MODESTO CITY COUNCIL
RESOLUTION NO. 98-1

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 19-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(304), TO LIGHT INDUSTRIAL ZONE, M-1, PROPERTY LOCATED ON THE EAST SIDE OF CARPENTER ROAD SOUTH OF CUMMINS DRIVE. (JEFF STEPHENS/MST CONSTRUCTORS, INC.)

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

WHEREAS, Jeff Stephens/MST Constructors, Inc. has proposed that the zoning designation for the property located on the east side of Carpenter Road south of Cummins Drive be amended to rezone from Planned Development Zone, P-D(304), to Light Industrial Zone, M-1, property located on the east side of Carpenter Road south of Cummins Drive, in the City of Modesto ("the project"), and

WHEREAS, on November 13, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-138 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and
WHEREAS, on December 1, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

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 project on November 13, 1997, 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. 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 specific 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 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 6th day of January, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-2

A RESOLUTION ACCEPTING THE PROJECT TITLED "SERVICE YARD BUS HOIST SLAB" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Service Yard Bus Hoist Slab, has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated August 20, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Service Yard Bus Hoist Slab be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $23,886.30 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 6th day of January, 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. 98-3

A RESOLUTION ACCEPTING THE PROJECT TITLED KEWIN/MOOSE PARK BRIDGE REPLACEMENT AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Kewin/Moose Park Bridge Replacement, has been completed by W-Bar Construction, in accordance with the contract agreement dated July 1, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Kewin/Moose Park Bridge Replacement be accepted from said contractor, W-Bar Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $70,689.98 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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 ACCEPTING THE PROJECT TITLED WATER DIVISION MEETING ROOM REMODELING AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Water Division Meeting Room Remodeling, has been completed by Howell Construction, in accordance with the contract agreement dated July 8, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Water Division Meeting Room Remodel be accepted from said contractor, Howell Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $85,099.00 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 6th day of January, 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. 98-5

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

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

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

WHEREAS, on January 6, 1998, the City Council considered a report dated December 30, 1997, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, the information and findings in the report relate to the CFF Program the Council adopted in 1989 and amended in 1992 by Council Resolution 92-507,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby accepts the report dated December 30, 1997, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report is on file in the office of the City Clerk.
BE IT FURTHER RESOLVED that the Council makes the following findings:

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

The fee is for the purpose of financing municipal public facilities to reduce the impacts of future development. Such improvements include but are not limited to expansion, construction, development and/or acquisition of a new police station, fire stations, various parks and recreation facilities, city hall office space and equipment, a corporation yard, and various street projects. The fees collected shall be used to finance the municipal public facilities identified in Attachment 1. Attachment 1 identifies eight (8) CFF funds and the proposed projects in each.

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

The City funded a major study to assess the facilities required to accommodate growth. The study established reasonable relationships between the fees and the proposed projects, and assessed the fees based on the projected impact of the various land uses. The results of that study are the basis of the Capital Facility Fees. The study was adopted by City Council in two (2) separate documents; “Capital Facilities Fee Report, February 1989” adopted by Council on February 28, 1989; and “Capital Facilities Fee Report, Phase 2, October 1989”, adopted by Council on November 21, 1989. The required findings are, these reports demonstrate a reasonable relationship between the fee and the purpose for which the fee is charged.

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

The sources of funding for the projects included in the CFF program are outlined in the adopted CFF reports identified above, and are summarized by fund in Exhibit “A”, attached hereto and incorporated herein by reference. Some projects are fully funded by CFF, some are funded by existing City sources and CFF funds, and some projects have other anticipated funding sources such as State or developer contributions. The required findings are, the sources and amounts of funding to complete the public improvements are included in the adopted CFF documents and are summarized in Exhibit “A”, attached hereto and
incorporated herein by reference.

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

The key funding source for the majority of projects is CFF revenue which is dependent on development trends. The required findings are, the CFF funds will be deposited as development occurs over the next twenty (20) years. To date, there has not been an instance where a required matching source (non-CFF) has not been available and the project delayed. In fact, there are many projects just waiting for the CFF funds to become available. Any required match will be made available in a timely manner upon the determination that enough CFF funds are available to finance a particular project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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 and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

1/9/98
EXHIBIT “A”
City of Modesto
Capital Facilities Fees
Annual Summary Report
FY 1996-97

<table>
<thead>
<tr>
<th>Total</th>
<th>All</th>
<th>Police</th>
<th>Fire Fund</th>
<th>Expwy Fund</th>
<th>Street Lights Fund</th>
<th>Parks Fund</th>
<th>Traffic Signals Fund</th>
<th>Wastewtr Treatmt Fund</th>
<th>Other Facilities Fund</th>
<th>CFF Admin Fund</th>
<th>Streets Fund</th>
<th>Public Transp Fund</th>
<th>Air Quality Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance 6/30/96</td>
<td>7,844,450</td>
<td>1,101,568</td>
<td>(414,589)</td>
<td>0</td>
<td>0</td>
<td>1,363,065</td>
<td>0</td>
<td>0</td>
<td>636,780</td>
<td>91,309</td>
<td>4,638,093</td>
<td>184,912</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee Revenue (net of refunds)</td>
<td>1,604,941</td>
<td>88,461</td>
<td>52,801</td>
<td>0</td>
<td>0</td>
<td>387,081</td>
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<td>0</td>
<td>78,285</td>
<td>39,139</td>
<td>918,138</td>
<td>14,287</td>
<td>26,749</td>
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<tr>
<td>Other Revenues(State/Cty)</td>
<td>507,068</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transfers In</td>
<td>10,116</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3,000</td>
<td>0</td>
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<td>Interest Revenue</td>
<td>504,185</td>
<td>71,330</td>
<td>189</td>
<td>0</td>
<td>0</td>
<td>88,716</td>
<td>0</td>
<td>0</td>
<td>40,290</td>
<td>6,701</td>
<td>271,407</td>
<td>12,051</td>
<td>13,501</td>
</tr>
<tr>
<td>Less:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>2,416,653</td>
<td>13,474</td>
<td>40,482</td>
<td>0</td>
<td>0</td>
<td>378,816</td>
<td>0</td>
<td>0</td>
<td>100,179</td>
<td>6,924</td>
<td>1,840,296</td>
<td>0</td>
<td>36,483</td>
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<tr>
<td>Transfers Out</td>
<td>112,563</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fund Balance 6/30/97</td>
<td>7,941,544</td>
<td>1,247,885</td>
<td>(402,081)</td>
<td>0</td>
<td>0</td>
<td>1,463,046</td>
<td>0</td>
<td>0</td>
<td>655,177</td>
<td>130,225</td>
<td>4,494,410</td>
<td>211,250</td>
<td>141,632</td>
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<td>Less:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Reappropriations 6/30/97</td>
<td>4,440,044</td>
<td>81,452</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>830,258</td>
<td>0</td>
<td>0</td>
<td>126,778</td>
<td>0</td>
<td>3,125,157</td>
<td>153,000</td>
<td>123,399</td>
</tr>
<tr>
<td>Available Working Capital 6/30/97</td>
<td>3,501,500</td>
<td>1,166,433</td>
<td>(402,081)</td>
<td>0</td>
<td>0</td>
<td>632,788</td>
<td>0</td>
<td>0</td>
<td>528,399</td>
<td>130,225</td>
<td>1,369,253</td>
<td>58,250</td>
<td>18,233</td>
</tr>
</tbody>
</table>

Uses of available working capital:

| Available Working Capital 6/30/97 | 3,501,500 | 1,166,433 | (402,081) | 0 | 0 | 632,788 | 0 | 0 | 528,399 | 130,225 | 1,369,253 | 58,250 | 18,233 |
| Adjust for 1997-98 Budget Impacts: | | | | | | | | | | | | |
| Estimated Revenue 9/30/97 | 2,524,570 | 147,890 | 45,200 | 0 | 0 | 394,210 | 0 | 0 | 81,640 | 34,230 | 1,765,000 | 21,880 | 34,320 |
| Budgeted Projects 9/30/97 | (3,922,000) | (92,000) | (40,000) | 0 | 0 | (990,000) | 0 | 0 | 0 | (130,000) | (2,670,000) | 0 | 0 |
| Estimated Working Capital 6/30/98 | 2,104,070 | 1,222,323 | (396,881) | 0 | 0 | 36,998 | 0 | 0 | 610,239 | 34,455 | 464,253 | 80,130 | 52,553 |

Total Refunds made during 1996-97: $634 $100 $0 $0 $0 $0 $0 $0 $100 $15 $338 $6 $12

Notes:
Transfer out from fund 143 was made to the funds/projects below:
051 Amtrack Station expenditures $60,000
170 Dry Creek Bike Trail expenditures $52,563

The negative fund balance in fund 132 is covered by a loan from the General Fund which is now being repaid as funds become available.
### Police Capital Facilities Fees - Fund 131

#### CFF PROJECTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost of Growth Projects:</td>
<td>$14,199,112</td>
<td></td>
</tr>
<tr>
<td>Total Revenue Collected in this fund:</td>
<td>$2,543,259</td>
<td>17.91%</td>
</tr>
<tr>
<td>Total Expenditures on Growth Projects:</td>
<td>$1,295,375</td>
<td>9.12%</td>
</tr>
</tbody>
</table>

#### CITY DEFICIENCIES

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost of Existing Deficiency Projects:</td>
<td>$7,243,136</td>
</tr>
<tr>
<td>Total Expenditures on Deficiency Projects:</td>
<td>$365,010</td>
</tr>
</tbody>
</table>

#### Revenue

<table>
<thead>
<tr>
<th>Year Received</th>
<th>Fees</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td>$234,601</td>
<td>$4,756</td>
<td>$239,357</td>
</tr>
<tr>
<td>1988-89</td>
<td>473,066</td>
<td>21,308</td>
<td>494,374</td>
</tr>
<tr>
<td>1989-90</td>
<td>609,220</td>
<td>38,912</td>
<td>648,132</td>
</tr>
<tr>
<td>1990-91</td>
<td>285,141</td>
<td>80,661</td>
<td>365,802</td>
</tr>
<tr>
<td>1992-93</td>
<td>128,907</td>
<td>43,718</td>
<td>172,625</td>
</tr>
<tr>
<td>1993-94</td>
<td>42,246</td>
<td>47,050</td>
<td>89,296</td>
</tr>
<tr>
<td>1994-95</td>
<td>75,584</td>
<td>64,260</td>
<td>139,844</td>
</tr>
<tr>
<td>1995-96</td>
<td>63,739</td>
<td>64,537</td>
<td>128,276</td>
</tr>
<tr>
<td>1996-97</td>
<td>88,461</td>
<td>71,330</td>
<td>159,791</td>
</tr>
</tbody>
</table>

| Total Revenue | $2,044,378 | $498,881 | $2,543,259 |

#### Existing City Deficiencies

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Costs</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remodel Existing building (100% City)</td>
<td>$1,053,000</td>
<td></td>
</tr>
<tr>
<td>New Police Facility (73% CFF)</td>
<td>$11,272,892</td>
<td>$35,898</td>
</tr>
<tr>
<td>Service Yard &amp; Landscaping</td>
<td>149,315</td>
<td></td>
</tr>
<tr>
<td>Equipment for Building</td>
<td>157,398</td>
<td>248,770</td>
</tr>
<tr>
<td>Communications Center Equipment</td>
<td>466,200</td>
<td></td>
</tr>
<tr>
<td>Storage Building (50% City - 50% CFF)</td>
<td>255,984</td>
<td></td>
</tr>
<tr>
<td>Storage Bldg Construction</td>
<td>255,984</td>
<td></td>
</tr>
<tr>
<td>Storage Garage Construction</td>
<td>352,808</td>
<td></td>
</tr>
<tr>
<td>Site Preparation</td>
<td>27,641</td>
<td></td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>225,000</td>
<td></td>
</tr>
<tr>
<td>Parking Structure (50% City - 50% CFF)</td>
<td>1,436,766</td>
<td></td>
</tr>
<tr>
<td>208 Space Garage</td>
<td>1,436,766</td>
<td></td>
</tr>
<tr>
<td>Site Preparation</td>
<td>27,641</td>
<td></td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>27,641</td>
<td></td>
</tr>
<tr>
<td>Contingency (5%)</td>
<td>422,936</td>
<td></td>
</tr>
<tr>
<td>Vehicles - City Deficiency</td>
<td>422,936</td>
<td></td>
</tr>
<tr>
<td>4 Patrol @ $20,800 each</td>
<td>92,352</td>
<td>51,000</td>
</tr>
<tr>
<td>6 Other Vehicles @ 12,000 each</td>
<td>79,920</td>
<td>65,240</td>
</tr>
<tr>
<td>Vehicles - CFF</td>
<td>900,432</td>
<td></td>
</tr>
<tr>
<td>100 Patrol Cars @ $20,800 each</td>
<td>1,065,600</td>
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</tr>
<tr>
<td>80 Other Vehicles @ 12,000 each</td>
<td>1,295,375</td>
<td></td>
</tr>
<tr>
<td>Subtotals</td>
<td>$9,053,920</td>
<td>$365,010</td>
</tr>
<tr>
<td>Less: 20% reduction per resolution 92-507</td>
<td>(1,810,784)</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>$7,243,136</td>
<td>$365,010</td>
</tr>
<tr>
<td>CFF Growth Projects</td>
<td>$14,199,112</td>
<td>$1,295,375</td>
</tr>
</tbody>
</table>
Fire Capital Facilities Fees - Fund 132

**F PROJECTS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Cost</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost of CFF Projects</td>
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<tr>
<td>Total Revenue Collected in this fund</td>
<td>$993,545</td>
<td>10.06%</td>
</tr>
<tr>
<td>Total Expenditures on CFF Projects</td>
<td>$1,397,533</td>
<td>14.14%</td>
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**CITY DEFICIENCY**

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Cost</th>
<th>% of Total</th>
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</thead>
<tbody>
<tr>
<td>Total Cost of Existing Deficiencies</td>
<td>$2,108,044</td>
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</tr>
<tr>
<td>Total Expenditures on Deficiency Project</td>
<td>$1,605,300</td>
<td>76.15%</td>
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</tbody>
</table>

The 1987 CFF identified no existing deficiencies. The 1987 CFF was being collected for a Fire Drill Training Tower, all other fire improvements listed at a cost of $3,077,000. The 1987 program was superceded by the comprehensive 1989 CFF program outlined below. In that study the fire department is viewed as a complete system. Below are the projects needed to fully complete the Fire System. The total cost of the completed system is $22,454,880. This total amount is apportioned based on total estimated population at buildout. The share attributed to new growth is 55% of $22,454,880 less 20% (per resolution 92-507 effective 9/8/92) is $17,963,904 * .55 = $9,880,147. The difference between the total cost of projects required to be completed $11,988,191 ($14,985,239 less 20%) and growth's share $9,880,147, equals the City's deficiency of $2,108,044.

**REVENUES**

<table>
<thead>
<tr>
<th>Year Received</th>
<th>Revenue</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td>$87,569</td>
<td>$1,775</td>
<td>$89,344</td>
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<tr>
<td>1988-89</td>
<td>179,879</td>
<td>7,185</td>
<td>187,064</td>
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<tr>
<td>1989-90</td>
<td>274,497</td>
<td>24,506</td>
<td>299,003</td>
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<tr>
<td>1990-91</td>
<td>134,736</td>
<td>14,131</td>
<td>148,867</td>
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<tr>
<td>1991-92</td>
<td>36,035</td>
<td>5,258</td>
<td>41,293</td>
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<tr>
<td>1992-93</td>
<td>76,647</td>
<td>291</td>
<td>76,938</td>
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<tr>
<td>1993-94</td>
<td>25,227</td>
<td>214</td>
<td>25,441</td>
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<tr>
<td>1994-95</td>
<td>34,037</td>
<td>175</td>
<td>34,211</td>
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<tr>
<td>1995-96</td>
<td>37,881</td>
<td>512</td>
<td>38,394</td>
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<tr>
<td>1996-97</td>
<td>52,801</td>
<td>189</td>
<td>52,990</td>
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<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>$939,309</strong></td>
<td><strong>$54,236</strong></td>
<td><strong>$993,545</strong></td>
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**EXPENDITURES**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Total Project Cost</th>
<th>Total CFF Expenditures 1987-1997</th>
<th>Total City Expenditures 1987-1997</th>
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<tbody>
<tr>
<td>Central Administration Building &amp; Equipment</td>
<td>$2,040,042</td>
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<tr>
<td>New Administration Building-construc</td>
<td>1,141,452</td>
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<tr>
<td>New Administration Building-Land</td>
<td>600,000</td>
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<tr>
<td>Closed Circuit TV system</td>
<td>75,480</td>
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<tr>
<td>Complete Data management system</td>
<td>62,160</td>
<td></td>
<td>44,890</td>
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<tr>
<td>Radio System</td>
<td>160,950</td>
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<tr>
<td>Model Station #1</td>
<td>664,443</td>
<td>$33,053</td>
<td></td>
</tr>
<tr>
<td>Model station #2</td>
<td>505,440</td>
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<td></td>
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<tr>
<td>Expenditures</td>
<td>Project Description</td>
<td>Total Project SubCost</td>
<td>Total CFF Expenditures 1987-1997</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------</td>
<td>-----------------------</td>
<td>-----------------------------------</td>
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<tr>
<td>Fire Station #9</td>
<td>Construction</td>
<td>401,193</td>
<td>$791,953.00</td>
</tr>
<tr>
<td></td>
<td>Land (.5 acre)</td>
<td>40,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire engine and equipment</td>
<td>305,250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Station and staff equipment</td>
<td>45,510</td>
<td></td>
</tr>
<tr>
<td>Fire station #10</td>
<td>Construction</td>
<td>458,055</td>
<td>$848,815</td>
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<tr>
<td></td>
<td>Land (.5 acre)</td>
<td>40,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire engine and equipment</td>
<td>305,250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Station and staff equipment</td>
<td>45,510</td>
<td></td>
</tr>
<tr>
<td>Other Upgrades:</td>
<td>Remodel existing stations</td>
<td>421,200</td>
<td></td>
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<tr>
<td></td>
<td>Build and Equip Regional Training Center (P&amp;I pmts)</td>
<td>1,373,112</td>
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<tr>
<td></td>
<td>New Equipment &amp; Maintenance Building</td>
<td>370,656</td>
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<tr>
<td></td>
<td>Aircraft Fire Fighting Burn Pit</td>
<td>368,550</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Retrofit traffic signals with preemption</td>
<td>832,500</td>
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<tr>
<td></td>
<td>Vehicle and Equipment Replacement:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Air/Lighting Utility Vehicle</td>
<td>277,500</td>
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<tr>
<td></td>
<td>Mobile Service Truck</td>
<td>28,860</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 Vehicles</td>
<td>59,940</td>
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</tr>
<tr>
<td></td>
<td>3 Fire Engines</td>
<td>732,600</td>
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</tr>
<tr>
<td></td>
<td>1 Rescue Vehicle</td>
<td>194,250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aerial Ladder Truck</td>
<td>538,350</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Emergency Breathing Eqpt/Air Filling Clean Room</td>
<td>96,570</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Equipment</td>
<td>78,810</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stations 11 - 13 (Building/Land/Equip)</td>
<td>1,646,490</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building</td>
<td>1,389,960</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Land</td>
<td>120,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Station &amp; Staff equipment</td>
<td>136,530</td>
<td></td>
</tr>
<tr>
<td>Engines for stations 11-13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aerial Ladder truck</td>
<td>538,350</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rescue truck</td>
<td>194,250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Staff vehicles (8 - $18,000 each)</td>
<td>159,840</td>
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</tr>
<tr>
<td></td>
<td>Signal preemption system (new signals)</td>
<td>721,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Improvements at station #8</td>
<td>585,468</td>
<td></td>
</tr>
<tr>
<td>Total to complete fire system</td>
<td></td>
<td>$14,985,239</td>
<td>$1,397,533</td>
</tr>
</tbody>
</table>

Total cost of completion ($14,985,239 less 20% = $11,988,191) $11,988,191
Less: CFF Share (55% of complete Fire System: $22,454,880 less 20% = $1 ($9,880,147)
$17,963,904 * .55 = $9,880,147)
Total remaining City share $2,108,044

* Due to shortfall in revenue, the General Fund has loaned this Fund $415,460. Repayment of this loan begins in FY 1997-98.
PARKS CAPITAL FACILITIES FEE - FUND 135

CFF PROJECTS
Total Cost of CFF Projects: $80,582,357
Total Revenue Collected in this fund: $6,456,903 8.01%
Total Expenditures on CFF Projects: $5,526,609 6.86%

CITY DEFICIENCIES
Total Cost of Existing Deficiency Projects $10,755,375
Total Expenditure on Deficiency Projects $2,852,839 26.52%

REVENUE

<table>
<thead>
<tr>
<th>Year Received</th>
<th>Revenue</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td>$487,901</td>
<td>$9,399</td>
<td>$497,300</td>
</tr>
<tr>
<td>1988-89</td>
<td>1,091,789</td>
<td>46,366</td>
<td>1,138,155</td>
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<tr>
<td>1989-90</td>
<td>1,441,870</td>
<td>173,959</td>
<td>1,615,829</td>
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<tr>
<td>1990-91</td>
<td>835,995</td>
<td>284,193</td>
<td>1,120,188</td>
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<tr>
<td>1991-92</td>
<td>132,238</td>
<td>238,615</td>
<td>370,853</td>
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<tr>
<td>1992-93</td>
<td>529,449</td>
<td>168,360</td>
<td>697,809</td>
</tr>
<tr>
<td>1993-94</td>
<td>262,614</td>
<td>111,824</td>
<td>374,438</td>
</tr>
<tr>
<td>1994-95</td>
<td>150,650</td>
<td>104,074</td>
<td>254,724</td>
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<tr>
<td>1995-96</td>
<td>295,053</td>
<td>92,554</td>
<td>387,607</td>
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<tr>
<td>1996-97</td>
<td>387,081</td>
<td>88,716</td>
<td>475,797</td>
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<tr>
<td>Total Revenue</td>
<td>$4,932,505</td>
<td>$1,136,790</td>
<td>$6,456,903</td>
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</tbody>
</table>

The Parks CFF is based on a total system. The parks development portion was based on population estimates and park prototypes. The "Other Parks" category was based on current standards and identified specific projects based on a 45/55 ratio. For clarity, the "Park Development" projects are viewed separately from the "Other Parks" projects.

