impacts of the project are also consistent with those analyzed in the EIR. In addition, the San Joaquin Valley Unified Air Pollution Control District, in a letter dated March 24, 1998, agreed that the air quality analysis in the Focused EIR provided adequate analysis for this project.

3. Generation of Noise

Noise impacts are analyzed on pages IV-C-1 through IV-C-14 of the Kiernan Business Park Focused EIR. On page IV-C-4 of the EIR, it states that the proposed uses in the Kiernan Business Park would be compatible with the future noise environment, without the need for additional mitigation measures beyond those prescribed in the General Plan. The uses proposed in this project are all consistent with the Specific Plan in land use, intensity and location, which were analyzed in the EIR. Therefore, the conclusions of the EIR regarding noise impacts remain valid.

4. Increased Demand for Water Supplies

Demand for water supplies is analyzed on pages IV-D-1 through IV-D-4 of the Kiernan Business Park Focused EIR. It concluded that demand for water supplies would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide water service in accordance with the Specific Plan, this conclusion would not change.

5. Increased Demand for Sanitary Sewer Services

Demand for sewer services is analyzed on pages IV-E-1 through IV-E-4 of the
Kiernan Business Park Focused EIR. The EIR concluded that the uses in the Kiernan Business Park would not generate more sewage than anticipated in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, and will provide sewer service in accordance with the City’s standards, there would be no increased demand for sewer services over that analyzed in the EIR.

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

Impacts to sensitive wildlife and plant habitat are analyzed on pages IV-F-1 through IV-F-12 of the Kiernan Business Park Focused EIR. The EIR concluded that there would be no significant effects to sensitive wildlife and plant habitat beyond those analyzed in the General Plan Master EIR. Because this project proposes uses of a type, intensity and location consistent with those analyzed in the EIR, the analysis for the loss of sensitive wildlife and plant habitat in the EIR is adequate for this project.

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

Drainage, flooding and water quality are analyzed on pages IV-G-1 through IV-G-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

8. **Increased Demand for Storm Drainage**

Demand for storm drainage is analyzed on pages IV-H-1 through IV-H-4 of the Kiernan Business Park Focused EIR. It concluded that demand for storm drainage would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide storm drainage in accordance with the Specific Plan, this conclusion would not change.


Generation of hazardous materials is analyzed on pages IV-I-1 through IV-I-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

10. **Increased Demand for Schools**

Increased demand for schools is analyzed on pages IV-J-1 through IV-J-5 of the
Kiernan Business Park Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid.

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

Increased demand for parks and open space is analyzed on pages IV-K-1 through IV-K-4 of the Kiernan Business Park Focused EIR. It 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, this conclusion remains valid.

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 Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans was certified by the Modesto City Council on April 1, 1997. In the period since then, the City has approved several subdivisions in the Pelandale-Snyder and Carver-Bangs Specific Plans to the east of this project. However, this development is consistent with the adopted Specific Plans for these areas, and this development was accounted for in the analysis of the Kiernan Business Park Focused EIR. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. In the intervening period, there has been no new information, which was not known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified, has become available, that would change the conclusions of the EIR.

**IV CONCLUSIONS/DETERMINATIONS OF FINDINGS**

A. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

C. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

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

Signature:

Steve Mitchell,
Associate Planner
A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(532). (COSTA
LIMITED PARTNERS)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the
Zoning Map was filed by Costa Limited Partners on September 4, 1998, (for prior history of
this project application refer to Ordinance No. 3100 [ordinance approving the Development
Agreement]) to reclassify from Specific Plan Overlay Zone, SP-O, to Planned Development
Zone, P-D(532), to allow a multi-screen theater, hotel, restaurants, and retail commercial
uses, property located on the north side of Pelandale Avenue east of Sisk Road, described as
follows:

SP-O to P-D(532)

All that certain real property being a portion of the Northwest quarter of the
Southwest quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo
Base and Meridian, County of Stanislaus, State of California, being more
particularly described as follows:

COMMENCING for reference at the West quarter corner of said Section 2;
thence south 00° 18' 35" West along the West line of said section, a distance of
90.10 feet to a point on the South line of the 100-foot-wide right-of-way for
Modesto Irrigation District's Lateral No. 6, and the TRUE POINT OF
BEGINNING; thence South 89° 56' 43" East along last said line, a distance of
1321.03 feet; thence leaving last said line and proceeding South 00° 18' 16"
West, a distance of 1221.15 feet to a point on the North right-of-way line of a
county road known as Pelandale Avenue; thence along last said right-of-way
line, South 89° 57' 00" West, a distance of 1321.15 feet to a point on the
above-mentioned West line of said Section 3; thence North 00° 18' 35" East
along last said line, a distance of 1223.57 feet to the TRUE POINT OF
BEGINNING.
Including, also, that portion of Pelandale Avenue north of the centerline of original 40-foot Pelandale Avenue, all immediately adjacent to the above-described land.