NEIGHBORHOOD PARK SYSTEM
Listed below are all the neighborhood park projects needed to complete the neighborhood park system.
The cost to complete the neighborhood park system is $32,463,795 ($40,579,744 less 20%). New Growth is responsible for $31,420,817 ($39,276,021 less 20%) based on the required park acreage per 1000 population. The existing deficiency is the difference between these two amounts or $32,463,795 - 31,420,817 = $1,042,978.

EXPENDITURES

<table>
<thead>
<tr>
<th>New Neighborhood Parks</th>
<th>Project Costs</th>
<th>CFF Expenditures</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. Maze</td>
<td>$1,445,099</td>
<td>$673</td>
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</tr>
<tr>
<td>Vineyard</td>
<td>$1,445,099</td>
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</tr>
<tr>
<td>Paradise West</td>
<td>$1,445,099</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brete Harte</td>
<td>$2,890,197</td>
<td>1,165</td>
<td></td>
</tr>
<tr>
<td>Morrow</td>
<td>$1,445,099</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stanislaus</td>
<td>$1,445,099</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kiernan</td>
<td>$1,445,099</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Claribel</td>
<td>$1,445,099</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hetch Hetchy</td>
<td>$1,445,099</td>
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</tr>
<tr>
<td>Oakdale</td>
<td>$1,445,099</td>
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<td></td>
</tr>
<tr>
<td>Mable</td>
<td>$1,445,099</td>
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<td></td>
</tr>
<tr>
<td>Plainview</td>
<td>$1,445,099</td>
<td></td>
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</tr>
<tr>
<td>Plainview</td>
<td>$1,445,099</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Santa Fe</td>
<td>$1,445,099</td>
<td></td>
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</tr>
<tr>
<td>Claus</td>
<td>$1,445,099</td>
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<td></td>
</tr>
<tr>
<td>Merle</td>
<td>$1,445,099</td>
<td>1,092,014</td>
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</tr>
<tr>
<td>Merle East</td>
<td>$1,445,099</td>
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</tr>
<tr>
<td>Empire West</td>
<td>$1,445,099</td>
<td>264,896</td>
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</tr>
<tr>
<td>North McHenry</td>
<td>2,599,418</td>
<td>1,283</td>
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</table>
Total New Neighborhood Parks $28,611,199 $1,360,031 $0
EXPENDITURES-continued

<table>
<thead>
<tr>
<th>Undeveloped Neighborhood Parks</th>
<th>Project Costs</th>
<th>CFF Expenditures</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Description</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aqueduct</td>
<td>$613,640</td>
<td>$65,548</td>
<td>$244,879</td>
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<tr>
<td>Chrysler #2 - 99</td>
<td>561,941</td>
<td>391,321</td>
<td>2,041</td>
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<tr>
<td>Eisenhut</td>
<td>613,640</td>
<td></td>
<td>13,435</td>
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<tr>
<td>Floyd #2</td>
<td>1,022,552</td>
<td></td>
<td>472,177</td>
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<tr>
<td>Mark Twain</td>
<td>786,718</td>
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</tr>
<tr>
<td>Orchard</td>
<td>1,123,883</td>
<td>498,909</td>
<td>45,000</td>
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<tr>
<td>Perkins</td>
<td>674,330</td>
<td>29,680</td>
<td>301,381</td>
</tr>
<tr>
<td>Riverside</td>
<td>1,123,883</td>
<td>26,500</td>
<td>541,437</td>
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<tr>
<td>Robertson Road</td>
<td>747,382</td>
<td>9,971</td>
<td>292,090</td>
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<tr>
<td>Roselle</td>
<td>561,941</td>
<td></td>
<td>55,000</td>
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<tr>
<td>Stockard Coffee</td>
<td>561,941</td>
<td></td>
<td>8,792</td>
</tr>
<tr>
<td>Wright</td>
<td>561,941</td>
<td></td>
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<tr>
<td>Yosemite</td>
<td>561,941</td>
<td>44,943</td>
<td>65</td>
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<tr>
<td>Total Undeveloped Neighborhood Parks</td>
<td>$9,515,733</td>
<td>$1,066,872</td>
<td>$1,976,297</td>
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</table>

Partially Developed Neighborhood Parks

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Project Costs</th>
<th>CFF Expenditures</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coleman Brown</td>
<td>$32,445</td>
<td></td>
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</tr>
<tr>
<td>Chrysler</td>
<td>32,445</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East La Loma</td>
<td>94,091</td>
<td>$110,803</td>
<td>$35,533</td>
</tr>
<tr>
<td>Fairway</td>
<td>586,173</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floyd</td>
<td>0</td>
<td>25,440</td>
<td></td>
</tr>
<tr>
<td>Lakewood</td>
<td>97,335</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mellis</td>
<td>69,216</td>
<td>64,407</td>
<td></td>
</tr>
<tr>
<td>Muir</td>
<td>93,009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muncy</td>
<td>7,571</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sherwood</td>
<td>19,467</td>
<td>6,218</td>
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<tr>
<td>Sipherd</td>
<td>54,885</td>
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<tr>
<td>Sonoma Park</td>
<td>42,450</td>
<td>42,450</td>
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<tr>
<td>Sylvan</td>
<td>22,712</td>
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</tr>
<tr>
<td>T.B. Scott</td>
<td>38,934</td>
<td></td>
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<tr>
<td>West Side</td>
<td>33,527</td>
<td></td>
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</tr>
<tr>
<td>McKinney Colony</td>
<td>751,641</td>
<td>265,000</td>
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<tr>
<td>Wesson Ranch</td>
<td>476,941</td>
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<td>442,835</td>
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<tr>
<td>Woodland/Alberta Martone</td>
<td>0</td>
<td>10,414</td>
<td>1,924</td>
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<tr>
<td>Total Partially Developed Neighborhood Parks</td>
<td>$2,452,842</td>
<td>$146,657</td>
<td>$858,367</td>
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</table>

Total Neighborhood Parks System

<table>
<thead>
<tr>
<th>Project</th>
<th>Project Costs</th>
<th>CFF Expenditures</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Community Parks</td>
<td>$31,460,184</td>
<td>$2,651,049</td>
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</table>

Community Parks System

Listed below are all projects needed to complete the Community Park System. The total cost is $25,168,147 ($31,460,184 less 20%). The CFF portion is $26,802,273 less 20% = $21,441,818; this is based on community park acreage standards per 1000 population. The existing deficiency is the difference between the two or $3,726,329.

<table>
<thead>
<tr>
<th>Project</th>
<th>Project Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vinyard</td>
<td>$6,729,300</td>
</tr>
<tr>
<td>Fairwiew</td>
<td>6,729,300</td>
</tr>
<tr>
<td>Morrow</td>
<td>6,729,300</td>
</tr>
<tr>
<td>Mabel</td>
<td>6,429,300</td>
</tr>
<tr>
<td>Johansen</td>
<td>4,842,984</td>
</tr>
<tr>
<td>Total Community Parks</td>
<td>$31,460,184</td>
</tr>
</tbody>
</table>
OTHER FACILITIES & EQUIPMENT
The other parks projects required to meet the established standards are listed individually. These projects were analyzed individually and a population ratio was applied to arrive at the proportionate share for new growth and for existing deficiency. First the CFF projects are listed, followed by the existing deficiency projects. All projects are subject to the 20% decrease adopted by resolution 92-507.

OTHER PARK FACILITIES - 100 % CFF

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Project Costs</th>
<th>CFF Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multipurpose Buildings at Junior High Schools</td>
<td>$1,665,231</td>
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</tr>
<tr>
<td>Tennis Courts (6) at Junior High Schools</td>
<td>915,772</td>
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<tr>
<td>Community Recreation Buildings (4)</td>
<td>7,886,160</td>
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</tr>
<tr>
<td>Tuolumne River Regional Park Development</td>
<td>6,705,208</td>
<td>302,000</td>
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<tr>
<td>Dry Creek Park-reimbursement</td>
<td>1,655,000</td>
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</tr>
<tr>
<td>Golf Courses (2 new courses-land acquisition)</td>
<td>11,440,000</td>
<td></td>
</tr>
<tr>
<td>Parks Division Equipment</td>
<td>2,197,700</td>
<td></td>
</tr>
<tr>
<td>Tree Division Equipment</td>
<td>2,184,580</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal CFF Other Facilities &amp; Equipment</strong></td>
<td><strong>$34,649,651</strong></td>
<td><strong>$302,000</strong></td>
</tr>
<tr>
<td>less 20% reduction</td>
<td>($6,929,930)</td>
<td>($302,000)</td>
</tr>
<tr>
<td><strong>Total CFF Other Facilities &amp; Equipment</strong></td>
<td><strong>$27,719,721</strong></td>
<td><strong>$302,000</strong></td>
</tr>
</tbody>
</table>

OTHER PARK FACILITIES - 100 % CITY DEFICIENCY

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Project Costs</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Recreation Buildings</td>
<td>$6,454,890</td>
<td>$18,175</td>
</tr>
<tr>
<td>Tennis Courts near Jr. Highs</td>
<td>458,055</td>
<td></td>
</tr>
<tr>
<td>Tuolumne River Regional Park Development</td>
<td>321,000</td>
<td></td>
</tr>
<tr>
<td>Various vehicles &amp; equipment</td>
<td>248,640</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Other Park Facilities &amp; Equipt-City</strong></td>
<td><strong>$7,482,585</strong></td>
<td><strong>$18,175</strong></td>
</tr>
<tr>
<td>less 20% reduction</td>
<td>($1,496,517)</td>
<td>($18,175)</td>
</tr>
<tr>
<td><strong>Total Other Park Facilities &amp; Equipment-City</strong></td>
<td><strong>$5,986,068</strong></td>
<td><strong>$18,175</strong></td>
</tr>
</tbody>
</table>
### OTHER FACILITIES CAPITAL FACILITIES FEE - FUND 138

#### CFF PROJECTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Project Cost</th>
<th>% of Total</th>
<th>Total Cost of CFF Projects:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$14,630,168</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total Revenue collected in this fund:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1,362,705</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total Expenditures on CFF Projects</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$826,102</td>
</tr>
</tbody>
</table>

#### CITY DEFICIENCIES

<table>
<thead>
<tr>
<th>Description</th>
<th>Project Cost</th>
<th>% of Total</th>
<th>Total Cost of Existing Deficiencies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$3,453,840</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total Expenditures on Deficiency Projects</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$188,489</td>
</tr>
</tbody>
</table>

#### REVENUE

<table>
<thead>
<tr>
<th>Year received</th>
<th>Revenue</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td>$69,152</td>
<td>$1,402</td>
<td>$70,554</td>
</tr>
<tr>
<td>1988-89</td>
<td>149,948</td>
<td>6,487</td>
<td>156,435</td>
</tr>
<tr>
<td>1989-90</td>
<td>376,317</td>
<td>27,824</td>
<td>404,141</td>
</tr>
<tr>
<td>1990-91</td>
<td>187,734</td>
<td>50,920</td>
<td>238,654</td>
</tr>
<tr>
<td>1991-92</td>
<td>55,801</td>
<td>43,007</td>
<td>98,808</td>
</tr>
<tr>
<td>1992-93</td>
<td>113,926</td>
<td>33,869</td>
<td>147,795</td>
</tr>
<tr>
<td>1993-94</td>
<td>38,321</td>
<td>31,887</td>
<td>70,208</td>
</tr>
<tr>
<td>1994-95</td>
<td>38,680</td>
<td>40,938</td>
<td>79,618</td>
</tr>
<tr>
<td>1995-96</td>
<td>56,114</td>
<td>40,378</td>
<td>96,493</td>
</tr>
<tr>
<td>1996-97</td>
<td>78,285</td>
<td>40,290</td>
<td>118,575</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$1,085,993</td>
<td>$276,712</td>
<td>$1,362,705</td>
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</tbody>
</table>

#### EXPENDITURES

### Existing City Deficiencies

<table>
<thead>
<tr>
<th>Project Description</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace and Equip Annex</td>
<td>$4,553</td>
</tr>
<tr>
<td>Remodel City Hall and Crocker Building</td>
<td>183,936</td>
</tr>
<tr>
<td>Subtotal Deficiency Projects</td>
<td>188,489</td>
</tr>
<tr>
<td>Less 20% reduction</td>
<td>(863,460)</td>
</tr>
<tr>
<td><strong>Total Deficiency Projects</strong></td>
<td>$1,353,840</td>
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</table>

### CFF Projects

<table>
<thead>
<tr>
<th>Project Description</th>
<th>CFF Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Corporation Yard</td>
<td>$400,000</td>
</tr>
<tr>
<td>Land</td>
<td>$39,938</td>
</tr>
<tr>
<td>Construction</td>
<td>$39,938</td>
</tr>
<tr>
<td>City Hall Parking Garage</td>
<td>35,985</td>
</tr>
<tr>
<td>City Hall Expansion - Admin Offices</td>
<td>230,035</td>
</tr>
<tr>
<td>City Hall Equipment &amp; Computers</td>
<td>520,144</td>
</tr>
<tr>
<td>Vehicles</td>
<td>$826,102</td>
</tr>
<tr>
<td>Subtotal CFF Projects</td>
<td>$18,287,710</td>
</tr>
<tr>
<td>Less 20% reduction</td>
<td>(3,657,542)</td>
</tr>
<tr>
<td><strong>Total CFF Projects</strong></td>
<td>$14,630,168</td>
</tr>
</tbody>
</table>
Capital Facilities Fee Administration - Fund 139

The administration fund was established in the 1989 CFF program. The fund receives 2.5% of the CFF revenue collected. The funds are to be spent in the following areas:

Annual Administration Costs (Estimated at $65,000 per year in 1988 dollars).
Annual Update Costs (Estimated at $6,000 per year in 1988 dollars).
Five Year Update Costs (Estimated at $107,000 per update in 1988 dollars).

### REVENUES

<table>
<thead>
<tr>
<th>Year Received</th>
<th>Fees</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988-89</td>
<td>$3,537</td>
<td>$0</td>
<td>$3,537</td>
</tr>
<tr>
<td>1989-90</td>
<td>91,241</td>
<td>676</td>
<td>91,917</td>
</tr>
<tr>
<td>1990-91</td>
<td>102,596</td>
<td>5,180</td>
<td>107,776</td>
</tr>
<tr>
<td>1991-92</td>
<td>53,268</td>
<td>3,374</td>
<td>56,642</td>
</tr>
<tr>
<td>1992-93</td>
<td>63,349</td>
<td>1,577</td>
<td>64,926</td>
</tr>
<tr>
<td>1993-94</td>
<td>20,978</td>
<td>2,032</td>
<td>23,010</td>
</tr>
<tr>
<td>1994-95</td>
<td>18,833</td>
<td>3,629</td>
<td>22,461</td>
</tr>
<tr>
<td>1995-96</td>
<td>30,592</td>
<td>4,619</td>
<td>35,211</td>
</tr>
<tr>
<td>1996-97</td>
<td>39,139</td>
<td>6,701</td>
<td>45,840</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$384,392</strong></td>
<td><strong>$21,087</strong></td>
<td><strong>$405,479</strong></td>
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</table>

### EXPENDITURES

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual Administration Costs</td>
<td>$26,350</td>
<td>$15,567</td>
<td>$9,564</td>
</tr>
<tr>
<td></td>
<td>Annual Update Costs</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Five Year Update costs</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$26,350</td>
<td><strong>$15,567</strong></td>
<td><strong>$9,564</strong></td>
<td><strong>$6,924</strong></td>
</tr>
<tr>
<td>1990-91</td>
<td>Annual Administration Costs</td>
<td>$76,300</td>
<td>Annual Administration Costs</td>
<td>$9,564</td>
</tr>
<tr>
<td></td>
<td>Annual Update Costs</td>
<td>25,544</td>
<td>Annual Update Costs</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Five Year Update costs</td>
<td>0</td>
<td>Five Year Update costs</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$101,844</td>
<td><strong>$9,564</strong></td>
<td><strong>$9,564</strong></td>
<td><strong>$6,924</strong></td>
</tr>
<tr>
<td>1991-92</td>
<td>Annual Administration Costs</td>
<td>$72,850</td>
<td>Annual Administration Costs</td>
<td>$6,924</td>
</tr>
<tr>
<td></td>
<td>Annual Update Costs</td>
<td>7,918</td>
<td>Annual Update Costs</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Five Year Update costs</td>
<td>0</td>
<td>Five Year Update costs</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$80,768</td>
<td><strong>$6,924</strong></td>
<td><strong>$6,924</strong></td>
<td><strong>$6,924</strong></td>
</tr>
<tr>
<td>1992-93</td>
<td>Annual Administration Costs</td>
<td>$68,972</td>
<td>Annual Administration Costs</td>
<td>$3,911</td>
</tr>
<tr>
<td></td>
<td>Annual Update Costs</td>
<td>6,865</td>
<td>Annual Update Costs</td>
<td>330</td>
</tr>
<tr>
<td></td>
<td>Five Year Update costs</td>
<td>0</td>
<td>Five Year Update costs</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$75,837</td>
<td><strong>$4,241</strong></td>
<td><strong>$4,241</strong></td>
<td><strong>$4,241</strong></td>
</tr>
<tr>
<td>1993-94</td>
<td>Annual Administration Costs</td>
<td>$3,911</td>
<td>Annual Administration Costs</td>
<td>$3,911</td>
</tr>
<tr>
<td></td>
<td>Annual Update Costs</td>
<td>330</td>
<td>Annual Update Costs</td>
<td>330</td>
</tr>
<tr>
<td></td>
<td>Five Year Update costs</td>
<td>0</td>
<td>Five Year Update costs</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$4,241</td>
<td><strong>$4,241</strong></td>
<td><strong>$4,241</strong></td>
<td><strong>$4,241</strong></td>
</tr>
</tbody>
</table>
This fund was created in the 1989 CFF Update. It replaces the old street funds (133, 134, 136). This fund is comprised of four sections:

- 141.01 Streets and Medians
- 141.02 Expressways
- 141.03 Traffic Signals
- 141.04 Freeway 99 Interchange Improvements

Total Streets CFF

In 1994-95, the last of the interest revenue collected in the old funds was transferred to the new fund, 141, and the old funds were deleted.

This fund was updated in the 1990 update for inflation. An additional adjustment was also necessary. The adjustment involved corrections to the list of improvements that form the basis for the streets fee. These changes include the addition of medians at specific intersections and the subtraction of traffic signal costs that were over estimated or double counted. The most significant change has been an increase in paving cost estimates due to poor soil conditions which were discovered when work began. During the 1990-91 update an adjustment was made to shift the traffic synchronization project (estimated cost $3,200,000) from the Air Quality Fund to the Streets Fund, this adjustment is included in the traffic signal component.

1991-92: No update was done during FY 1991-92, the annual fee adjustment was postponed by CC 11/19/91.

1992-93: Resolution 92-507 adopted reducing streets fees by 30%. This included a 20% decrease in project costs, a $558,000 reduction in a street project “Claus-Lateral No. 2 to Yosemite”, and a 19.8 million reduction in project costs to account for federal highway funding for street CFF projects.

1993-97: No change in the CFF program.

---

**FUND 141 STREETS CFF - SUMMARY**

<table>
<thead>
<tr>
<th>Street Section</th>
<th>% of Fund</th>
<th>Project Cost</th>
<th>Fees</th>
<th>Interest</th>
<th>State Federal</th>
<th>Transfers In</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>141.01 Streets and Medians</td>
<td>24.86%</td>
<td>$59,199,653</td>
<td>$2,801,096</td>
<td>$491,831</td>
<td>$261,004</td>
<td>0</td>
<td>$3,553,931</td>
</tr>
<tr>
<td>141.02 Expressways</td>
<td>58.56%</td>
<td>139,450,754</td>
<td>5,864,381</td>
<td>968,646</td>
<td>981,136</td>
<td>632,661</td>
<td>8,446,824</td>
</tr>
<tr>
<td>141.03 Traffic Signals</td>
<td>10.82%</td>
<td>25,758,000</td>
<td>1,172,666</td>
<td>191,655</td>
<td>1,803,384</td>
<td>152,490</td>
<td>3,320,195</td>
</tr>
<tr>
<td>141.04 SB99 Interchanges</td>
<td>5.76%</td>
<td>13,711,593</td>
<td>610,211</td>
<td>100,787</td>
<td>0</td>
<td>0</td>
<td>710,998</td>
</tr>
<tr>
<td>Total 1991 CFF Street Project Costs</td>
<td></td>
<td>238,120,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20% Cost Reduction</td>
<td>(47,624,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal and State Funds</td>
<td>(19,800,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>$170,696,000</td>
<td>$10,448,355</td>
<td>$1,752,919</td>
<td>$3,045,523</td>
<td>$785,151</td>
<td>$16,031,948</td>
</tr>
</tbody>
</table>

**EXISTING DEFICIENCIES**

<table>
<thead>
<tr>
<th>CFF EXPENDITURES</th>
<th>% of total</th>
<th>Project Cost</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>141.01 Streets and Medians</td>
<td>2.66%</td>
<td>$8,600,062</td>
<td>$4,667,636</td>
</tr>
<tr>
<td>141.02 Expressways</td>
<td>3.71%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>141.03 Traffic Signals</td>
<td>18.07%</td>
<td>2,220,000</td>
<td>2,423,415</td>
</tr>
<tr>
<td>141.04 SB99 Interchanges</td>
<td>0.00%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>6.68%</td>
<td>$10,820,062</td>
<td>$7,091,051</td>
</tr>
</tbody>
</table>

**TOTAL REVENUE**

$16,031,948

9.39%
### FUND 141.01 STREETS & MEDIANS

**CFF PROJECTS**
- Total Cost of CFF Projects: $59,199,653
- Total Revenue Collected in this Fund: $3,553,931 (6.00%)
- Total Expenditures on CFF Projects: $1,575,258 (2.66%)

**CITY DEFICIENCIES**
- Total Cost of Deficiency Projects: $8,600,062
- Total Expenditures on Projects: $4,667,636 (54.27%)  

### REVENUE

<table>
<thead>
<tr>
<th>Year received</th>
<th>Fees</th>
<th>Interest</th>
<th>State/</th>
<th>Transfers</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Federal</td>
<td>In</td>
<td></td>
</tr>
<tr>
<td>1989-90</td>
<td>$341,661</td>
<td>$741</td>
<td>$0</td>
<td>$0</td>
<td>$342,402</td>
</tr>
<tr>
<td>1990-91</td>
<td>837,787</td>
<td>98,549</td>
<td>0</td>
<td>0</td>
<td>936,336</td>
</tr>
<tr>
<td>1991-92</td>
<td>480,398</td>
<td>65,024</td>
<td>0</td>
<td>0</td>
<td>545,422</td>
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<tr>
<td>1992-93</td>
<td>396,664</td>
<td>60,779</td>
<td>260,000</td>
<td>0</td>
<td>717,443</td>
</tr>
<tr>
<td>1993-94</td>
<td>163,591</td>
<td>53,495</td>
<td>1,004</td>
<td>0</td>
<td>218,090</td>
</tr>
<tr>
<td>1994-95</td>
<td>169,066</td>
<td>65,205</td>
<td>0</td>
<td>0</td>
<td>234,271</td>
</tr>
<tr>
<td>1995-96</td>
<td>183,668</td>
<td>80,562</td>
<td>0</td>
<td>0</td>
<td>264,230</td>
</tr>
<tr>
<td>1996-97</td>
<td>228,261</td>
<td>67,476</td>
<td>0</td>
<td>0</td>
<td>295,737</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,801,096</strong></td>
<td><strong>$491,831</strong></td>
<td><strong>$261,004</strong></td>
<td><strong>$0</strong></td>
<td><strong>$3,553,931</strong></td>
</tr>
</tbody>
</table>

### EXPENDITURES

**EXISTING DEFICIENCY PROJECTS**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>1987-97 Costs</th>
<th>1987-97 Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>East-West Arterials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standiford Dale to Prescott</td>
<td>$1,307,826</td>
<td>$1,553,295</td>
</tr>
<tr>
<td>Scenic</td>
<td>500,175</td>
<td>620,928</td>
</tr>
<tr>
<td>Yosemite</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Sisk</td>
<td>1,627,938</td>
<td>1,436,067</td>
</tr>
<tr>
<td>Kansas</td>
<td>3,269,565</td>
<td>22,542</td>
</tr>
<tr>
<td>North-South Arterials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpenter</td>
<td>313,794</td>
<td>221,078</td>
</tr>
<tr>
<td>McHenry</td>
<td>30,537</td>
<td></td>
</tr>
<tr>
<td>McHenry</td>
<td>12,636</td>
<td></td>
</tr>
<tr>
<td>Coffee</td>
<td>623,376</td>
<td>813,726</td>
</tr>
<tr>
<td>Oakdale</td>
<td>2,948,400</td>
<td></td>
</tr>
<tr>
<td>Oakdale</td>
<td>115,830</td>
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</tr>
<tr>
<td>Subtotal Streets Deficiency Projects</td>
<td>$10,750,077</td>
<td>$4,667,636</td>
</tr>
<tr>
<td>Less: 20% Reduction</td>
<td>($2,150,015)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Streets Deficiency Projects</strong></td>
<td><strong>$8,600,062</strong></td>
<td><strong>$4,667,636</strong></td>
</tr>
</tbody>
</table>

Assumed to be responsibility of fronting land owners as development occurs.
### Streets & Medians - continued

#### CFF Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>1987-97 Costs</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EAST-WEST ARTERIALS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PELANDALE DALE TO PRESCOTT</td>
<td>2 Ins 100%</td>
<td>$2,790,521</td>
</tr>
<tr>
<td>PELANDALE PRESCOTT TO TULLY</td>
<td>2 Ins 100%</td>
<td>2,522,541</td>
</tr>
<tr>
<td>PELANDALE TULLY TO McHENRY</td>
<td>2 Ins 100%</td>
<td>4,021,481</td>
</tr>
<tr>
<td>PELANDALE McHENRY TO COFFEE</td>
<td>2 Ins 100%</td>
<td>3,231,762</td>
</tr>
<tr>
<td>PELANDALE COFFEE TO OAKDALE</td>
<td>2 Ins 100%</td>
<td>2,658,898</td>
</tr>
<tr>
<td>PELANDALE OAKDALE TO ROSELLE</td>
<td>2 Ins 100%</td>
<td>2,882,216</td>
</tr>
<tr>
<td>PELANDALE ROSELLE TO EXPRESSWAY</td>
<td>2 Ins 100%</td>
<td>2,426,189</td>
</tr>
<tr>
<td>YOSEMITE EL. VISTA TO LINCOLN</td>
<td>6 Ins 100%</td>
<td>2,042,820</td>
</tr>
<tr>
<td>YOSEMITE LINCOLN TO MARIPOSA</td>
<td>6 Ins 100%</td>
<td>245,909</td>
</tr>
<tr>
<td>YOSEMITE MARIPOSA TO CLAUS</td>
<td>6 Ins 100%</td>
<td>777,493</td>
</tr>
<tr>
<td>YOSEMITE CLAUS TO East U.L.</td>
<td>6 Ins 100%</td>
<td>1,841,682</td>
</tr>
<tr>
<td>YOSEMITE EMPIRE GRADE SEPARATION</td>
<td>4 Ins 40%</td>
<td>5,054,400</td>
</tr>
<tr>
<td>HATCH CROWS LANDING TO SR 99</td>
<td>100%</td>
<td>5,764,137</td>
</tr>
<tr>
<td><strong>TOTAL EAST-WEST</strong></td>
<td></td>
<td>$36,259,849</td>
</tr>
<tr>
<td><strong>NORTH-SOUTH ARTERIALS</strong></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>PRESCOTT KIERNAN TO SNYDER</td>
<td>2 Ins 100%</td>
<td>$3,028,185</td>
</tr>
<tr>
<td>CARPENTER KANSAS TO MAZE</td>
<td>4 Ins 100%</td>
<td>1,078,371</td>
</tr>
<tr>
<td>CARPENTER MAZE TO CALIFORNIA</td>
<td>4 Ins 100%</td>
<td>1,015,909</td>
</tr>
<tr>
<td>CARPENTER CALIFORNIA TO PARADISE</td>
<td>4 Ins 100%</td>
<td>1,902,199</td>
</tr>
<tr>
<td>CARPENTER PARADISE TO HATCH</td>
<td>4 Ins 100%</td>
<td>6,902,103</td>
</tr>
<tr>
<td>TULLY PELANDALE TO STANDIFORD</td>
<td>4 Ins 100%</td>
<td>305,159</td>
</tr>
<tr>
<td>McHENRY PELANDALE TO STANDIFORD</td>
<td>6 Ins 100%</td>
<td>1,004,918</td>
</tr>
<tr>
<td>COFFEE CLARIBEL TO PELANDALE</td>
<td>4 Ins 100%</td>
<td>715,671</td>
</tr>
<tr>
<td>OAKDALE CLARIBEL TO PELANDALE</td>
<td>4 Ins 100%</td>
<td>959,072</td>
</tr>
<tr>
<td>OAKDALE PELANDALE TO SYLVAN</td>
<td>6 Ins 100%</td>
<td>718,110</td>
</tr>
<tr>
<td>ROSELLE FLOYD TO BRIGGSMORE</td>
<td>4 Ins 100%</td>
<td>273,282</td>
</tr>
<tr>
<td>LAKEWOOD BRIGGSMORE TO SCENIC</td>
<td>4 Ins 100%</td>
<td>1,022,789</td>
</tr>
<tr>
<td>LINCOLN SCENIC TO YOSEMITE</td>
<td>4 Ins 100%</td>
<td>2,421,900</td>
</tr>
<tr>
<td><strong>TOTAL NORTH-SOUTH</strong></td>
<td></td>
<td>21,347,668</td>
</tr>
<tr>
<td><strong>TOTAL STREETS</strong></td>
<td></td>
<td>$57,607,517</td>
</tr>
<tr>
<td><strong>TOTAL MAJOR STREETS AND MEDIANS</strong></td>
<td></td>
<td>$59,199,653</td>
</tr>
</tbody>
</table>

#### Medians

- On selected intersection approaches: 100% $536,188
- On new or widened streets: 100% $1,055,948
- **Total Medians**: $1,592,136 $0

- **Total Major Streets and Medians**: $59,199,653 $1,575,258
### FUND 141.02 EXPRESSWAYS

#### CFF PROJECTS
- **Total Cost of CFF Projects**: $139,450,754
- **Total Revenue Collected in this Fund**: $8,446,824 (6.06%)
- **Total Expenditures on CFF Projects**: $5,167,371 (3.71%)

#### CITY DEFICIENCIES
- None

#### REVENUE

<table>
<thead>
<tr>
<th>Year received</th>
<th>Fees</th>
<th>Interest</th>
<th>State</th>
<th>Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Federal</td>
<td>In</td>
</tr>
<tr>
<td>1989-90</td>
<td>$796,749</td>
<td>$1,727</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>1990-91</td>
<td>1,240,697</td>
<td>41,658</td>
<td>0</td>
<td>0</td>
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<tr>
<td>1991-92</td>
<td>1,138,606</td>
<td>153,764</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1992-93</td>
<td>934,381</td>
<td>143,171</td>
<td>0</td>
<td>250,000</td>
</tr>
<tr>
<td>1993-94</td>
<td>385,355</td>
<td>126,012</td>
<td>914,414</td>
<td>132,000</td>
</tr>
<tr>
<td>1994-95</td>
<td>398,252</td>
<td>153,597</td>
<td>54,215</td>
<td>250,661</td>
</tr>
<tr>
<td>1995-96</td>
<td>432,649</td>
<td>189,771</td>
<td>5,094</td>
<td>0</td>
</tr>
<tr>
<td>1996-97</td>
<td>537,692</td>
<td>158,946</td>
<td>7,413</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Revenue**

|               | $5,864,381 | $968,646 | $981,136 | $632,661 | $8,446,824 |

#### EXPENDITURES

**EXPRESSWAYS**

<table>
<thead>
<tr>
<th>Expressway</th>
<th>Length</th>
<th>Percent</th>
<th>Project Costs</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dale to Prescott</td>
<td>4 Ins</td>
<td>75% *</td>
<td>$2,648,000</td>
<td>59,270</td>
</tr>
<tr>
<td>Prescott to Tully</td>
<td>4 Ins</td>
<td>75% *</td>
<td>$2,985,178</td>
<td>21,368</td>
</tr>
<tr>
<td>Tully to McHenry</td>
<td>4 Ins</td>
<td>75% *</td>
<td>$2,530,697</td>
<td>21,368</td>
</tr>
<tr>
<td>McHenry to Coffee</td>
<td>4 Ins</td>
<td>100%</td>
<td>$4,027,782</td>
<td></td>
</tr>
<tr>
<td>Coffee to Oakdale</td>
<td>4 Ins</td>
<td>100%</td>
<td>$3,615,304</td>
<td></td>
</tr>
<tr>
<td>Oakdale to Roselle</td>
<td>4 Ins</td>
<td>100%</td>
<td>$4,249,682</td>
<td></td>
</tr>
<tr>
<td>Roselle to Expressway</td>
<td>4 Ins</td>
<td>100%</td>
<td>$2,691,488</td>
<td></td>
</tr>
<tr>
<td>Expressway to Claribel</td>
<td>4 Ins</td>
<td>100%</td>
<td>$4,045,022</td>
<td></td>
</tr>
<tr>
<td>Pelandale to Claus</td>
<td>4 Ins</td>
<td>100%</td>
<td>$907,136</td>
<td></td>
</tr>
<tr>
<td>Expressway to Sylvan</td>
<td>4 Ins</td>
<td>100%</td>
<td>$794,213</td>
<td></td>
</tr>
<tr>
<td>Sylvan to Floyd</td>
<td>6 Ins</td>
<td>100%</td>
<td>$3,777,109</td>
<td></td>
</tr>
<tr>
<td>Floyd to Brigsgmore</td>
<td>6 Ins</td>
<td>100%</td>
<td>$4,332,037</td>
<td></td>
</tr>
<tr>
<td>Brigsgmore to Scenic</td>
<td>6 Ins</td>
<td>100%</td>
<td>$2,821,119</td>
<td>656</td>
</tr>
<tr>
<td>Scenic to Lat. No. 2</td>
<td>6 Ins</td>
<td>100%</td>
<td>$3,879,095</td>
<td>1,113,627</td>
</tr>
<tr>
<td>Lat. No. 2 to Yosemite</td>
<td>6 Ins</td>
<td>100%</td>
<td>$289,098</td>
<td>270,251</td>
</tr>
<tr>
<td>Yosemite to Finch</td>
<td>6 Ins</td>
<td>100%</td>
<td>$4,328,723</td>
<td></td>
</tr>
<tr>
<td>Finch to Hatch</td>
<td>4 Ins</td>
<td>100%</td>
<td>$12,523,464</td>
<td></td>
</tr>
<tr>
<td>SR99 to Prescott</td>
<td>6 Ins</td>
<td>100%</td>
<td>$412,270</td>
<td>463,763</td>
</tr>
<tr>
<td>Prescott to Tully</td>
<td>6 Ins</td>
<td>100%</td>
<td>$2,858,535</td>
<td>1,239,868</td>
</tr>
<tr>
<td>Tully to McHenry</td>
<td>6 Ins</td>
<td>100%</td>
<td>$3,719,315</td>
<td>1,286,539</td>
</tr>
<tr>
<td>McHenry to Coffee</td>
<td>6 Ins</td>
<td>100%</td>
<td>$3,592,800</td>
<td>356,492</td>
</tr>
<tr>
<td>Coffee to Oakdale</td>
<td>6 Ins</td>
<td>100%</td>
<td>$3,318,082</td>
<td>309,822</td>
</tr>
<tr>
<td>Oakdale to Roselle</td>
<td>6 Ins</td>
<td>100%</td>
<td>$3,326,752</td>
<td>24,347</td>
</tr>
<tr>
<td>Roselle to Claus</td>
<td>4 Ins</td>
<td>100%</td>
<td>$2,809,854</td>
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</tr>
<tr>
<td>URBAN INTERCHANGES - 4 @ $8,000,000 each</td>
<td>4 Ins</td>
<td>100%</td>
<td>$33,696,000</td>
<td></td>
</tr>
<tr>
<td>R 132 SR99 to Morse/Nebraska</td>
<td>4 Ins</td>
<td>60% *</td>
<td>$25,272,000</td>
<td></td>
</tr>
</tbody>
</table>

* STATE 25%
** STATE 40%
## FUND 141.03 TRAFFIC SIGNALS

### CFF PROJECTS
- **Total Cost of CFF Projects**: $25,758,000
- **Total Revenue Collected in this Fund**: $3,320,195 (12.89%)
- **Total Expenditures on CFF Projects**: $4,654,272 (18.07%)

### CITY DEFICIENCIES
- **Total Cost of Deficiency Projects**: $2,220,000
- **Total Expenditures on Project**: $2,423,415 (109.16%)

### REVENUE

<table>
<thead>
<tr>
<th>Year received</th>
<th>Fees</th>
<th>Interest</th>
<th>State Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989-90</td>
<td>$160,456</td>
<td>$348</td>
<td>$0</td>
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<tr>
<td>1990-91</td>
<td>285,127</td>
<td>17,695</td>
<td>0</td>
</tr>
<tr>
<td>1991-92</td>
<td>230,521</td>
<td>31,108</td>
<td>95,000</td>
</tr>
<tr>
<td>1992-93</td>
<td>172,590</td>
<td>26,445</td>
<td>195,694</td>
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<tr>
<td>1993-94</td>
<td>71,179</td>
<td>23,276</td>
<td>33,459</td>
</tr>
<tr>
<td>1994-95</td>
<td>73,561</td>
<td>28,371</td>
<td>22,535</td>
</tr>
<tr>
<td>1995-96</td>
<td>79,915</td>
<td>35,053</td>
<td>957,042</td>
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<tr>
<td>1996-97</td>
<td>99,317</td>
<td>29,359</td>
<td>499,655</td>
</tr>
</tbody>
</table>

**Total Revenue**: $1,172,666

**Interest**: $191,655

**State Transfers**: $1,803,384

**Total Totals**: $3,320,195

### EXPENDITURES

<table>
<thead>
<tr>
<th>CITY DEFICIENCY PROJECTS</th>
<th>Expenditures</th>
<th>State Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>SYLVAN-COFFEE</td>
<td>53,380</td>
<td>$0</td>
</tr>
<tr>
<td>MCHENRY-BRIGGSMORE MODIFICATION</td>
<td>28,335</td>
<td>$0</td>
</tr>
<tr>
<td>REPLACE CONTROLLERS-VARIOUS</td>
<td>30,000</td>
<td>$0</td>
</tr>
<tr>
<td>TANDIFORD/DALE/SISK ROW ACQUISITION</td>
<td>70,000</td>
<td>$0</td>
</tr>
<tr>
<td>DALE/SNYDER TRAFFIC SIGNAL</td>
<td>131,986</td>
<td>$0</td>
</tr>
<tr>
<td>1989 FETSIM PROGRAM</td>
<td>46,116</td>
<td>$0</td>
</tr>
<tr>
<td>1990 FETSIM PROGRAM</td>
<td>45,791</td>
<td>$0</td>
</tr>
<tr>
<td>1991 FETSIM PROGRAM</td>
<td>61,979</td>
<td>$0</td>
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<tr>
<td>1992 FETSIM PROGRAM</td>
<td>29,066</td>
<td>$0</td>
</tr>
<tr>
<td>YOSEMITE/SANTA ROSA TRAFFIC SIGNAL</td>
<td>61,845</td>
<td>$0</td>
</tr>
<tr>
<td>CARPENTER/KANSAS TRAFFIC SIGNAL</td>
<td>175,998</td>
<td>$0</td>
</tr>
<tr>
<td>COFFEE/BRIGGSMORE TRAFFIC SIGNAL MODIFICATION</td>
<td>39,722</td>
<td>$0</td>
</tr>
<tr>
<td>CLAUS/SCENIC TRAFFIC SIGNAL</td>
<td>213,022</td>
<td>$0</td>
</tr>
<tr>
<td>SISK/RUMBLE TRAFFIC SIGNAL</td>
<td>112,687</td>
<td>$0</td>
</tr>
<tr>
<td>TRAFFIC SIGNAL MODIFICATIONS-VARIOUS</td>
<td>167,505</td>
<td>$0</td>
</tr>
<tr>
<td>MCHENRY/RUMBLE MODIFICATION</td>
<td>32,521</td>
<td>$0</td>
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<tr>
<td>COFFEE/NORWEGIAN SISK/DALE/STANDIFORD</td>
<td>80,684</td>
<td>$0</td>
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<tr>
<td>SISK/DALE/STANDIFORD TRAFFIC SIGNAL MODIFICATION</td>
<td>114,347</td>
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<tr>
<td>BEYER HIGH SCHOOL MODIFICATION</td>
<td>279,933</td>
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<tr>
<td>MCHENRY/LOYD MODIFICATION</td>
<td>696</td>
<td>$0</td>
</tr>
<tr>
<td>OAKDALE/BRIGGSMORE TRAFFIC SIGNAL MODIFICATION</td>
<td>52,658</td>
<td>$0</td>
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<tr>
<td>BRIGGSMORE TIMEBASED COORDINATION</td>
<td>46,076</td>
<td>$0</td>
</tr>
<tr>
<td>OAKDALE/EL VISTA TIME BASED COORDINATION</td>
<td>8,038</td>
<td>$0</td>
</tr>
<tr>
<td>BRIGGSMORE/CLAUS T/S CONTROLLERS</td>
<td>45,258</td>
<td>$0</td>
</tr>
<tr>
<td>ORANGEBURG/ROSE TRAFFIC SIGNAL</td>
<td>4,919</td>
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</tr>
<tr>
<td>NINTH &amp; D STREET TRAFFIC SIGNAL</td>
<td>56,473</td>
<td>$0</td>
</tr>
<tr>
<td>PVEA T/S CONTROLLERS (8)</td>
<td>123,267</td>
<td>$0</td>
</tr>
<tr>
<td>CLAUS/CREEKWOOD TRAFFIC SIGNAL</td>
<td>86,735</td>
<td>$0</td>
</tr>
<tr>
<td>CENIC/OAKDALE/EL VISTA INTERSECTION MODIFICATIONS</td>
<td>57,881</td>
<td>$0</td>
</tr>
<tr>
<td>EMERALD TRAFFIC SIGNAL</td>
<td>43,266</td>
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<tr>
<td>9TH/COLDWELL/WOODLAND T/S MODIFICATION</td>
<td>6,420</td>
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<tr>
<td>COLLEGE/ORANGEBURG T/S MODIFICATION</td>
<td>56,939</td>
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</tr>
<tr>
<td>ORANGEBURG/TULLY T/S MODIFICATION</td>
<td>527</td>
<td>$0</td>
</tr>
<tr>
<td>CARVER/STANDIFORD T/S</td>
<td>57,155</td>
<td>$0</td>
</tr>
</tbody>
</table>

**TOTAL PROGRESS ON DEFICIENCY PROJECTS (through 6/30/1994)**

$2,423,415
Traffic Signals - continued

CFF PROJECTS

<table>
<thead>
<tr>
<th>TRAFFIC SIGNALS (new and modifications)</th>
<th>Project Costs</th>
<th>100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>New signals</td>
<td>$17,999,000</td>
<td></td>
</tr>
<tr>
<td>Modifications</td>
<td>$4,207,000</td>
<td></td>
</tr>
<tr>
<td>Traffic Synchronization</td>
<td>$3,552,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$25,758,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

These are CFF projects that were constructed with non-CFF funds (mostly federal funding).