Containing 37.07 acres, more or less.

and

WHEREAS, after a public hearing held on September 21, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-57, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the requested zone change is in accordance with the community's objectives as set forth in the General Plan because it will not conflict with General Plan Economic Development Goal I-D(2), for the following reasons:

   a. The purpose of the General Plan Economic Development Goal I-D(2) is to "provide more employment opportunities". The Goal should not be applied to defeat a project that creates approximately 1,000 direct and indirect jobs.

   b. The second sentence of Economic Development Goal I-D(2) mentions that the area to the west is to be served by the Redevelopment Area, but does not mention north of the Redevelopment Area.

   c. The project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c). Policy B-8(a) authorizes regional commercial as part of land designated Business Park.

   d. Based upon the testimony, theaters are retail type uses, and therefore the project is not an "entertainment center".
e. Chapter III, Policy B-3(b), commercial locational criteria, encourages locating commercial along major arterials and parkways.

2. That the requested zone change is required by public convenience or necessity.

3. That the requested zone change will result in an orderly planning use of land resources.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 22, 1998, in the City Council Chambers, City Hall, 801 11th 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 Costa Limited Partners 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. 98-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3099-C.S. on the 22nd day of September, 1998, reclassifying the above-described property from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(532).

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(532), is hereby approved subject to the following conditions:

1. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto, the property owner and the theater operators is in effect. In the event, for any
reason, the development agreement is terminated prior to the opening of
the theater, then the zoning, including development entitlements, as it
relates to the theater shall be null and void. In such event the City may,
in addition to any of the remedies set forth in the development
agreement, withhold and/or revoke any theater-related permit including
grading, excavation, building and/or occupancy permits.

2. The theater at the project site shall not open before March 1, 2002. In
the event that any theater project of ten or more screens located outside
the City of Modesto and within a ten mile radius and/or the city limits of
the City of Ripon from the previously approved theater in downtown
Modesto is approved, then the opening date restriction shall be for one
year subsequent to such approval, but in no event later than March 1,
2002.

3. Except as amended herein, or by reference, all development shall be in
accordance with the Kiernan Business Park Specific Plan.

4. Prior to occupancy of any structure, the developer shall be responsible
for construction of a traffic signal, in accordance with the City’s
Standard Specifications and subject to the approval of the Engineering
and Transportation Director, at the main driveway entrance from the
project onto Pelandale Avenue.

5. Prior to occupancy of any structure, the developer shall install a sewer
lift station and force main to provide sewer service to the project, or an
alternate solution for sewer service, if approved by the Engineering and
Transportation Director, in accordance with the City’s Standard
Specifications and the Kiernan Business Park Specific Plan. The funding
mechanism and funding source for said improvements will be identified
to the satisfaction of the Engineering and Transportation Director.

6. Prior to occupancy of any structure, the developer shall provide a storm
drain basin and system sufficient to drain the area designated in the
Kiernan Business Park Specific Plan for Regional Commercial and
Office, and the adjacent sections of Pelandale Avenue and Chapman
Road, to their respective centerlines. The basin improvements may be
phased subject to the review and approval of the Engineering and
Transportation Director. The developer shall be required to maintain
this storm drainage basin until such time as the Community Facilities
District for the Kiernan Business Park is able to take over maintenance
of the basin.
7. All signs shall conform to the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.

8. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development 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.

9. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

10. 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.

11. Prior to issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

12. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

13. Fences or walls shall be constructed prior to occupancy and shall be as follows:
A six-foot-high chain link fence adjacent to the M.I.D. Lateral No. 6.

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

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

16. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

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

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

19. The developer shall, in a manner approved by the City Attorney, provide vehicular accessways for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.

20. 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.

21. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

22. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
23. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 4. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(532), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Friedman, Serpa

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 Development Services
MODESTO CITY COUNCIL
RESOLUTION NO. 98-511

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(530). (COSTA
LIMITED PARTNERS)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the
Zoning Map was filed by Costa Limited Partners on September 4, 1998, (for prior history of
this project application refer to Ordinance No. 3100 [ordinance approving the Development
Agreement]) to reclassify from Specific Plan Overlay Zone, SP-O, to Planned Development
Zone, P-D(530), to allow a multi-screen theater, hotel, restaurants, and retail commercial
uses, property located on the north side of Pelandale Avenue east of Sisk Road, described as
follows:

SP-O to P-D(530)

All that certain real property being a portion of the Northwest quarter of the
Southwest quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo
Base and Meridian, County of Stanislaus, State of California, being more
particularly described as follows:

COMMENCING for reference at the West quarter corner of said Section 2;
thence south 00° 18' 35" West along the West line of said section, a distance of
90.10 feet to a point on the South line of the 100-foot-wide right-of-way for
Modesto Irrigation District's Lateral No. 6, and the TRUE POINT OF
BEGINNING; thence South 89° 56' 43" East along last said line, a distance of
1321.03 feet; thence leaving last said line and proceeding South 00° 18' 16"
West, a distance of 1221.15 feet to a point on the North right-of-way line of a
county road known as Pelandale Avenue; thence along last said right-of-way
line, South 89° 57' 00" West, a distance of 1321.15 feet to a point on the
above-mentioned West line of said Section 3; thence North 00° 18' 35" East
along last said line, a distance of 1223.57 feet to the TRUE POINT OF
BEGINNING.
Including, also, that portion of Pelandale Avenue north of the centerline of original 40-foot Pelandale Avenue, all immediately adjacent to the above-described land.

Containing 37.07 acres, more or less.

and

WHEREAS, after a public hearing held on September 21, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-57, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the requested zone change is in accordance with the community’s objectives as set forth in the General Plan because it will not conflict with General Plan Economic Development Goal I-D(2), for the following reasons:

   a. The purpose of the General Plan Economic Development Goal I-D(2) is to "provide more employment opportunities". The Goal should not be applied to defeat a project that creates approximately 1,000 direct and indirect jobs.

   b. The second sentence of Economic Development Goal I-D(2) mentions that the area to the west is to be served by the Redevelopment Area, but does not mention north of the Redevelopment Area.

   c. The project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c). Policy B-8(a) authorizes regional commercial as part of land designated Business Park.

   d. Based upon the testimony, theaters are retail type uses, and therefore the project is not an "entertainment center".
e. Chapter III, Policy B-3(b), commercial locational criteria, encourages locating commercial along major arterials and parkways.

2. That the requested zone change is required by public convenience or necessity.

3. That the requested zone change will result in an orderly planning use of land resources.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 22, 1998, in the City Council Chambers, City Hall, 801 11th 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 Costa Limited Partners 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. 98-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3099-C.S. on the 22nd day of September, 1998, reclassifying the above-described property from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(530).

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(530), is hereby approved subject to the following conditions:

1. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto, the property owner and the theater operators is in effect. In the event, for any
reason, the development agreement is terminated prior to the opening of the theater, then the zoning, including development entitlements, as it relates to the theater shall be null and void. In such event the City may, in addition to any of the remedies set forth in the development agreement, withhold and/or revoke any theater-related permit including grading, excavation, building and/or occupancy permits.

2. The theater at the project site shall not open before March 1, 2002. In the event that any theater project of ten or more screens located outside the City of Modesto and within a ten mile radius and/or the city limits of the City of Ripon from the previously approved theater in downtown Modesto is approved, then the opening date restriction shall be for one year subsequent to such approval, but in no event later than March 1, 2002.

3. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.

4. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director, at the main driveway entrance from the project onto Pelandale Avenue.

5. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project, or an alternate solution for sewer service, if approved by the Engineering and Transportation Director, in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.

6. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area designated in the Kiernan Business Park Specific Plan for Regional Commercial and Office, and the adjacent sections of Pelandale Avenue and Chapman Road, to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drainage basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.
7. All signs shall conform to the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.

8. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development 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.

9. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

10. 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.

11. Prior to issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

12. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

13. Fences or walls shall be constructed prior to occupancy and shall be as follows:
A six-foot-high chain link fence adjacent to the M.I.D. Lateral No. 6.

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

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

16. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

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

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

19. The developer shall, in a manner approved by the City Attorney, provide vehicular accessways for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.

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21. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

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

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