Controller Replacement at following signals (89 FETSIM - Gas Tax Fund not CFF):
- El Vista/Encina: $8,300
- El Vista/Miller: 9,400
- Orangeburg/Sunrise: 9,000
- Coffee/Orangeburg: 14,100
- Coffee Floyd: 14,400
- Coffee/Rumble: 14,700

Controller Replacement at following signals (90 FETSIM - Gas Tax Fund not CFF):
- Dale at Vintage Faire Driveway: 8,600
- Standiford at Sisk: 8,800
- Standiford at Dale: 8,800
- Standiford at Conant: 2,600
- Standiford at Colonial: 2,600
- Tully at Rumble: 5,600

CFF expenditures

| T/S Kansas/Emerald                          | 96,864        |
| Briggsmore/Oakdale T/S Mod                 | 80,140        |
| ATMS Design/System Administration          | 110,949       |
| Centralized Traffic Signal Control         | 1,761,447     |
| CFF T/S Signal Design-New Locations       | 0             |
| Yosemite/Creekwood T/S Signals             | 0             |
| MCHI: NWR/Morriss Signal Modification      | 44,576        |
| 9TH/L Traffic Signal                       | 25,687        |
| Restripe Claus/Briggsmore/Yosemite          | 25,840        |
| Claus - Garner/Yosemite Intrst              | 0             |
| Automated Traffic Management (CCTV)        | 221,239       |
| Low Cost Traffic Improvements              | 29,664        |
| Orangeburg/Carver T/S                      | 89,999        |
| Sisk/Vintage Dr. Area T/S                  | 64,543        |
| T/S Design/Construction-New                | 51            |
| Yosemite/Creekwood T/S                     | 107,605       |
| Briggsmore/Oakdale T/S Sig Modify          | 141,688       |
| Carpenter/Blue Gum T/S Modify              | 94,999        |
| ATMS System Vendor                         | 135,993       |
| Advanced Traffic Management System          | 106,605       |
| Coffee/Floyd Traffic Signal Motor          | 81,627        |
| Coffee/Rumble T/S Signal Modify            | 71,583        |
| Orangeburg/Lakewood T/S Signal             | 0             |
| Traffic Improvement - Various New          | 92,946        |
| T/S Signal Design/Construct New            | 246           |
| T/S Signal Modifications - CFF             | 11,174        |
| Tully/Rumble T/S Signal Upgrade            | 6,016         |
| S.R. 132 "D" St/11TH St T/S                | 77,400        |
| 6TH/L Streets T/S Signal Mod               | 23,956        |
Traffic Signals - continued

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>7TH/L STREETS T/SIGNAL MOD</td>
<td>$20,060</td>
</tr>
<tr>
<td>ADVANCED TRAFFIC MANAGMT SYSTM</td>
<td>$740</td>
</tr>
<tr>
<td>DOWNTOWN T/SIGNAL IMPROVEMENT</td>
<td>$149,658</td>
</tr>
<tr>
<td>LOW COST TRAFFIC IMPMT VARIOUS</td>
<td>$31,196</td>
</tr>
<tr>
<td>SCENIC/BODEM T/SIGNAL MOD</td>
<td>$42,746</td>
</tr>
<tr>
<td>T/SIGNAL DSGN/CNSTN NEW LTCTNS</td>
<td>$1,254</td>
</tr>
<tr>
<td>T/SIGNAL MOD VARIOUS NEW LTCTNS</td>
<td>$5,578</td>
</tr>
<tr>
<td>CLAUS/BRIGGSMORE INTRSCRTN IMPT</td>
<td>$172,481</td>
</tr>
<tr>
<td>PELANDALE/SISK TRAFFIC SIGNAL</td>
<td>$173,233</td>
</tr>
<tr>
<td>T/S DESIGN/CONSTRN NEW LTCTNS</td>
<td>$11</td>
</tr>
<tr>
<td>STANDIFORD/CONANT-LTN T/S MOD</td>
<td>$14,190</td>
</tr>
<tr>
<td>T/S MODIFY CROWSLNDG/WHITMORE</td>
<td>$7,117</td>
</tr>
<tr>
<td>T/S MODIFY ORANGEBURG/OAKDALE</td>
<td>$1,428</td>
</tr>
<tr>
<td>T/S MODIFY ORANGEBURG/SUNRISE</td>
<td>$11,941</td>
</tr>
<tr>
<td>T/S MODIFY VARIOUS NEW LTCTNS</td>
<td>$2,663</td>
</tr>
<tr>
<td>LOW COST TRAFFIC IMPMT VARIOUS</td>
<td>$16,791</td>
</tr>
<tr>
<td>INTERSECTION UPGRADES VARIOUS</td>
<td>$9,890</td>
</tr>
<tr>
<td>TRAFFIC SIGNAL 9TH/CAR VER</td>
<td>$311</td>
</tr>
<tr>
<td>T/S SYCHRONIZTN-RE-TIME DWNTWN</td>
<td>$0</td>
</tr>
<tr>
<td>T/S SYCHRO-CLOSED CIRCUIT TV</td>
<td>$1,485</td>
</tr>
<tr>
<td>T/S KANSAS/SR99 SOUTHBND RAMPS</td>
<td>$354</td>
</tr>
<tr>
<td>T/S CENTRAL CONTROL SYSTEM</td>
<td>$217,897</td>
</tr>
<tr>
<td>CLAUS/ORANGEBURG T/S-ENGRN</td>
<td>$117,897</td>
</tr>
<tr>
<td>ORANGEBURG/KEARNEY T/S</td>
<td>$0</td>
</tr>
<tr>
<td>MITCHELL/FINCH TRAFFIC SIGNAL</td>
<td>$40,383</td>
</tr>
<tr>
<td>COFFEE/ORANGEBURG-LEFT TURNS</td>
<td>$112,151</td>
</tr>
</tbody>
</table>

**TOTAL CFF TRAFFIC SIGNAL PROGRESS**: $4,654,272
**FUND 141.04 FREEWAY 99 INTERCHANGES**

<table>
<thead>
<tr>
<th><strong>CFF PROJECTS</strong></th>
<th><strong>% of Total</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost of CFF Projects</td>
<td>$13,711,593</td>
</tr>
<tr>
<td>Total Revenue Collected in this Fund</td>
<td>$710,998</td>
</tr>
<tr>
<td>Total Expenditures on CFF Projects</td>
<td>$0</td>
</tr>
</tbody>
</table>

**CITY DEFICIENCIES**
None

### REVENUE

<table>
<thead>
<tr>
<th>Year received</th>
<th>Fees</th>
<th>Interest</th>
<th>State</th>
<th>Transfers</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989-90</td>
<td>$84,378</td>
<td>$183</td>
<td>Federal</td>
<td>$0</td>
<td>$84,561</td>
</tr>
<tr>
<td>1990-91</td>
<td>151,315</td>
<td>9,669</td>
<td>0</td>
<td>0</td>
<td>$160,984</td>
</tr>
<tr>
<td>1991-92</td>
<td>110,187</td>
<td>15,077</td>
<td>0</td>
<td>0</td>
<td>$125,264</td>
</tr>
<tr>
<td>1992-93</td>
<td>91,874</td>
<td>14,077</td>
<td>0</td>
<td>0</td>
<td>$105,951</td>
</tr>
<tr>
<td>1993-94</td>
<td>37,890</td>
<td>12,390</td>
<td>0</td>
<td>0</td>
<td>$50,280</td>
</tr>
<tr>
<td>1994-95</td>
<td>39,158</td>
<td>15,103</td>
<td>0</td>
<td>0</td>
<td>$54,261</td>
</tr>
<tr>
<td>1995-96</td>
<td>42,540</td>
<td>18,659</td>
<td>0</td>
<td>0</td>
<td>$61,199</td>
</tr>
<tr>
<td>1996-97</td>
<td>52,869</td>
<td>15,629</td>
<td>0</td>
<td>0</td>
<td>$68,498</td>
</tr>
</tbody>
</table>

**TOTAL REVENUE**
$610,211
$100,787
$0
$710,998

### EXPENDITURES

**PROJECT DESCRIPTION**

**SR 99 INTERCHANGES IMPROVEMENTS**
- **PELANDALE INTERCHANGE**
- **BECKWITH/STANDIFORD INTERCHANGE**
- **CARPENTER/BRIGGSMORE INTERCHANGE**
- **MAZE NORTHBOUND RAMP**
- **1 STREET RAMPS INTERSECTIONS**
- **HATCH INTERCHANGE**
- **SR 99 INTERCHANGES Prelim Planning Study**
- **SR 99 INTERCHANGES Project Study Reports**

<table>
<thead>
<tr>
<th>Project</th>
<th>1987-97 Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>50% *</td>
<td>$2,585,379</td>
</tr>
<tr>
<td>100%</td>
<td>8,206,245</td>
</tr>
<tr>
<td>100%</td>
<td>811,863</td>
</tr>
<tr>
<td>100%</td>
<td>210,600</td>
</tr>
<tr>
<td>100%</td>
<td>128,466</td>
</tr>
<tr>
<td>33% *</td>
<td>1,389,960</td>
</tr>
<tr>
<td>100%</td>
<td>210,600</td>
</tr>
<tr>
<td>100%</td>
<td>168,480</td>
</tr>
</tbody>
</table>

| Total   | $13,711,593          |

* County PFF 50%  
** Ceres CFF 67%
PUBLIC TRANSPORTATION CAPITAL FACILITIES FEE - FUND 142

CFF PROJECTS
Total Cost of CFF Projects: $2,993,300
Total Revenue Collected in this fund: $185,751
Total Expenditures on CFF Projects: $839

CITY DEFICIENCY
Total Cost of Existing Deficiency Projects: $3,009,913
Total Expenditures on Deficiency Projects: $1,525,753

REVENUE
<table>
<thead>
<tr>
<th>Year Received</th>
<th>Revenue</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989-90</td>
<td>$25,782</td>
<td>$56</td>
<td>$25,838</td>
</tr>
<tr>
<td>1990-91</td>
<td>44,313</td>
<td>3,207</td>
<td>47,520</td>
</tr>
<tr>
<td>1991-92</td>
<td>22,829</td>
<td>4,908</td>
<td>27,737</td>
</tr>
<tr>
<td>1992-93</td>
<td>26,446</td>
<td>4,777</td>
<td>31,223</td>
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<tr>
<td>1993-94</td>
<td>10,444</td>
<td>5,613</td>
<td>16,057</td>
</tr>
<tr>
<td>1994-95</td>
<td>7,291</td>
<td>8,368</td>
<td>15,659</td>
</tr>
<tr>
<td>1995-96</td>
<td>10,936</td>
<td>10,782</td>
<td>21,717</td>
</tr>
<tr>
<td>1996-97</td>
<td>14,287</td>
<td>3,386</td>
<td>17,673</td>
</tr>
</tbody>
</table>

Total Revenue

$148,041 $37,711 $185,751

Notes:
This fund was adopted with the Phase II CFF by resolution 89-1132 effective 1/20/90.
The Transit Center project was decreased by $534,506. Land was $315,967 now 0, and Construction was reduced from $318,539 to $100,000 in resolution 92-507 adopted and effective 9/8/92.

EXPENDITURES

Existing City Deficiencies

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Project Cost</th>
<th>City Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 Buses (Local match only)</td>
<td>$3,068,928</td>
<td>$283,500</td>
</tr>
<tr>
<td>Transit Center (City share (48%) of local match for transit center)</td>
<td>693,464</td>
<td>1,242,253</td>
</tr>
<tr>
<td>Subtotal existing deficiency</td>
<td>$3,762,392</td>
<td>$1,525,753</td>
</tr>
<tr>
<td>20% reduction</td>
<td>(752,478)</td>
<td>0</td>
</tr>
<tr>
<td>Total Existing Deficiency</td>
<td>$3,009,913</td>
<td>$1,525,753</td>
</tr>
</tbody>
</table>

CFF Projects

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Project Cost</th>
<th>CFF Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>33 Buses (Local match only)</td>
<td>$3,324,672</td>
<td></td>
</tr>
<tr>
<td>Bus Shelters</td>
<td>183,222</td>
<td>$839</td>
</tr>
<tr>
<td>Bus Stops</td>
<td>133,731</td>
<td></td>
</tr>
<tr>
<td>Transit Center Land (52% of local match) See Notes (above)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Transit Center Construction (52% of local match) See Notes (above)</td>
<td>100,000</td>
<td>839</td>
</tr>
<tr>
<td>Subtotal CFF projects</td>
<td>$3,741,625</td>
<td>$839</td>
</tr>
<tr>
<td>20% reduction</td>
<td>(748,325)</td>
<td>0</td>
</tr>
<tr>
<td>Total CFF projects</td>
<td>$2,993,300</td>
<td>$839</td>
</tr>
</tbody>
</table>
## AIR QUALITY CAPITAL FACILITIES FEE - FUND 143

### CFF PROJECTS

- **Total Cost of CFF Projects:** $5,681,600
- **Total Revenue Collected in this fund:** $388,775 (6.84% of Total)
- **Total Expenditures on CFF Projects:** $294,509 (5.18% of Total)

### CITY DEFICIENCY

No Existing Deficiency Projects

### REVENUE

<table>
<thead>
<tr>
<th>Year Received</th>
<th>Revenue</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989-90</td>
<td>$64,457</td>
<td>$140</td>
<td>$64,597</td>
</tr>
<tr>
<td>1990-91</td>
<td>108,436</td>
<td>7,611</td>
<td>116,047</td>
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<tr>
<td>1991-92</td>
<td>54,037</td>
<td>8,796</td>
<td>62,833</td>
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<tr>
<td>1992-93</td>
<td>47,962</td>
<td>8,073</td>
<td>56,035</td>
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<tr>
<td>1993-94</td>
<td>17,610</td>
<td>9,418</td>
<td>27,028</td>
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<tr>
<td>1994-95</td>
<td>12,742</td>
<td>12,961</td>
<td>25,703</td>
</tr>
<tr>
<td>1995-96</td>
<td>20,435</td>
<td>16,097</td>
<td>36,532</td>
</tr>
<tr>
<td>1995-96</td>
<td>20,435</td>
<td>16,097</td>
<td>36,532</td>
</tr>
<tr>
<td>1996-97</td>
<td>26,749</td>
<td>13,501</td>
<td>40,250</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>$323,678</strong></td>
<td><strong>$63,097</strong></td>
<td><strong>$388,775</strong></td>
</tr>
</tbody>
</table>

### EXPENDITURES

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Project Cost</th>
<th>Project Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park and Ride Lots (4 @ $174,000)</td>
<td>$700,000</td>
<td>$114,653</td>
</tr>
<tr>
<td>Vanpooling/Carpooling</td>
<td>134,000</td>
<td></td>
</tr>
<tr>
<td>Bike Path/Storage - Class 1 (30 miles @ $105,600)</td>
<td>3,168,000</td>
<td>$179,856</td>
</tr>
<tr>
<td>Bike Path/Storage - Class 2 (50 miles @ $39,000)</td>
<td>1,950,000</td>
<td></td>
</tr>
<tr>
<td>Footpaths, Pedestrian Access (20 miles @ $35,000)</td>
<td>1,150,000</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal CFF Projects</strong></td>
<td><strong>$7,102,000</strong></td>
<td><strong>$294,509</strong></td>
</tr>
<tr>
<td><strong>Less 20% decrease</strong></td>
<td>(1,420,400)</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total CFF Projects</strong></td>
<td><strong>$5,681,600</strong></td>
<td><strong>$294,509</strong></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 98-6

A RESOLUTION AUTHORIZING THE USE OF VERTICAL BANNERS INCLUDING LOCATION IN THE "I" STREET RIGHT-OF-WAY TO IDENTIFY THE ART LEAGUE FACILITY WITHIN THE MC HENRY MUSEUM BUILDING LOCATED AT 1402 "I" STREET IN THE CITY OF MODESTO.

WHEREAS, on November 17, 1997, by Resolution No. 97-15, the Landmark Preservation Commission of the City of Modesto approved an alteration to the McHenry Museum Landmark Site No. 2, to add signs identifying the Central California Art League, located at 1402 "I" Street, for reasons set forth in said Resolution No. 97-15, a copy of which is on file in the office of the City Clerk, and

WHEREAS, Article 21, of Chapter 2 of Title X provides for the regulation of signs in the City of Modesto, and Section 10-2.2104(b) of the Modesto Municipal Code defines signs, and Section 10-2.2104(b)(2) exempts directional, warning or informational signs authorized by federal, state or municipal authority or public utility, and

WHEREAS, on January 6, 1998, the City Council considered the request of the Central California Art League for authorization to use Vertical Banners including location in the "I" Street right-of-way to identify the Art League Facility within the McHenry Museum Building located at 1402 "I" Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Central California Art League is hereby authorized to use Vertical Banners including location in the "I" Street right-of-way to identify the Art League Facility within the
McHenry Museum Building located at 1402 “I” Street, said Vertical Banners being deemed informal signs pursuant to Section 10-2.2104(b)(2) 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 6th day of January, 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, Smith, Serpa, 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. 98-7

A RESOLUTION APPROVING ADDITIONAL ELEMENTS ON THE LIST OF RENOVATION PROJECTS SPECIFIED IN THE MERGER AGREEMENT BETWEEN THE HIGHWAY VILLAGE COMMUNITY SERVICES DISTRICT AND THE CITY OF MODESTO.

WHEREAS, in 1959, a Community Services District was formed for the Highway Village Neighborhood for the purpose of receiving land upon which a recreational community hall was built, and

WHEREAS, the City of Modesto and the Highway Village Community Services District entered into a Merger Agreement dated May 21, 1996, and

WHEREAS, the Merger Agreement specified certain park repair and renovation projects which would be completed with Community Service District and City funds, and

WHEREAS, at a community meeting to discuss the renovation plan, the attendees expressed a strong desire for additional projects to be included in the renovation, and

WHEREAS, after staff evaluation and subsequent discussion with representatives of the neighborhood, a small tot-lot and basketball court were added to the renovation plan, and for safety reasons, staff determined that re-routing overhead transmission lines bisecting the park would be advisable, and

WHEREAS, by a report to the Council dated January 13, 1998, a copy of which is on file in the office of the City Clerk, City staff has recommended that the $20,093 balance of the original $50,000 commitment be used toward the additional projects in the renovation plan for construction of a tot-lot and basketball court and relocation of overhead
transmission lines, and

WHEREAS, the Human Services Committee supported staff's recommendation with a suggestion that non-General Fund sources be evaluated for the balance of City funds to be used on this project,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the addition of a tot-lot, basketball court, and relocation of overhead transmission lines to the list of renovation projects specified in the merger agreement between the Highway Village Community Service District and the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-8

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CHRIS LEE JOHNSON AND DEBBIE RENEE JOHNSON FOR THE CRISMON HOUSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Chris Lee Johnson and Debbie Renee Johnson for the Crismon House 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 6th day of January, 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. 98-9

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Atmospherics Inc. for the use of a small parcel of land at the Airport for weather equipment 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 6th day of January, 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
A RESOLUTION APPROVING AN AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE LEASE OF HANGAR 1 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to lease agreement between the City of Modesto and the County of Stanislaus for the lease of Hangar 1 at 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 6th day of January, 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. 98-11

A RESOLUTION CONVERTING BRET HARTE PLACE TO A ONE-WAY STREET, RESTATING ESTABLISHED ONE-WAY STREETS AND ALLEYS IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 89-551.

WHEREAS, Section 3-2.501 of Chapter 2 of Title III of the Modesto Municipal Code authorizes the City Council, by resolution to establish one-way streets and alleys in the City of Modesto, and

WHEREAS, in response to a recent request from the Principal of Bret Harte School, staff recommends that Bret Harte Place be converted to a one-way street to improve traffic flow and safety in front of the school, and

WHEREAS, said request to change Bret Harte Place to one-way westbound has been reviewed and approved by the Transportation Policy Committee, and

WHEREAS, City staff proposes to coordinate this action with the Stanislaus County Board of Supervisors to convert the north end of Guthrie Street to Frazier Street to one-way westbound from Bret Harte Place to the alley, as shown on the diagram, marked Exhibit “A” and attached hereto,

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

SECTION 1. ONE-WAY STREETS AND ALLEYS. One-way streets and alleys are hereby established at the following locations:
(a) **One-way Streets:**

*5th Street*, from Maze Boulevard to Sierra Drive  
(southerly direction)

*6th Street*, from E Street to M Street  
(northerly direction)

*9th Street*, (northeast portion), from Tully Road to Clayton Avenue  
(northwesterly direction)

*9th Street*, (southwest portion), from Tully Road to Clayton Avenue  
(southeasterly direction)

*15th Street*, from K Street to Needham Street  
(northwesterly direction)

*17th Street*, from G Street to J Street  
(southeasterly direction)

*19th Street*, from Burney Street to Downey Street  
(northwesterly direction)

*Briggsmore Avenue*, (south portion), from Prescott Road to Oakdale Road  
(easterly direction)

*Briggsmore Avenue*, (north portion), from Prescott Road to Oakdale Road  
(westerly direction)

*Burney Street*, from G Street to Scenic Drive  
(northerly direction)

*Downey Avenue*, from Burney Street to McHenry Avenue  
(westerly direction)

*First Street*, from G Street to H Street  
(southeasterly direction)

*G Street*, from First Street to Burney Street  
(northeasterly direction)
Guthrie Street to Frazier Street, from Bret Harte Place to the alley (westerly direction)

H Street, from First Street to Burney Street (southwesterly direction)

Haddon Avenue, from La Loma Avenue to Santa Barbara Avenue (easterly direction)

K Street, from 9th Street to Needham Street (northeasterly direction)

L Street, from 9th Street to Needham Street (northeasterly direction)

L Street, from 9th Street to Needham Street (southwesterly direction)

La Loma Avenue, from Burney Street to H Street (northwesterly direction)

Sycamore Avenue, (east portion), from Griswold Avenue to north side of Block 724 (northerly direction)

Sycamore Avenue, (west portion), from Griswold Avenue to north side of Block 724 (southerly direction)

(b) One-way Alleys:

Between 1st and 2nd Streets, from H Street to G Street (southeasterly direction)

Between 2nd and 3rd Streets, from Washington Street to I Street (southeasterly direction)

Between 9th and 10th Streets, from I Street to K Street (southeasterly direction)

Between 10th and 11th Streets, from I Street to J Street (northwesterly direction)
Between 10th and 11th Streets, from 100 feet northwest of J Street to K Street (northwesterly direction)

Between 11th and 12th Streets, from I Street to J Street (southeasterly direction)

Between 11th and 12th Streets, from J Street to K Street (northwesterly direction)

Between 12th and 13th Streets, from I Street to K Street (northwesterly direction)

Between Locke Road and Downey High School, from Coffee Road to Brighton Avenue (easterly direction)

Between Locke Road and Lucern Avenue, from 275 feet east of Coffee Road and Sunnyside Avenue (easterly direction)

Between College Avenue and TSRR Tracks, from Rumble Road to Leveland Lane (southerly direction)

Between June Drive and Timothy Avenue, from Briggsmore Avenue to Judith Lane (southerly direction)

Between McHenry Avenue and Sherwood Avenue, from 130 feet south of Leveland Lane to Leveland Lane (northerly direction)

Between McHenry Avenue and Timothy, beginning 136 feet north of Granger Avenue and continuing northerly 285 feet (northerly direction)

Between Sheridan Street and Chicago Avenue, from Hudson Lane to Paradise Road (southeasterly direction)

Between Sutter Avenue and Alturas Avenue, Tuolumne Boulevard and Western Way, from Alturas Avenue to Sutter Avenue (westerly direction)
SECTION 2. City staff is hereby authorized to coordinate this action with the Stanislaus County Board of Supervisors to convert the north end of Guthrie Street to Frazier Street to one-way westbound from Bret Harte Place to the Alley, as shown on the diagram attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The provisions of this resolution shall become effective upon adoption and be in full force and operation when appropriate signs are in place giving notice of said designation to the public and/or when any necessary traffic control devices are implemented by the appropriate agency maintaining signs or traffic control devices within the jurisdiction of the City of Modesto, the County of Stanislaus or the Department of Transportation of the State of California.

SECTION 4. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution on behalf of the City of Modesto.

SECTION 5. Resolution No. 89-551 is hereby superseded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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

MICHAEL D. MILICH, City Attorney
EXHIBIT “A”
MODESTO CITY COUNCIL
RESOLUTION NO. 98-12

A RESOLUTION APPROVING THE FINAL MAP OF THE VILLAGE HIGHLANDS PHASE II SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Inland Village, a General Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 11.94 acres, known as Village Highlands Phase II Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 27th day of November, 1995, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Village Highlands Phase II 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 6th day of January, 1997, 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, Smith, Serpa, 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. 98-13

A RESOLUTION APPROVING THE FINAL MAP OF THE SILVERADO AT THE VILLAGE PHASE II 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 8.21 acres, known as Silverado at the Village Phase II 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 II 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 6th day of January, 1997, 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, Smith, Serpa, 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 REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

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

Industrial Waste Inspector I/II
Building Inspector I/II
Maintenance Mechanic - Parks
Water Distribution System Operator

The job specifications for the classification of Industrial Waste Inspector I/II, as shown on the attached Exhibit "A", Building Inspector I/II, as shown on the attached Exhibit "B", Maintenance Mechanic - Parks, as shown on the attached Exhibit "C", and Water Distribution System Operator, as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 6, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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, Smith, Serpa, 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
No. 3266
No. 3265

INDUSTRIAL WASTE INSPECTOR I
INDUSTRIAL WASTE INSPECTOR II

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

DEFINITION

To inspect, sample, monitor and regulate commercial and industrial
facilities discharged within the City sewerage system for
compliance with industrial waste permits; assess user charges and
penalties for sewer service; and to act as liaison between the City
and industrial dischargers.

DISTINGUISHING CHARACTERISTICS

INDUSTRIAL WASTE INSPECTOR I - This is the entry level class in the
Industrial Waste Inspector series. This class is distinguished
from the Industrial Waste Inspector II by the performance of the
more routine tasks and duties assigned to positions within the
series. Since this class is typically used as a training class,
employees may have only limited related work experience.

Industrial Waste Inspector II - This is the full journey level
class within the Industrial Waste Inspector series. Employees
within this class are distinguished from the Industrial Waste
Inspector I by the performance of the full range of duties as
assigned. Employees at this level receive only occasional
instruction or assistance as new or unusual situations arise, and
are fully aware of the operating procedures and policies of the
work unit.

SUPERVISION RECEIVED AND EXERCISED

Industrial Waste Inspector I
Receives immediate supervision from the Industrial Waste
Supervisor.

Industrial Waste Inspector II
Receives general supervision from the Industrial Waste Supervisor.

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

Exhibit "A"
Essential Functions:

Inspect, sample, and monitor flow of industrial dischargers within the City; gather, interpret and extrapolate information from industrial dischargers and various departments within the City to ensure compliance with Federal, State, local, and stormwater environmental discharge requirements.

Develop and issue industrial groundwater and liquid waste hauler permits as needed.

Receive requests from industries for changes in discharge permits; compile information for issuance of industrial waste permits.

Act as a liaison between the City and industrial dischargers; develop communication with industries; inform them of inspection requirements; meet with industry personnel on permit violations; notify them of categorical standards, sludge and hazardous waste disposal practices, and stormwater requirements.

Monitor categorical liquid waste haulers; assist in the issuing and monitoring of permit holders who wish to discharge at the treatment plant.

Pick up and deliver samples of industrial discharge for laboratory testing and calculation of sewer billing.

Monitor industry flow to see that industrial pretreatment equipment is operating properly.

Monitor stormwater conveyance systems and water ways for compliance with NPDES requirements.

Advise industry on ways to achieve greater industrial waste control; make suggestions to industry on ways they benefit from efficient pretreatment processes.

Evaluate construction at industry sites to assure compliance with industrial waste permit; evaluate construction plans with actual construction to prevent unapproved changes.

Assist industry in proper reporting of tracking logs.

Conduct tours of treatment plant to industry personnel; educate industrial personnel of the operations of a sewage treatment plant.

Investigate complaints; keep records and prepare reports. Calculate flow data from influent and effluent meters to assess hydraulic loading from each industry; read meters.
Essential Functions: (Continued)

Gather laboratory information from City and industries privately contracted labs.

Clean and maintain sampling units according to standard methods.

Prepare monthly billing records for industries.

May assist in the training of new staff.

Inspect industries according to EPA regulations.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Industrial Waste Inspector I

Knowledge of:


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

Operation and maintenance of equipment used for the monitoring and control of industrial discharge, waste, and stormwater.

Procedures and materials used in chemical, biochemical and bacteriological laboratory tests and analysis.

Methods and techniques used in monitoring sewer and stormwater systems.

Uniform plumbing codes as they apply to grease traps and industrial wastewater.

Industrial processes producing waste to the waste stream.

Methods used in industrial waste control.

Sampling techniques and preservations.

Basic computer skills.

Industrial Waste Inspector I - (Continued)

Ability to:

Evaluate safety hazards.

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

Read and interpret blueprints.

Conduct inspections.

Gather, interpret and present data.

Establish effective relations with industry personnel.

Conduct field laboratory tests.

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 of experience as a Wastewater Treatment Plant Operator OR one year experience as an Industrial Waste Inspector or Water Quality Laboratory Technician in a public agency.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in industrial waste inspection or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.
Industrial Waste Inspector I (Continued)

License or Certificate (Continued)

A valid Grade II Wastewater Treatment Operator certificate as issued by the State of California is highly desirable.

Possession of a Grade I Industrial Waste Inspector Certificate issued by the California Water Environmental Association (CWEA), is required within 2 1/2 years of appointment. Failure to obtain said certificate will constitute grounds for termination.

Industrial Waste Inspector II

In addition to the qualifications for Industrial Waste Inspector I:

Experience:

Eighteen (18) months of experience as an Industrial Waste Inspector I with the City of Modesto, or two years experience as an Industrial Waste Inspector in a public agency.

License or Certificate

Possession of a Grade II Industrial Waste Inspector Certificate issued by the California Water Environmental Association is required within 4 1/2 years of appointment. Failure to obtain said certificate will be grounds for demotion to first-level Industrial Waste Inspector.

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.
BUILDING INSPECTOR I
BUILDING INSPECTOR II

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

DEFINITION

To perform a variety of residential building inspection duties at various stages of construction, alteration and repair; to maintain a variety of inspection related records; and to provide information and assistance to the public.

DISTINGUISHING CHARACTERISTICS

Building Inspector I - This is the entry level class in the Building Inspector series. This class is distinguished from the Building Inspector II by the performance of the more routine tasks and duties assigned to positions within the series including inspections and the issuance of permits. Since this class is typically used as a training class, employees may have only limited related work experience.

Building Inspector II - This is the full journey level class within the Building Inspector series. Employees within this class are distinguished from the Building Inspector I by the performance of the full range of duties as assigned including combination inspection (building, electrical, plumbing and mechanical). Employees at this level receive 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

Building Inspector I
Receives general supervision from higher level inspection staff.

Building Inspector II
Receives general supervision from higher level inspection staff.
May exercise technical supervision over less experienced staff.

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

Essential Functions:

Make field inspections of building construction and its components in residential, commercial and industrial applications to assure compliance with applicable codes and regulations of City, State and Federal agencies.

Examine, evaluate and approve the construction of structural framing systems in compliance with Title 24, Title 25 and applicable fire, life and health and safety requirements.

Examine completed construction and general workmanship prior to occupancy.

Maintain plan files, progress reports and properly complete permit inspection records.

Investigate alleged violations of zoning ordinance and related policies.

Perform inspection duties in trade specialties such as plumbing, electrical and mechanical, structural and finish trade areas.

May perform necessary field work and/or issue permits for residential building, plumbing, mechanical and electrical code compliance and special inspection applications.

Inspect foundation, cement, framing, plastering, plumbing, heating, and electrical installations, and a large variety of other complex and routine building system elements for compliance with applicable codes and standards of workmanship.

Check stud, joist, rafter spacing and other structural member factors.

Examine grade, quality, and treatment of lumber, cement, lath, wire and composition.

Ensure proper and safe installation of routine and complex building systems.

Coordinate inspection activities with other City departments and divisions.
Essential Functions - (Continued)

Review plans, schedules and specifications for compliance with applicable codes and ordinances.

Ascertain conformance to Uniform Building Code, Plumbing and Electrical Codes, and pertinent provisions of State and County health and environmental ordinances.

Confer with architects, contractors, builders and the general public in the field and office; prepare correspondence as required.

Explain and interpret requirements and restrictions.

Recommend amendments to building, plumbing, mechanical and electrical codes.

Maintain detailed records and prepare reports.

Marginal Functions

Perform related duties as assigned.

QUALIFICATIONS

Building Inspector I

Knowledge of:

Accepted safety standards and methods of building construction.

Building related codes and ordinances enforceable by the City, including the Uniform Building, Electrical, Plumbing and Mechanical Codes.

Ability to:

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.

Make appropriate decisions.

Learn to perform journey level inspection skills in a variety of specialty trade areas and to perform competent and efficient work as a combination Building Inspector.
Building Inspector I - (Continued)

Ability to: (Continued)

Enforce State and Municipal Codes under the jurisdiction of the department.

Read and interpret building plans, specifications, and building codes throughout the course of construction.

Understand and carry out oral and written directions.

Advise on standard construction methods and requirements.

Make arithmetical computations rapidly and accurately.

Communicate clearly and concisely, both orally and in writing.

Prepare precise written inspection correction lists and properly complete permit inspection records.

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

Enforce necessary regulations with firmness and tact.

Experience and Training Guidelines

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

Experience:

Four years of responsible construction experience equivalent to journey level in one of the following building trades: plumbing, electrical, carpentry, mechanical systems (heating, ventilation and air conditioning (HVAC)) or related field.

Training:

Equivalent to an Associate of Arts degree with major course work in Building Inspection Technology or a related field.
Building Inspector I - (Continued)

License or Certificate

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

Possession of an International Conference of Building Officials (I.C.B.O.) certificate as a Certified Building Inspector is desirable.

Building Inspector II

In addition to the qualifications for Building Inspector I:

Knowledge of:

Principles and techniques of building inspection work.

Ability to:

Determine that construction systems conform to City Code requirements.

Apply City codes and policies regarding zoning, environmental matters, and other regulations to field situations.

Work independently with minimal supervision.

Experience and Training Guidelines

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

Experience:

A minimum of two years of responsible experience as a combination building inspector.

Training:

Equivalent to an Associate of Arts degree with major course work in Building Inspection Technology or a related field.
License or Certificate

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

Possession of an International Conference of Building Officials (I.C.B.O.) certificate as a Certified Building Inspector is required at the time of appointment.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
MAINTENANCE MECHANIC - PARKS

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 a variety of skilled maintenance work in parks, golf courses, and a variety of building facilities and structures.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Parks Construction Supervisor.

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

Essential Functions:

Install, maintain and repair sprinkler systems, repairing pipe, cleaning and repairing sprinkler heads, repairing leaking hand and hydraulic valves.

Inspect, repair and maintain park equipment including benches and playground equipment.

Repair screens, doors, sinks and toilets.

Paint buildings, picnic tables and a variety of other equipment.

Perform rough and finished carpentry work on City facilities.

Install pipes and plumbing fixtures; clear clogged drains.

Mix concrete; prepare forms and pour foundations.

Alter, repair, or construct articles and structures of wood, metal, concrete and other materials.

Install and repair wood, linoleum and tile flooring.

Design, build and install shelves; cabinets and lockers.

Construct, alter and install walls and partitions.

Exhibit "C"
Essentials Functions: (Continued)

Perform maintenance on heating, air conditioning and ventilation systems.

Repair and install roofs and windows.

Install, test and repair backflow units.

Perform a variety of other building and recreation facility maintenance and repair tasks as required.

Complete forms, requisitions and work status reports.

May supervise helpers as assigned.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, materials, equipment and procedures used in park and golf course maintenance work.

Operation of a wide variety of general construction and maintenance equipment.

Tools, materials, equipment and procedures used in carpentry, painting, plumbing work, masonry, metal work and welding.

Safe work practices.

Ability to:

Repair, install and maintain buildings, play apparatus, and sprinkler systems.

Use hand and power equipment in performing carpentry, concrete, painting and plumbing work.

Perform medium to heavy manual labor, including but not limited to, lifting and carrying 75 pounds of weight, climbing, bending, stooping, etc.

Perform safety checks on playground equipment.
Ability to: (Continued)

Learn procedures for acquiring supplies.

Understand and carry out oral and written instructions.

Read basic blueprints.

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

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

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

Experience:

Two years of semi-skilled maintenance experience in one or more of the following: carpentry, concrete, masonry, metal work, welding, painting and/or plumbing work.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance, supplemented by specialized training in one or more trades areas.

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.

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.
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.
Ability to: (Continued)

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

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.


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 seventy-five (75) pounds of weight, maintaining physical condition necessary for walking, standing for long periods of time, crawling; operating motorized equipment and vehicles.

Work Assignment:

Must be willing to work overtime and off hours in emergency situations.
A RESOLUTION APPOINTING EDWARD HAYDEN TO THE CULTURE COMMISSION

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

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

SECTION 1. Edward Hayden is hereby appointed to the Culture Commission, 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 Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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 APPOINTING CAROLYN FRASER 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. Carolyn Fraser is hereby appointed to the Human Relations Commission, 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 Human Relations Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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. 98-17

A RESOLUTION ESTABLISHING THE HIGHWAY VILLAGE NEIGHBORHOOD PARK ADVISORY COUNCIL AND APPOINTING MEMBERS TO SAID ADVISORY COUNCIL.

WHEREAS, in 1959, a Community Services District was formed for the Highway Village Neighborhood for the purpose of receiving land upon which a recreational community hall was built, and

WHEREAS, the City of Modesto and the Highway Village Community Services District entered into a Merger Agreement dated May 21, 1996, and

WHEREAS, one of the stipulations of the Merger Agreement was to replace the former Highway Village Community Services District Board with an Advisory Council, and

WHEREAS, pursuant to the provisions of the Merger Agreement with the Highway Village Community Services District, the City Council has the authority to appoint members to the Advisory Council, and

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee met on December 11, 1997, and supported staff’s recommendation to establish the Highway Village Park Advisory Council and to appoint Sylvia Poyorena, Shawn Gray and Ruth Moto to the Advisory Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Highway Village Park Advisory Council is hereby established as provided for in the Merger Agreement, as follows:
1. The Highway Village Park Advisory Council shall be composed of registered voters actually residing within the former boundaries of the Community Services District.

2. The Advisory Council may make recommendations with respect to park site activities.

3. The Advisory Council shall consist of five (5) members.

4. Each Member shall be appointed by the City Council for a four (4)-year term, with no individual permitted to serve more than a total of two (2) terms.

5. The Advisory Council shall be responsible for drafting its own by-laws, internal procedures and meeting schedule, subject to the requirements of Section 54950, et seq., of the California Government Code (the “Brown Act”).

6. Reasonable assistance to the Advisory Council shall be provided by the Community Services and Neighborhood Department staff (formerly the Parks and Recreation Department), time and expense permitting.

BE IT FURTHER RESOLVED that Sylvia Poyorena, Shawn Gray and Ruth Moto are hereby appointed to the newly established Highway Village Neighborhood Park Advisory Council to serve a term of four (4) years each.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember —— Serpa ——, who moved its adoption, which motion being duly seconded by Councilmember —— Friedman ——, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, 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

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-18

A RESOLUTION REAPPOINTING DWIGHT BATEMAN TO THE AFFIRMATIVE ACTION 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. Dwight Bateman is hereby reappointed to the Affirmative Action Commission, 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 reappointed member of the Affirmative Action Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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. 98-19

A RESOLUTION REAPPOINTING GARRAD MARSH AND LARRY ERWIN 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. Garrad Marsh and Larry Erwin are hereby reappointed to
Board of Zoning Adjustment, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly reappointed members 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 6th day of January, 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 REAPPOINTING DYAN HAYES AND DAVID CHASE TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

SECTION 1. Dyan Hayes and David Chase are hereby reappointed to the Citizens Advisory Committee on Recycling, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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. 98-21

A RESOLUTION REAPPOINTING BART BARRINGER AND ROMY ANGLE TO THE DOWNTOWN IMPROVEMENT DISTRICT

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. Bart Barringer and Romy Angle are hereby reappointed to the Downtown Improvement District, with term expirations of January 1, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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. 98-22

A RESOLUTION REAPPOINTING LINDA MCELROY, JACK RECCA, AND JEAN SMITH TO THE GOLF COURSES ADVISORY COMMITTEE

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

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

SECTION 1. Linda McElroy, Jack Recca, and Jean Smith are hereby reappointed to the Golf Courses Advisory Committee, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Golf Courses Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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. 98-23

A RESOLUTION REAPPOINTING LOWELL CLARK AND LEE HAMPSON TO THE GREATER MODESTO COMMUNITY FOUNDATION

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. Lowell Clark and Lee Hampson are hereby reappointed to the Greater Modesto Community Foundation, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Greater Modesto Community Foundation, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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: _______________, City Clerk

JEAN ADAMS, City Clerk
A RESOLUTION REAPPOINTING FOREST HEATH TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. Forest Heath is hereby reappointed to the Local Cable Programming Committee, 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 reappointed member of the Local Cable Programming Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 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. 98-25

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM CHRIS AND PAULINE GIANULIAS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (HILLGLEN DRIVE - VILLAGE I)

APN 77-09-46 (portion) (Gianulias)

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 develop Hillglen Drive as part of the Village I Facilities Masterplan (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, Sections 37350.5, 40404 and 66462.5 of the Government Code and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050, 1240.110 and 1240.120 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:
MODESTO CITY COUNCIL
RESOLUTION NO. 98-25

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM CHRIS AND PAULINE GIANULIAS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (HILLGLEN DRIVE - VILLAGE I)

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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, Sections 37350.5 and 40404 of the Government Code and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050, 1240.110 and 1240.120 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 Exhibits “A” and “B” 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 13th day of January, 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: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich

MICHAEL D. MILICH, City Attorney
All that certain real property situate, lying and being in the City of Modesto, County of Stanislaus, State of California, described as follows:

Being all that portion of Parcel "B" as shown on the map filed the 31st day of January, 1966, in Book 1 of Parcel Maps, at Page 41, Stanislaus County Records, and described as follows:

BEGINNING at the Northeast corner of said Parcel "B", said point also being the southeast corner of Parcel 2, as shown on the map filed the 29th day of January, 1986, in Book 37 of Parcel Maps, at Page 75, Stanislaus County Records; thence along the easterly line of said Parcel "B", South 0°34'30" East 15.00 feet; thence parallel with and 15.00 feet distant southerly measured at right angles from the north line of said Parcel "B", North 89°44'34" West 230.35 feet to the beginning of a curve concave to the south having a radius of 1985.00 feet and a central angle of 0°30'37 whose radius point bears South 0'15'26 West; thence in a westerly direction 17.68 feet along the arc of said curve; thence South 89°44'49" West 290.97 feet to the beginning of a curve concave to the north having a radius of 2015.00 feet and a central angle of 0°30'37 whose radius point bears North 0°15'11 West; thence in a westerly direction 17.95 feet along the arc of said curve; thence North 89°44'34" West 99.77 feet to the southerly prolongation of the westerly line of said Parcel 2 (37-p.m.-75); thence along said southerly prolongation of the westerly line of said Parcel 2, North 0°37'08" West 17.75 feet to a point on the northerly line of said Parcel "B" (1-P.M.-41), said point also being the southwest corner of said Parcel 2 (37-P.M.-75); thence along the northerly line of said Parcel "B" South 89°44'34" East 656.75 feet to the point of beginning;

containing 10574 Square feet or 0.24 acres more or less.
THOMPSON-HYSELL
ENGINEERS

PARCEL "B"
1-P.M.-41

EXHIBIT "B"

THOMPSON-HYSELL
ENGINEERS

PLAT TO ACCOMPANY
LEGAL DESCRIPTION
BEING A PORTION OF PARCEL "B"

DATE: 11-14-97

BY: J.G.B.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-26

A RESOLUTION AMENDING ATTACHMENT “D” TO RESOLUTION NO. 96-397 TO ESTABLISH REVISED RENTAL FEES FOR USE OF THE AUDITORIUM/KITCHEN AND CLASSROOMS AT THE MODESTO COMMUNITY SERVICE CENTER.

WHEREAS, the City of Modesto owns property located at 800 East Morris Avenue which is used as the Community Service Center, and

WHEREAS, in July, 1996, the City Council pursuant to Resolution No. 96-397 adopted fees for rental of the City-owned facilities available to the public, and

WHEREAS, pages 2, 3 and 4 of Attachment “D” to Resolution No. 96-397 established fees for the Modesto Community Service Center - Auditorium, Kitchen and Classrooms, and

WHEREAS, since that time several regular users of the Modesto Community Service Center have expressed concern over the high rental cost, and use of this facility has declined, and

WHEREAS, City staff has recommended a decrease in the rental fee of the auditorium/kitchen and classrooms at the Modesto Community Service Center, and

WHEREAS, consideration of said fees was set for a public hearing of the City Council to be held on January 13, 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 fees,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an amendment to pages 2, 3 and 4 of Attachment "D" to Resolution No. 96-397 to provide for the reduced rental fees of the auditorium, kitchen and classrooms at the Modesto Community Service Center, as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 96-397 is hereby amended effective the date of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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 Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

1/13/98
EXHIBIT “A”

MODESTO COMMUNITY SERVICE CENTER FEES

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<th>Auditorium/</th>
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<td><strong>Liability &amp; Property Insurance</strong></td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 98-27

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED, TO ALLOW ALL AFFORDABLE HOUSING DEVELOPERS TO APPLY AND BE CONSIDERED FOR CAPITAL FACILITIES FEES (CFF) DEFERRALS AND EXEMPTIONS, AND SUPERSEeding RESOLUTION NO. 97-122.

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

WHEREAS, the current CFF are set forth in Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, and 97-122, and

WHEREAS, City staff has requested that Modesto City Council Resolution No. 88-649, as amended, be amended to allow for-profit developers to apply for and receive CFF exemptions for housing units that are affordable to low and moderate income households, and

WHEREAS, the City has identified in the City’s Consolidated Plan development fees as a barrier to affordable housing, and adopted a policy (CFF Administrative Guideline 25) for relief of these fees as a strategy to assist in the development of affordable housing throughout the City, and

WHEREAS, by a report to the Council dated December 13, 1997, a copy of which is on file in the office of the City Clerk, the Community Development Department/Housing and Neighborhoods recommended amendments to Council Resolution
No. 88-649, as amended, to allow all affordable housing developers to apply and be considered for CFF deferrals and exemptions, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on January 13, 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 finds and determines that Paragraph No. 3 of Resolution No. 88-649, as amended by Resolutions Nos. 89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, and 97-122, is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

(a) The Capital Facilities Fees established by this resolution shall not be imposed on any of the following:

(1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.

(2) Any very low-income housing units constructed or expanded by any other person or entity. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact very “low-income. As used in this subparagraph and the preceding subparagraph, the term “very low-income housing” shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.
(3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

(4) Any alteration or addition to a residential structure, except to the extent that additional units are created.

(5) Any replacement or reconstruction of a residential structure existing on November 21, 1989, that has been destroyed or demolished since that time.

(6) Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.

(7) Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.

(8) Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph, the
term "single-family affordable housing unit" shall mean a single-family home purchased by a home buyer earning fifty-five percent (55%) or less of Median Area Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the home buyer as its principle place of residence. The home buyer would be granted a full CFF exemption provided there is no resale for ten (10) years. If a resale should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF exemption would be transferred to the home buyer at the time of purchase. The home buyer would be required to sign a CFF exemption agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

(b) Any alteration or change of use of an existing building shall not trigger the payment of capital facilities fees, provided no new dwelling units are created or no new square footage is added with non-residential structures. When an additional residential unit or new square footage for non-residential structures is created, capital facilities fees shall be due for the additional units or square footage only.

(c) Rather than paying capital facilities fees at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.

(1) There shall be two (2) categories of qualified projects defined as follows:

(a) Category A qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same
ownership for which capital facilities fees exceed $150,000.00. Category A qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed $50,000.00.

(b) Category B qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $150,000.00. Category B qualified projects shall also include industrial warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $50,000.00.

(2) Other projects which may be designated by the City Council as “qualified projects”, are private construction projects on the City/County Airport where the capital facilities fees exceed $5,000.00.

(3) The property owner and/or developer in the case of “Category A qualified projects” may enter into a Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal installments over the next ten (10) years (or less at the property owner’s option).

The property owner and/or developer in the case of “Category B qualified projects” may enter into a Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner’s option).
The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital facilities fees due through property tax assessment.

(4) For those projects where a mitigated negative declaration or an EIR has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or the construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.

(d) Rather than paying capital facilities fees at the time a building permit is issued for the construction of a single-family affordable housing unit, the developer may elect to defer payment of all or a portion of those fees on the following:

(1) Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph and the preceding subparagraph, the term “single-family affordable housing unit” shall mean a single-family home purchased by a home buyer earning between fifty-five percent (55%) and eight percent (80%) of Median Area Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the home buyer as its principle place of residence. The home buyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid
over a ten (10)-year period with a five percent (5%) interest rate on the unpaid balance. The deferral authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF deferral would be transferred to the home buyer at the time of purchase. The home buyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

BE IT FURTHER RESOLVED that Council Resolution No. 97-122 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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, 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

1/21/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-28

A RESOLUTION GRANTING AN EXEMPTION TO CAPITAL FACILITIES FEES TO STANCO FOR A PROPOSED THREE-UNIT AFFORDABLE RENTAL HOUSING DEVELOPMENT LOCATED AT 1005 MAZE BOULEVARD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXEMPTION AGREEMENT.

WHEREAS, STANCO, a nonprofit affordable housing developer, is seeking a Capital Facilities Fees (CFF) exemption of $7,245 ($2,415 per unit) for three very-low income rental units being developed at 1005 Maze Boulevard, near Emerald Avenue, in the City of Modesto, and

WHEREAS, CFF Administration Guideline No. 25 calls for residential exemptions and deferrals not to exceed 1,481 units, and

WHEREAS, residential exemptions and deferrals, including the current request, total 489 units, therefore, this request for exemption of CFF is considered to be in conformance with CFF Administrative Guideline No. 25, and

WHEREAS, Council Resolution No. 88-649, as amended, provides that an exemption to CFF may be granted for any low-income housing units constructed by nonprofit entities, following a public hearing, and

WHEREAS, said request was set for a public hearing of the City Council to be held at 7:00 p.m. on January 13, 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 STANCO an exemption to the Capital Facilities Fees for a proposed three-unit affordable rental housing development at 1005 Maze Boulevard, as requested.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee, is hereby authorized to execute a Capital Facilities Fees Exemption Agreement with STANCO 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 13th day of January, 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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  ~fdJ:
MICHAEL D. MILICH, City Attorney

1/21/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-29

A RESOLUTION GRANTING AN EXEMPTION TO CAPITAL FACILITIES FEES TO ASHWOOD VILLAGE PARTNERS L.P. FOR 60 UNITS OF A PROPOSED 120 UNIT APARTMENT COMPLEX (ASHWOOD VILLAGE APARTMENTS) LOCATED AT THE SOUTHEAST CORNER OF RUMBLE ROAD AND LOU ANN DRIVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXEMPTION AGREEMENT.

WHEREAS, by a letter received from Bill Zoslocki, Ashwood Village Partners L.P. (Sunrise Partners and Stanislaus County Affordable Housing Corporation (STANCO), both acting as General Partners) are seeking a Capital Facilities Fees (CFF) exemption for 60 very-low income apartment units in the proposed 120-unit Ashwood Village Apartment complex located at the southeast corner of Rumble Road and Lou Ann Drive, in the City of Modesto, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council’s new policy 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 to be held at 7:00 p.m. on January 13, 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 to Ashwood Village
Partners L.P. (Sunrise Partners and Stanislaus County Affordable Housing Corporation (STANCO), both acting as General Partners) for 60 units of a proposed 120-unit apartment complex (Ashwood Village Apartments) at the southeast corner of Rumble Road and Lou Ann Drive, as requested.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee, is hereby authorized to execute a Capital Facilities Fees Exemption Agreement with Ashwood Village Partners L.P. (Sunrise Partners and Stanislaus County Affordable Housing Corporation (STANCO), both acting as General Partners) 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 13th day of January, 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

1/21/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-30

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING UNIFORMED SECURITY GUARD SERVICES FOR FISCAL YEAR 97/98

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 uniformed security guard services for FY 97/98, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 10, 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 13th day of January, 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 ACCEPTING THE BID OF STONE-CHENEY CONSTRUCTION FOR THE PROJECT TITLED "CORPORATION YARD RESTROOM RESTORATION"

WHEREAS, the bids received for Corporation Yard Restroom Restoration were opened at 11:00 a.m. on December 19, 1997, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of $206,690.00 from Stone-Cheney 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 Stone-Cheney Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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 APPROPRIATION TRANSFER OF $22,000.00 TO FULLY FUND THE PROJECT TITLED "CORPORATION YARD RESTROOM RESTORATION"

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

FROM: 720 480 H400 6040; $22,000

TO: 130 480 H391 6040; $22,000

The restroom project needs $22,000 to be fully funded. The additional funds are needed because of unanticipated structural work needed to support HVAC equipment and related design costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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]
JEFF ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-33

A RESOLUTION DECLARING A 1979 VAN PELT PUMPER
TRUCK AND OUTDATED MISCELLANEOUS EQUIPMENT
SURPLUS PROPERTY AND AUTHORIZING THE
DONATION OF SAID 1979 VAN PELT PUMPER AND
OUTDATED MISCELLANEOUS EQUIPMENT TO THE
YOSEMITE COMMUNITY COLLEGE DISTRICT IN
EXCHANGE FOR A 1964 VAN PELT PUMPER, AND
DECLARING SAID 1964 VAN PELT PUMPER AND A 1967
VAN PELT 85-FOOT SNORKEL SURPLUS PROPERTY TO
BE SOLD BY PUBLIC BID OR AUCTION.

WHEREAS, the Fire Department of the City of Modesto has a 1979 Van Pelt Pumper truck and outdated miscellaneous equipment which have become surplus property to the City’s needs, and

WHEREAS, it has been recommended by Fire Department personnel that said 1979 Van Pelt Pumper truck and outdated miscellaneous equipment should be donated to the Yosemite Community College District in exchange for a 1964 Van Pelt Pumper, and

WHEREAS, the Fire Department is requesting that said 1964 Van Pelt Pumper and one 1967 Van Pelt 85-foot Snorkel be sold by public bid or auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, the Council of the City of Modesto desires to donate said surplus property as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the 1979 Van Pelt Pumper and outdated miscellaneous equipment have become surplus property and the Council hereby authorizes the donation of
said 1979 Van Pelt Pumper and outdated miscellaneous equipment to the Yosemite Community College District in exchange for a 1964 Van Pelt Pumper

BE IT FURTHER RESOLVED that said 1964 Van Pelt Pumper received from Yosemite Community College District and a 1967 Van Pelt 85-foot Snorkel are surplus property to be sold by public bid or auction. The current agreement will be utilized, which was entered into on October 4, 1988, approved by Council Resolution No. 88-757, and which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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. 98-34

A RESOLUTION APPROVING THE FINAL MAP OF THE
BLUFFS UNIT NO. 1 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, The Bluffs Senior Housing Development, LLC, a California
Limited Liability Company, is possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 12.54 acres, known as The Bluffs Unit No. 1 Subdivision,
and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 11th 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 The Bluffs Unit No. 1 Subdivision meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that said final map be approved; that the 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 13th day of January, 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, Serpa, Mayor Lang

NOES:   Councilmembers: Fisher, Friedman, Smith

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. 98-35

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A SIX-FOOT-WIDE PUBLIC WALKWAY CONNECTING LORD AVENUE WITH THE ADJACENT P-D(21) COMMERCIAL DEVELOPMENT AND LOCATED BETWEEN 3323 AND 3327 LORD AVENUE.

WHEREAS, the City Council has received and referred to the Planning Commission a request by Patricia Lundquist to vacate and abandon a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the six-foot-wide walkway right-of-way in adjacent land owners who are proponents of the abandonment, and

WHEREAS, the proposed six-foot-wide walkway 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 six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue were posted in the area and said public hearing was held by the Planning Commission on December 1, 1997, and

WHEREAS, the Planning Commission by Resolution No. 97-96, adopted December 1, 1997, found and determined as follows:
1. That the abandonment of the walkway located between two residential lots at 3323 and 3327 Lord Avenue will tend to eliminate security problems and increase safety for the adjacent commercial office complex and residential neighborhood.

2. That Environmental Assessment, No. 97-137, judged this project to be categorically exempt under Sections 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 the walkway is in conformance with the City of Modesto General Plan.

WHEREAS, the Planning Commission by said Resolution No. 97-96 recommended to the City Council the vacation and abandonment of a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue.

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 six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue. 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

SECTION 3. Notice is hereby given that February 10, 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 six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, to be posted conspicuously at the entrance of the six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, 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 public walkway proposed to be abandoned.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services
The land referred to in this Report is situated in the County of Stanislaus, City of Modesto, State of California, and is described as follows:

That certain 6 foot walk, being a portion of Block 13129, Map of Tully Manor No. 2, according to the Official Map or Plat thereof filed for record April 28, 1965 in Volume 21 of Maps and Plats, at Page 8, Stanislaus County Records, which lies South and contiguous to the South line of Lot 1, and which lies North and contiguous to the North line of Lot 7 of said Tully Manor No. 2.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and Special, for the fiscal year 1997 - 1998 a lien, but not yet due or payable.

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

3. An easement for public walk purposes over the land herein described, as dedicated to and for the public use, and accepted by the City Council of the City of Modesto, County of Stanislaus, by the Map of Tully Manor No. 2 herein described.

4. Private easements for ingress and egress to and from the 6 foot walk, in favor of the owners of other lots on the map herein referred to, such easements having been acquired under conveyance of lots by reference to said map.
RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2 Clerk
2 Attorney
1 Parks & Recreation
1 Public Works
1 Engineering Services
1 Planning
1 Fire
1 Police
1 Modesto Bee
1 MID
1 PG&E
1 Pacific Bell
1 Del Este Water Co.
15

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell
Attn: Subdivision Engineer
410 S. Tully Road, Suite A
Turlock, CA 95380

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

PACIFIC BELL ENGINEERING
ATTN HELEN HOSKINS
44 WEST YOKUTS
STOCKTON CA 95207
MODESTO CITY COUNCIL
RESOLUTION NO. 98-36

A RESOLUTION OF INTENTION TO VACATE AND
ABANDON ALLEYS AND RESERVE UTILITY EASEMENTS
FOR PUBLIC UTILITY SERVICE LINES LOCATED IN
BLOCK 451 OF THE CITY OF MODESTO TO FACILITATE
EXPANSION AND ADDITION OF BUILDINGS AND
PARKING AREAS SERVING EMANUEL LUTHERAN
CHURCH, PROPERTY LOCATED AT THE SOUTHEAST
CORNER OF COLLEGE AND STODDARD AVENUES AT
324 COLLEGE AVENUE.

WHEREAS, the City Council has received and referred to the Planning
Commission a request by Emanuel Lutheran Church to vacate and abandon alleys and reserve
utility easesments for public utility service lines located in Block 451 of the City of Modesto to
facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran
Church, property located at the southeast corner of College and Stoddard Avenues at 324
College Avenue, and

WHEREAS, a title report was submitted with the abandonment request which
vests fee title to the alleys in Block 451 in the adjacent land owner who is the proponent of the
abandonment, and

WHEREAS, the proposed alley abandonments have been referred to the affected
City departments and local utility companies, and no objection to the abandonments have been
received, and

WHEREAS, notices of an informal public hearing to consider the request to
vacate and abandon alleys and reserve utility easements for public utility service lines located
in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and
parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue were posted in the area and said public hearing was held by the Planning Commission on November 3, 1997, and

WHEREAS, the Planning Commission by Resolution No. 97-83, adopted November 3, 1997, found and determined as follows:

1. That the alley right-of-way in the block bound by College and Stoddard Avenues and the Tidewater Southern Railroad right-of-way is unnecessary for present or future public use, since the Emanuel Lutheran Church facility will occupy the entire block.

2. That utility easements will remain in place to serve water and storm sewer lines and that the proposed expanded church facility will have no buildings within utility easements.

3. That Environmental Assessment No. 97-125 judged this project to be categorically exempt under Sections 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 the alley right-of-way is in conformance with the City of Modesto General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 97-83 recommended to the City Council the vacation and abandonment of alleys and reservation of utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, subject to the following condition:

That those portions of the alleys to be abandoned which contain public utilities shall be retained as easements.
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 alleys and reserve utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, subject to the condition recommended by the Planning Commission and hereinabove set forth. 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 February 10, 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 alleys and reservation of utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, to be posted conspicuously at the entrance of each alley and mid-block at Block 451, 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 public walkway proposed to be abandoned.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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

APPROVED AS TO DESCRIPTION:

By Community Development Department
Development Services
LEGAL DESCRIPTION TO ACCOMMODATE
ABANDONMENT OF ALLEYS AND ROADS
(EMANUEL LUTHERAN CHURCH)

ALL that certain real property situate in a portion of the Northwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of LOT 15 of Block 451 of the City of Modesto, as shown on the map filed in Volume 15 of maps, Stanislaus County Records; thence along the West line of said Lot 15, North, a distance of 20.00 feet; thence along a line parallel to the South line of said Lot 15, South 87°54' East, a distance of 72.29 feet to the beginning of a curve from which a radial line bears South 33°45'36" East, said curve having a radius of 40.00 feet and a central angle of 158°19'57"; thence Southeasterly along the arc of said curve, a distance of 110.54 feet to point on the East line of the alley in said Block 451, said point being the beginning of a non-tangent reverse curve from which a radial line bears North 85°57'27" East, said curve having a radius of 192.27 feet and a central angle of 34°52'49"; thence Southeasterly along said reverse curve, a distance of 117.05 feet to a point on the Northerly line of the 20.00 foot wide Terminal Avenue in said Block 451; thence Northerly along said Northerly line of Terminal Avenue of said Block 451 and Block 452 of the City of Modesto, as shown on the map filed in Volume 15 of Maps, Stanislaus County Records; North 45°32'52" East, a distance of 329.93 feet to the Northeast corner of said Block 452, said point also lying on the South line of Stoddard Avenue in said Block 452; thence South 87°54' East, along said South line of Stoddard Avenue, a distance of 27.55 feet to a point on the Southerly line of said Terminal Avenue; thence South 45°32'52" West along said southerly line of Terminal Avenue, a distance of 476.72 feet to a point on the East line of College Avenue in said Block 451; said point lies on a curve from which a radial line bears North 45°17'35" East; said curve having a radius of 319.27 feet and a central angle of 03°35'28"; thence Northwesterly along the arc of said curve, a distance of 20.01 feet to the Northerly line of said Terminal Avenue; thence North 45°32'52" East along said Northerly line of Terminal Avenue, a distance of 107.22 feet to a point on the West line of said alley in Block 451, said point lies on a curve from which a radial line bears North 50°33'22" East; said curve having a radius of 212.27 feet and a central angle of 39°26'38"; thence Northwesterly along the arc of said curve, a distance of 146.13 feet to the point of tangency with a line which bears North; thence continuing along said West line of the alley in Block 451, a distance of 21.13 feet to the Southeast corner of said LOT 15; thence North 87°54' West along the South line of said LOT 15, a distance of 107.00 feet to the POINT OF BEGINNING of this description.

Containing 15,515 square feet (0.36 acres), more or less
RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2 Clerk
2 Attorney
1 Parks & Recreation
1 Public Works
1 Engineering Services
1 Planning
1 Fire
1 Police
1 Modesto Bee
1 MID
1 PG&E
1 Pacific Bell
1 Del Este Water Co.
15

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell
Attn: Subdivision Engineer
410 S. Tully Road, Suite A
Turlock, CA 95380

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353
A RESOLUTION APPROVING THE FOURTH AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER FOR THE LEASE OF CORPORATE HANGAR PLOTS 3, 4, AND 5 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the fourth amendment to lease agreement between the City of Modesto and Modesto Executive Air Charter for the lease of corporate plots 3, 4, and 5 at the Modesto City/County Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to lease agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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. 98-38

A RESOLUTION AUTHORIZING STAFF TO SUBMIT  
AN APPLICATION TO THE FEDERAL SMALL  
BUSINESS ADMINISTRATION FOR $20,000.00 IN  
GRANT FUNDING FOR TREE PLANTING AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE  
NECESSARY DOCUMENTS RELATING TO SAID  
APPLICATION.

WHEREAS, the City of Modesto ("City") has been notified that grant funding is  
available from the Federal Small Business Administration ("SBA") in a maximum amount of  
$20,000.00; and  

WHEREAS, all activities must be conducted with small businesses, and  

WHEREAS, the City proposes to purchase 400 trees and to contract with a local  
nursery for the planting of said trees in areas of the City where replants are needed due to tree  
failure, vandalism or tree removal, and  

WHEREAS, the SBA requires that the City match 37% of the grant amount, City to  
contribute $12,607.53 toward in-kind services through salaries, benefits, equipment and other  
related cost, and the City's matching amount is already budgeted, and  

WHEREAS, the City's matching amount will provide for three years of  
maintenance, watering, supervision, replacement of trees where necessary and provision of tree care  
brochures to property owners,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the City Manager, or his designee, is hereby authorized to execute all documents necessary for  
submittal of a grant application to the SBA for a grant in the amount of $20,000.00 for tree planting
purposes.

BE IT FURTHER RESOLVED that said Funds shall be used to purchase 400 trees and to contract with a local nursery for the planting of said trees in areas of the City where replants are needed due to tree failure, vandalism or tree removal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 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. 98-39

A RESOLUTION ACCEPTING THE PROJECT TITLED "CABLE REPLACEMENT - FEDERAL AVIATION ADMINISTRATION PROJECT NO. AIP 3-06-0153-18" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Cable Replacement - Federal Aviation Administration Project No. AIP 3-06-0153-18, has been completed by Power Providers, in accordance with the contract agreement dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Cable Replacement - Federal Aviation Administration Project No. AIP 3-06-01530-18 be accepted from said contractor, Power Providers; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $57,846.00 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 20th day of January, 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 Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-40

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A ONE-TON TRUCK WITH UTILITY BODY AND ONE VAN FROM MAITA CHEVROLET; THREE ELECTRIC VEHICLES FROM CENTRAL VALLEY GOLF AND UTILITY; ONE PACKER TRUCK FROM F.B. HART; ONE TRACTOR FROM GARTON FORD TRACTOR; AND THREE LOADERS FROM GCS WESTERN POWER

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a one-ton truck with utility body and one van from Maita Chevrolet; three electric vehicles from Central Valley Golf and Utility; one packer truck from F.B. Hart; one tractor from Garton Ford Tractor; and three loaders from GCS Western Power is hereby waived.

BE IT FURTHER RESOLVED that purchase of a one-ton truck with utility body, one van, three electric vehicles, one packer truck, one tractor and three loaders from various vendors for a not to exceed price of $389,814.85.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 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 ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-41

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO TRANSFER FUNDS FROM THE WATER DIVISION FUND TO FLEET EQUIPMENT REPLACEMENT FUND

WHEREAS, various vehicles have reached the end of their useful and economically serviceable life and are being replaced; and

WHEREAS, $18,000 was originally budgeted for an additional ½ ton pickup. It has been determined that a 1-ton pickup truck is required at an additional cost of $8,396.00.

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:

Revenue
Account #720-700-7000-9610 $ 8,396

Expenditure
Account #610-480-5012-0360 $(8,396)
Account #720-480-5814-5959 8,396
Account #610-700-7000-7720 8,396

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 20th day of January 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jihan Adams, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-42

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE PIERCE SABER PUMPER FROM PIERCE MANUFACTURING

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one Pierce Saber pumper is hereby waived.

BE IT FURTHER RESOLVED that purchase of one Pierce Saber for a not to exceed price of $277,219.70 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 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 Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-43

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE LEASE PURCHASE OF ONE PIERCE SABER PUMPER FROM PIERCE MANUFACTURING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Statewide Communities Development Authority for the lease purchase of one Pierce Saber Pumper from Pierce Manufacturing for a not to exceed price of $277,219.70 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 20th day of January, 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 ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-44

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE A CIP IN THE AMOUNT OF $277,219.70 INTO THE SPECIAL FUND FOR CAPITAL OUTLAY AND ESTIMATE OFFSETTING LEASE PAYMENT PROCEEDS REVENUE

WHEREAS, a lease purchase has been authorized in the amount of $277,219.70 for one Pierce Saber pumper; and

WHEREAS, we are utilizing the Kern County contract to get price breaks from Golden State Fire Apparatus.

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>Expenditure Account</th>
<th>Revenue Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>#130-180-J6070</td>
<td>#130-510-9510-8301</td>
</tr>
<tr>
<td>$277,220</td>
<td>$277,220</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 20th day of January 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 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. 98-45

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY HOUSING AUTHORITY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Housing Authority for special police services to the Westview Gardens housing 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 20th day of January, 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: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-46

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR & ASSOCIATES FOR CONSULTING SERVICES FOR THE CITY OF MODESTO DOWNTOWN TRAFFIC SIGNAL RETIMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Minagar & Associates for consulting services for the City of Modesto Downtown Traffic Signal Retiming 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 20th day of January, 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 ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO TRANSFER PROJECT FUNDING TO VARIOUS ACCOUNTS

WHEREAS, staff has a contract with Minagar & Associates to collect traffic count data and retiming of 68 traffic signals in Modesto downtown area; and

WHEREAS, staff received Federal funding which shall provide $65,000 for this project. A separate account (#141-160-H981) was created for this project; however, the new account should have been in a General Fund category instead of CFF category; and

WHEREAS, a request from the Chamber of Commerce to evaluate traffic counts on J Street has initiated adding this additional task to the traffic signal retiming project. These funds will be appropriated from an unused fund amount of $6,500 from a restriping project to cover the additional cost of evaluating the Chamber’s proposal.

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:

Revenue
#070-700-7000-9141 $ 65,000

Expenditure
#141-160-H981-6040 $(65,000)
#070-160-J994-6040 65,000
#141-700-7000-7070 65,000

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 20th day of January 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 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
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $6,500.00 TO FULLY FUND THE PROJECT TITLED "CITY OF MODESTO DOWNTOWN TRAFFIC SIGNAL RETIMING"

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

FROM: 070-160-D286 6010, $2,500
       070-160-D286 6040, $2,000
       070-160-D286 6050, $2,000

TO:    070-160-J994 6040, $6,500

This project is a CMAQ funded project with a 100% reimbursement from Federal and State funds. The additional funds are needed to study the capacity of J Street in connection with the Tenth Street Place project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 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 ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-49

A RESOLUTION REAPPOINTING ROD DECRISTOFARO TO THE PLANNING COMMISSION

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

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

SECTION 1. Rod DeCristofaro is hereby reappointed to the Planning Commission, with an expiration date of January 1, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 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 Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-50

A RESOLUTION REAPPOINTING DAN THAYER TO THE PLANNING COMMISSION

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

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

SECTION 1. Dan Thayer is hereby reappointed to the Planning Commission, with an expiration date of January 1, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 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, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-51

A RESOLUTION AMENDING ATTACHMENT "D" TO RESOLUTION NO. 96-397 TO ESTABLISH RENTAL FEES, USAGE POLICIES AND BOOKING PROCEDURES FOR USE OF JOHN THURMAN FIELD.

WHEREAS, from time to time, the City receives requests for permission to use John Thurman Field, and

WHEREAS, Section 12-3.03 of the Modesto Municipal Code authorizes the Council by resolution to control and regulate the use of John Thurman Field, and

WHEREAS, in July, 1996, the City Council pursuant to Resolution No. 96-397 adopted fees for rental of the City-owned facilities available to the public, and said resolution has been amended by Resolution No. 98-26, and

WHEREAS, page 12 of Attachment "D" to Resolution No. 96-397, as amended, established fees for John Thurman Field, and

WHEREAS, since that time John Thurman Field has had a complete renovation, and

WHEREAS, City staff is proposing a new set of rental fees that is more appropriate for the new John Thurman Field, and

WHEREAS, City staff is also proposing usage policies and booking procedures for the new John Thurman Field, and

WHEREAS, consideration of said fees, usage policies and booking procedures was set for a public hearing of the City Council to be held on January 27, 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 fees, usage policies and booking procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an amendment to page 12 of Attachment “D” to Resolution No. 96-397, as amended, to provide for a new set of rental fees that is more appropriate for the new John Thurman Field as set forth on Exhibit “A”, attached hereto and incorporated herein by reference. All other rates and charges set forth on page 12 of Attachment “D” to Resolution 96-397, not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED that the Council hereby approves usage policies and booking procedures for the new John Thurman Field as set forth on Exhibits “B” and “C”, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 96-397 is hereby amended effective the date of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember __Serpa__, who moved its adoption, which motion being duly seconded by Councilmember __Fisher__, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, 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__

MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th></th>
<th>Private</th>
<th>Non-Profit</th>
<th>Rehearsal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Square Feet</td>
<td>Capacity</td>
<td>Rent</td>
</tr>
<tr>
<td><strong>Full Stadium</strong></td>
<td>3,850</td>
<td>2,000</td>
<td>0.52</td>
</tr>
<tr>
<td><strong>Baseball</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neese Picnic</td>
<td>7,550</td>
<td>540</td>
<td>425</td>
</tr>
<tr>
<td>Neese Concourse</td>
<td>13,000</td>
<td>940</td>
<td>735</td>
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<tr>
<td>Sunset Picnic</td>
<td>6,350</td>
<td>450</td>
<td>425</td>
</tr>
<tr>
<td>Sunset Concourse</td>
<td>11,200</td>
<td>800</td>
<td>735</td>
</tr>
<tr>
<td>Half Concourse</td>
<td>20,550</td>
<td>1,480</td>
<td>1,000</td>
</tr>
<tr>
<td>Entire Concourse</td>
<td>38,100</td>
<td>2,730</td>
<td>1,500</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Those holding ticketed events will be charged the listed rental rate or 10% of gross ticket sales, whichever is greater.

2. Non-profit baseball games will be charged $650 flat rent plus $0.35 per person in attendance.
GENERAL INFORMATION

No person may use John Thurman Field without first having obtained a written license. Parties to license and use negotiations with John Thurman Field must be legally qualified to execute binding contracts. Licensee shall not conduct within or upon the premises any other operations except those described in the license unless prior written consent of the City of Modesto is given. Licensee, its officers, agents, and employees shall comply with all rules and regulations, laws, and ordinances adopted or established, from time to time, by any governmental agent or department thereof.

1. Rates and Services

Rates for the rental of John Thurman Field shall be indicated in the rate schedule. These rates are adjusted periodically to reflect the Mission Statement and budgetary goals for John Thurman Field. Changes in the schedule of rates for John Thurman Field are approved by the Modesto City Council.

The rental rate schedule states the maximum rentals to be collected by the stadium management. These rates will be charged to all stadium users with few exceptions. At the discretion of the stadium manager, lower rental rates can be negotiated by the stadium manager for one or more of these reasons:

- A quantity of dates that are scheduled in the same calendar year.
- A use that will render appropriate revenue levels to the stadium through other means than rent.
- In order to foster the addition of desirable events to the calendar that were unattainable in the past.
- A proposed use that does not fit the current rental rate schedule.

2. Scope of Rental Payment

The agreement to pay a stated rental amount for the stadium entitles the licensee to these facilities and services unless specifically stated in the license.

- The stated public space(s) at the stated times on the stated day(s).
- Concourse lighting as appropriate.
- Event supervision by the stadium management.
- Any other equipment or services specifically provided for in the use license.
3. Rental Rate Categories

The applicable rate to be charged for the use of the stadium will vary according to the prospective licensee, the public space(s) requested, the time(s) requested, and the contemplated use of the space. Based on the above factors, the stadium management will establish the applicable rate to be charged that is also consistent with the rental schedule and stadium policies.

Definitions of the rental rate categories are below.

Licensee categories:

A. Non-profit. Rates listed for non-profit groups shall be extended to non-profit organizations that have a 501 (c) (3) tax status with the I.R.S.

B. Private. All individuals and organizations that do not meet the non-profit criteria as set out above.

Time Categories:

A. Overtime. Will be facility usage that extends beyond the normal operation hours of the stadium.

B. Rehearsal. Time used the day before the event for rehearsal or setup, or the day after an event for move-out. Rehearsal rates are only applicable on days when the public or event attendees are not present.

C. General Time Calculation. The time of use begins when the licensee, its representatives, employees, or contractors arrive at the stadium to begin event preparations. The time of use ends when the licensee, its representatives, employees, contractors, and event attendees have totally vacated the stadium.

D. Normal Operating Hours. Building usage before 7:00 a.m. and after 1:00 a.m. will only be allowed with stadium management approval.

Use Categories:

A. Ticketed Events. Events that fit some or all of these descriptions:
   - Typically sports or entertainment events.
   - Events where an admission is charged and the gross potential is greater than ten times the base rent.
   - Events where the general public is invited.
   - Not to include picnics and banquets where the admission charge is not predominantly aimed at the cost of entertainment.

   Licensees in this category will be charged a flat guarantee versus 10% of the gross ticket sales, whichever is greater.

B. Trade Shows. Licensees that sublet space to exhibitors and charge for the right to exhibit will be charged a flat guarantee versus a net square foot cost, whichever is
greater. The net square foot charge will be calculated on all floor space that is utilized by the exhibitors. Licensees that plan a trade show, craft show, etc., where the exhibitor’s fee paid to the licensee is too low to justify the net square foot rental rate, will be charged the flat rate for the stadium at the stadium management’s discretion.

C. Baseball. Non-profit licensees that wish to use the stadium for the sole purpose of hosting a baseball game will pay the baseball rate.

4. Expiration of License

Licensee shall remove from the facilities all property, goods, and effects belonging to Licensee or caused by him to be brought upon the premises. If property is not removed within the time limits stated in the license, City shall have the right to dispose of, sell, store, or cause to be stored any property, for which Licensee shall pay a penalty fee, plus all storage and moving expenses incurred therefor, prior to release of the property from storage.

At the expiration of the time of use of the facilities set forth, Licensee shall quit the facilities and return all equipment and facilities procured, which premises, equipment, and facilities shall be in as good condition and repair as before Licensee's use thereof except for ordinary wear and use.

5. Payment for Damages

Licensee agrees to pay costs of repair or replacement for any and all damages of whatever origin or nature to property of City and John Thurman Field equipment resulting from Licensee’s exercise of its license, whether deliberate, accidental, or other causes not predicated on active negligence of City. If possible, John Thurman Field management may withhold from box office receipts before settlement a reasonable amount to cover the costs arising from such damages. John Thurman Field management shall refund to Licensee any amount withheld in excess of actual damages. Otherwise, John Thurman Field management will bill Licensee for damage costs.

6. Scheduling

John Thurman Field management will at its sole discretion determine the acceptable frequency in a one-year period and the acceptable closeness of two similar events. If similar events are too frequent or too close on the calendar, John Thurman Field management reserves the right to deny permission to use John Thurman Field for the event.

7. Event Information

Licensee shall provide John Thurman Field management, at least fourteen days prior to the first day of a scheduled event, a full and detailed outline of all event requirements, including the setup, equipment, personnel, and all other such information as may be required by management.

8. Lawful Activity

No performance, exhibition, or activity shall be given or held in John Thurman Field which is illegal.
9. Tickets

Licensee will pay the City for all box office services as may be required. Licensee is required to sell all tickets at prices advertised, and no deviation will be allowed without the prior written consent of John Thurman Field management. In the handling, control, custody, and keeping of funds, the City is acting for the accommodation of Licensee, and as to such funds the City shall not be liable to Licensee or to any other persons for any loss, theft, or defalcation thereof whether such loss, theft, or defalcation is caused or done by employees of City or otherwise.

10. Concession Sales

Licensee shall not sell, serve, or give away any concession items, including but not limited to tobacco products, beverages, food, candy, or refreshments of any kind, within the leased space except with prior written permission from John Thurman Field management. Licensee, his exhibitors, or persons caused by him to come on the premises may distribute free samples of food or beverages only upon receipt of written permission from John Thurman Field Manager.

City reserves the right to operate or contract for operation and receive the income from concessions for the events to be covered by this license. Such concessions shall include, but not be limited to, the dispensing or sale of food, beverages, programs, souvenirs, and novelties. John Thurman Field shall designate stand and/or bar locations for selling and serving such items.

11. Merchandise Sales

A. Performances, Entertainment, Concerts, Dances: Programs, garments, tapes, CDs, and other novelties may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. Licensee shall pay 25% of the gross receipts from such sales to the stadium management. Licensee should be prepared to inventory in all merchandise available for sale before sales are begun. Additionally, an inventory will be conducted at the conclusion of the sale to establish gross sales.

B. Conferences, Conventions, Meetings, Seminars, etc.: Merchandise may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. The organization or company which is using John Thurman Field and hosting the event may sell merchandise and educational materials that promote their organization or its mission and/or bear its name or logo at no charge to the organization. When the sponsoring organization makes space available to another company or organization for the purpose of selling merchandise, the sponsor will be charged $75 for each such merchant per day.

12. Broadcasting

No event presented in John Thurman Field shall be broadcasted, televised, or in any manner recorded for reproduction without the written consent of John Thurman Field management, and then only upon the express condition that all John Thurman Field expenses pertaining thereto will be paid in advance. Additionally, John Thurman Field
management reserves the right to charge a reasonable usage fee for any broadcast or recording activity. Licensee shall hold City harmless from such broadcasting activity and shall provide all insurance requested by John Thurman Field management prior to conducting the broadcasting.

13. Copyrights

Licensee agrees, represents, and warrants that nothing contained in the program, performance, or exhibition, or in any other way connected with Licensee's activities under this contract, shall violate or infringe upon any copyrights patented, right of privacy, or other statutory or common law right of any person, firm, or corporation. John Thurman Field will not be responsible for any violations of copyright laws by Licensee.

14. Advertising

It is agreed that no signs, posters, or advertisements shall be posted in, on, or about John Thurman Field without the prior written consent and approval of John Thurman Field Manager. In addition, Section 10-2.2108(0) of the Modesto Municipal Code reads as follows:

"No signs on street trees, utility poles or structure in street right-of-way. No signs will be attached to any City street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter."

Advertising materials must assure "truth in advertising" and good taste for the event authorized by this license.

Prior to the execution of this license, Licensee shall not publicize, nor cause to be publicized, in any manner, a performance or event at John Thurman Field. John Thurman Field reserves all rights to the information and manner of publicized display on John Thurman Field scoreboard or marquee.

15. Security

Licensee shall engage, through John Thurman Field management, and reimburse City for the services of adequate security personnel, to be appropriate for the intended facility use as required by John Thurman Field management. John Thurman Field management shall determine the number of officers, and duties will be assigned at the sole discretion of the City.

Licensee shall be solely responsible for the orderly conduct of all persons using the premises by its invitation, either expressed or implied, during all times covered by this license. City reserves the right to eject or cause to be ejected from the premises any person or persons objectionable due to unlawful conduct.

16. Seating Capacity

Licensee shall not sell or permit to be sold or distributed, tickets or passes in excess of the capacity of facilities leased nor admit thereto a larger number of persons than can safely and freely move about therein. The decision of John Thurman Field management in this respect
shall be final and shall include the right to cancel the event if the number present exceeds the number permitted by law.

17. Control of Stadium

The entrances and exits of said premises shall be locked and unlocked at such times as may be required for Licensee's use, but Licensee at his expense must place proper watchmen at all entrances and exits when same are unlocked. The City and all duly authorized representatives of the City shall have the right to enter John Thurman Field and all parts thereof at all times.

18. Lost Articles

City shall have the right to collect and have custody of articles left in the building by persons attending any event in John Thurman Field, and Licensee or any person in Licensee's employ shall not collect nor interfere with the collection or custody of such articles.

19. Flammable Materials

No flammable materials such as bunting, tissue paper, crepe paper, etc., will be permitted to be used for decorations, and all materials used for decorating purposes must be approved by the Fire Department.

20. Utility Connections

Unless otherwise authorized by John Thurman Field management, all plumbing, electrical, domestic gas, or carpenter's work required to be done on the premises of John Thurman Field in connection with Licensee's use thereof, shall be done or furnished by City or approved representative.

21. Storage

In the receipt, handling, care, or custody of property of any kind shipped or otherwise delivered to the premises by any Licensee, the City, John Thurman Field management, and its employees shall act solely for the accommodation of the Licensee, and neither City, John Thurman Field management, nor employees shall be liable for any loss, damage, or injury to such property.

22. Business License

Private individuals and private companies utilizing John Thurman Field as a place to conduct business are required to have a City of Modesto business license. One-day licenses can be obtained from the City of Modesto Finance Department at (209) 577-5389.

LICENSEE HAS READ AND UNDERSTANDS THE STADIUM USAGE POLICIES AS SET FORTH ABOVE. LICENSEE AGREES TO OBSERVE AND ABIDE BY THE RULES AND REGULATIONS GOVERNING THE USAGE OF JOHN THURMAN FIELD FOR PURPOSES AS STATED PER USE LICENSE.
A. Calendar Distance From Proposed Date

*Full Stadium or Full Concourse Rentals:*

1. **During Professional Baseball Season**

   Uses for John Thurman Field that use the entire stadium or the entire concourse and take place during the professional baseball season (approximately April 1 through September 7 of each year) will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discretion of stadium management.

2. **Outside of the Professional Baseball Season**

   Uses for John Thurman Field that use the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 13 months prior to the requested event date.

*Partial Stadium Rental*

1. **During Professional Baseball Season**

   Uses for John Thurman Field use less than the entire stadium or the entire concourse and take place during the professional baseball season, approximately April first through September seventh of each year, will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discretion of stadium management.

2. **Outside of the Professional Baseball Season**

   Uses for John Thurman Field that use less than the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 6 months prior to the requested event date.

*Exceptions to the above are:*

Large date-specific events that do not occur during the professional baseball season may
be guaranteed use dates up to five years prior to a selected event date at the sole
discretion of John Thurman Field management. By definition date-specific events are
those that are held on specific dates and can not occur on another day because of the
type or theme of the event. These tend to be holiday or other significant date events.
Examples would be Halloween or the Fourth of July.

B. Spacing of Similar Public Events

At its sole discretion, John Thurman Field management will establish appropriate spacing
for similar public events.

C. Tentative Event Date Holds

1. John Thurman Field management will hold tentative dates that are more than
13 months out until someone else requests the same date(s).

2. John Thurman Field will hold tentative dates that are less than 13 months out for a
maximum of six weeks. If the prospective licensee does not call John Thurman Field
staff and request a license for the tentative hold within the six-week period, the hold
will automatically be dropped at the end of the six-week period.

3. Requests for the same event space on the same date are handled as follows:
The prospective licensee that has the date as a tentative will be notified. They will be
required to make their deposit payment within two working days. If they fail to do
so, their date will be released to the second party. The second party will then be
required to make the deposit payment within two working days.

D. License Deposit

1. No license is valid unless it is returned to John Thurman Field staff with the specified
deposit by the date specified on the license.

2. Half of the space rental rate will be required as a deposit, with these exceptions:

   a. The minimum guaranteed rental will be required as deposit for percentage based
      and square foot rentals.

   b. Licensees who hold more than three licenses in a calendar year may be allowed
      to submit one deposit to apply to all contracts. This deposit will be rolled over
      and held continually against future licenses at the conclusion of each event. It is
      understood with the above arrangement that the amount stated as deposit on
      each license will serve as damages for each event in the case that it is canceled.
      Despite the above arrangement, it is further understood that multiple
      cancellations may result in damages paid to John Thurman Field in excess of the
      original deposit payment.

   c. At its sole discretion, management may elect to waive the deposit payment.
      Typically, this will be considered based on one or more of the factors below:
1) Past successful events where dates were not canceled and all fees and charges were paid in a timely manner.

2) Institutional financial stability; i.e., government and schools.

3) Minimal entrepreneurial risk associated with the event.

3. In the case of cancellation of the event by the lessee or a default of license terms by the licensee causing the City to void the license, the City will retain the entire deposit as damages and bill the licensee for any and all out-of-pocket expenses incurred as preparation for the canceled event. Any notice of cancellation, with the exception of ticketed entertainment, must be received a minimum of 48 hours prior to event date or full rental will be charged. When an event is booked as ticketed entertainment, whether flat rate or percentage based, any cancellation notice must be received a minimum of one week prior to event date or full room rental will be charged.

When a date is canceled and rebooked within the same six-month period, half of the deposit will be retained by John Thurman Field as damages; additionally, the licensee will be billed for any and all out-of-pocket expenses incurred as preparation for the canceled date.

4. In cases when a licensee reduces the total number of spaces described in the license, the City will collect the standard deposit amount for the unused space instead of full rent.

E. Cause to Deny John Thurman Field Use

1. Failure to fully pay bills that were incurred in connection with another event at another facility, regardless of who had not been fully paid.

2. Failure to fully pay John Thurman Field settlement statements on or before the date specified on the license, including all rental fees, services, and other charges.

3. Failure to perform to the letter of John Thurman Field license agreement on a past event.

4. Damage to John Thurman Field or another facility in excess of normal wear, that was of an intentional or willful nature.

5. Past situations where a prospective lessee condoned, encouraged, or engaged in activities that were deemed dangerous or harmful or potentially dangerous or harmful to event attendees and/or employees of John Thurman Field or another facility.

6. Any event that is deemed potentially intrusive of the neighborhood that surrounds John Thurman Field.

7. When the proposed activity is deemed to be unlawful according to City, State, or Federal law.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-52

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(526). (TIM
FISHER/ARCHITECTURE PLUS, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Tim Fisher/Architecture Plus, Inc. on October 20, 1997, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(526), to allow a medical/dental office and parking, property located on the northeast corner of East Orangeburg and Melrose Avenues, described as follows:

R-1 to P-D(526)

All that certain real property situate in a portion of the Northeast 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:

Beginning at the Southwest corner of the Southeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 21 and also being on the center line of 80.00-foot-wide East Orangeburg Avenue; thence along the center line of East Orangeburg Avenue West 5.00 feet to the intersection with the center line of 50.00-foot-wide Melrose Avenue; thence North along the center line of Melrose Avenue 217.00 feet; thence leaving said center line and along a line bearing East for a distance of 125.00 feet; thence along a line bearing South for a distance of 217.00 feet to the center line of aforementioned East Orangeburg Avenue; thence West along the center line of East Orangeburg Avenue a distance of 120.00 feet to the point of beginning.

and

WHEREAS, after a public hearing held on December 15, 1997, 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. 97-100, 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 is compatible with existing and potential surrounding development.

2. That the requested planned development zone for offices uses is within an area designated by the General Plan for (MU) Mixed Uses.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 27, 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 Tim Fisher/Architecture Plus, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-100 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3078-C.S. on the 27th day of January, 1998, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(526).

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(526), is hereby approved subject to the following conditions:
1. All development shall conform to the plot plan and floor plans titled "Family Dental Center" as amended in red, stamped approved by the City Council on January 27, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation 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:

   a. Six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the east property line.

   b. Six-foot-high wood fence along the north property line.

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

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

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

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

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash cans shall be screened from view from any public street.
11. All signs shall comply with the sign requirements of the P-O Zone.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(526):

The entire construction program be accomplished in one phase, construction to begin on or before December 15, 1999, and completion to be not later than December 15, 2000.

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(526), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 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: 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-53

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 LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(526), PROPERTY LOCATED ON THE NORTHEAST CORNER OF EAST ORANGEBURG AND MELROSE AVENUES. (TIM FISHER/ARCHITECTURE PLUS, INC.)

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

WHEREAS, Tim Fisher/Architecture Plus, Inc. has proposed that the zoning designation for the property located on the northeast corner of East Orangeburg and Melrose Avenues be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(526), property located on the northeast corner of East Orangeburg and Melrose Avenues, in the City of Modesto ("the project"), and

WHEREAS, on November 26, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-148 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and
WHEREAS, on January 27, 1998, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

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 project on November 26, 1997, 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. 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 specific 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 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 27th day of January, 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
I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this proposal to rezone from R-1 to Planned Development Zone to allow a medical/dental office building use. 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title: Application of Tim Fisher/Architecture Plus, Inc. to Rezone from R-1 to Planned Development Zone, Property Located on the northeast corner of East Orangeburg and Melrose Avenues.

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

C. Contact person, address and phone number: Tim Fisher/Architecture Plus, Inc. 1207 - 13th Street, #6 Modesto, CA. 95353 phone (209) 577-4661

D. Project Location: property located on the northeast corner of East Orangeburg and Melrose Avenues


F. General Plan Designation: Mixed Use (MU)

G. Zoning: Existing R-1
H. Description of Proposed Project: This an application to rezone from R-1 to P-D to allow development of a 4200 square foot, one-story medical/dental office building and a 21-spaces parking lot area on 0.41 acres located at the northeast corner of East Orangeburg and Melrose Avenues. Immediately surrounding land uses include: residential to the north and west, convalescent care facility to the east, and medical offices and residential units to the south.

I. Surrounding land uses:
   North R-1, Low Density Residential Zone (dwelling)
   South R-2, Medium Density Residential Zone (residential uses)
   East R-1, Low Density Residential Zone (convalescent care facility)
   West R-2, Medium Density Residential Zone (residential uses)

J. Other public agencies whose approval is required: None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR
     There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation
   Development of the proposed medical office will generate an increase of traffic in the area. The P-D plot plan will provide a minimum number of vehicular access points to adjacent streets, while allowing for potential onsite traffic circulation between adjacent properties. No site traffic mitigation study was required as a result of the proposed planned development for the professional office. Development of this parcel 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 rezoning for medical offices is within the urban developed area of the City of Modesto. 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, still valid.
C. Generation of Noise
This proposed rezoning for office development is adjacent to and surrounded by urban development. These adjacent uses consist of a mixture of low and medium density residential units and other office uses. Because of building walls, setbacks, required property line fencing to the west, east, and north, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts on this professional office development or the adjacent residential neighborhood will be associated with the resulting office uses. 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 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 residential development. The proposed planned development zone will allow professional office development of the property. This property is also within a Mixed Use (MU) 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 rezoning 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 rezoning 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 rezoning is proposed 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 rezoning will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. 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 rezoning 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 rezoning 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 rezoning 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
This proposed rezoning will not impact the Modesto School system, as this proposal will add no residential units. 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 rezoning 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 rezoning will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately 0.75 of a 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.
Q. Generation of Solid Waste
This proposed rezoning will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore still valid.

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

R. Energy
This rezoning and resulting 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 R-1 to P-D for a professional office development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 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 not specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

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

Signature: ___________________________ Date: 11/26/97
A RESOLUTION ACCEPTING THE BID OF ACME CONSTRUCTION COMPANY INC. FOR THE PROJECT TITLED "PRESS BOX AND ELEVATOR TOWER ADDITION TO JOHN THURMAN FIELD"

WHEREAS, the bids received for Press Box and Elevator Tower Addition to John Thurman Field were opened at 11:00 a.m. on October 28, 1997, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Acme Construction 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 $285,100.00 from Acme 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 27th day of January, 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: 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. 98-55

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO RECOGNIZE ADDITIONAL REVENUE AND FULLY FUND THE PROJECT

WHEREAS, a new press box at the recently renovated Thurman Field is being funded under agreements with the Modesto Bee and local auto dealers; and

WHEREAS, funds are partially budgeted in Account #130-310-J890. The Modesto Bee is donating $25,000/year over the next 10 years towards the projects. Local auto dealers have agreed to contribute $6,500/year over the same period. The remaining costs will be provided from the Special Fund for Capital Outlays Reserves.

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>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account #130-510-9510-8107</td>
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<tr>
<td>Account #130-310-J890-6040</td>
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</tr>
<tr>
<td>Account #130-800-8000-8003</td>
<td>(89,000)</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 27th day of January 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 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. 98-56

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO AUTO DEALERS ASSOCIATION FOR USE OF A SUITE AT JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Auto Dealers Association for use of a suite at John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 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, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: ____________________
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TAI CHI CHUAN FOR CONDUCTING TAI CHI CLASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tai Chi Chuan for conducting Tai Chi Classes be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-58

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AWARD AND THE SPECIAL CONDITIONS DOCUMENTS FOR THE CITY OF MODESTO'S 24-MONTH LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR $349,231.00 IN FEDERAL FUNDS FOR PROCUREMENT OF AN AUTOMATED RECORDS MANAGEMENT SYSTEM.

WHEREAS, in July, 1997, the Modesto City Police Department applied to the United States Department of Justice, Bureau of Justice Assistance, for a 24-month Local Law Enforcement Block Grant in the sum of $349,231.00, and

WHEREAS, the City is required to provide matching funds in the sum of $38,803.00 from the Police Department's Asset Forfeiture Trust Account, and is also required to establish a Trust Fund for deposit and expenditure of the monies, and

WHEREAS, the 24-month Local Law Enforcement Block Grant will be used to procure an automated Records Management System to capture, record, analyze and report all police data for the Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee are hereby authorized to execute the Grant Award and the Special Conditions documents for submittal to the United States Department of Justice, Bureau of Justice Assistance, for the 24-month Local Law Enforcement Block Grant Program for funds in the amount of $349,231.00, for procurement of an automated Record Management System.
BE IT FURTHER RESOLVED that the City of Modesto's required matching funds in the sum of $38,803.00 shall be provided from the Police Department's Asset Forfeiture Trust Account, and a Trust Fund for deposit and expenditures of the monies shall be established as required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 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 Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-59

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE NEW REVENUE OF $349,231 FROM THE GRANT CONTRACT AND MATCHING FUNDS OF $38,803 AND APPROPRIATING $388,034 TO ORGANIZATION #1980

WHEREAS, in July 1997, the Police Department applied for the Local Law Enforcement Block Grant. This program provides 90 percent of a grant budget; and

WHEREAS, the City must match the $349,231 with $38,803 in local funds, which will be provided by the Asset Forfeiture Trust Account; and

WHEREAS, a Trust Fund for deposit and expenditure of the monies is required. Organization #1980 was established last fiscal year for the first year of this grant program.

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>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>#010-190-1980-3506</td>
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<td>#010-190-1980-5292</td>
<td>$388,034</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 27th day of January 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 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. 98-60

A RESOLUTION INCREASING THE ENCUMBRANCE AND EXPENDITURE OF FUNDS FOR THE NINTH STREET RAILROAD PROJECT BY $150,000 FOR WORK PERFORMED BY UNION PACIFIC RAILROAD ON PHASE I OF THE PROJECT.

WHEREAS, on February 1, 1994, the Council approved a plan for the removal of the Union Pacific trains from Ninth Street in the downtown area to Bangs Avenue, and

WHEREAS, the first stage of the project called for the Union Pacific and Southern Pacific tracks to be connected at Lathrop and South Modesto under agreement with Union Pacific, and

WHEREAS, under the May 10, 1994, agreement for construction of the first stage of the project, costs were estimated at $3.5 million for Union Pacific and Southern Pacific Railroad construction crews and subcontractors to perform the work, and

WHEREAS, under the agreement, the City is obligated to pay its proportional share of the actual construction costs, and

WHEREAS, the actual project began in 1995 and was completed in November, 1996, and

WHEREAS, the initial $3.5 million estimate in 1994 was the best estimate available at the time, and

WHEREAS, the railroad has provided copies of bills and invoices to the City to substantiate additional costs of $56,945 to date, and

WHEREAS, additional expenditure authorizations in the amount of $150,000 are
needed at this time to cover actual and anticipated costs, including the purchase of right-of-way in Lathrop estimated at $90,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes increasing the encumbrance and expenditure authorization by $150,000 on the Ninth Street Railroad Project for work performed by Union Pacific Railroad on Phase I of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 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: [Signature]
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

1/29/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-61

A RESOLUTION ACCEPTING STANISLAUS COUNTY’S
SHARE OF THE AIRCRAFT PERSONAL PROPERTY TAX
FOR MODESTO AIRPORT GENERAL AVIATION AREA
IMPROVEMENTS.

WHEREAS, the Stanislaus County Board of Supervisors’ Budget for fiscal year 1998 included the transfer of the County’s share of taxes collected from based aircraft to Modesto City-County Airport, and

WHEREAS, the Board of Supervisors approved the transfer of the personal property taxes from aircraft based at Modesto City-County Airport to the City of Modesto, and

WHEREAS, the Board of Supervisors allocated the funds to the City of Modesto only for Airport general aviation area improvements, and the Board of Supervisors requires that the City approve a resolution of acceptance agreeing that the funds will be used for general aviation area improvement projects, and

WHEREAS, the City of Modesto has future general aviation projects planned that the aircraft taxes can be used to complete,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves receipt of the Stanislaus County’s share of the aircraft taxes collected in 1998, subject to the condition that the funds shall be used for general aviation area improvement projects as required by the County Board of Supervisors.
BE IT FURTHER RESOLVED that City staff is hereby directed to transmit a copy of this resolution and letter of appreciation to the Stanislaus County Board of Supervisors and staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 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, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-62
REVISED

A RESOLUTION APPROVING THE SUBMITTAL OF A
MODESTO CITY-COUNTY AIRPORT CAPITAL
IMPROVEMENT PLAN AND MULTI-YEAR
PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE
THE FIRST SIX PROJECTS LISTED ON THE AIRPORT
CAPITAL IMPROVEMENT PLAN AND AUTHORIZING THE
CITY MANAGER TO EXECUTE THE PREAPPLICATION ON
BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport
Improvement Program (AIP) entitlement funds to improve the
Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA)
requires that the City periodically submit an Airport Capital
Improvement Plan (ACIP) identifying near and long-range funding
needs and also requires airport sponsors to submit an annual
application for funds needed, and the FAA has notified the City
of Modesto that federal funds in the amount of $600,000 are
available for Modesto City-County Airport during fiscal year
1998, and

WHEREAS, airport staff has prepared a list of
recommended improvements for Modesto City-County Airport that are
consistent with the FAA’s project criteria, and staff anticipates
that said improvements will be completed by the end of the
current airport master plan, and

WHEREAS, AIP funding levels have been uncertain over
the last few years, and that funding uncertainty is likely to
continue, however, the FAA’s Airport District Office will
consider a multi-year preapplication to give more assurance of
funding levels for the next four years, and

WHEREAS, the recommended multi-year application is for fiscal years 1998-2001 and amounts to $2,100,250; and if the multi-year application is acceptable to FAA, the City will submit subsequent applications of $2,152,500 for FY 2002-2005 and $1,558,600 for FY 2006-2008, and

WHEREAS, the City anticipates that a Passenger Facility Charge (PFC) program will be used to cover the local matching amounts of the project, and a PFC application will be submitted to the FAA, and

WHEREAS, the Transportation Policy Committee has reviewed the ACIP and the preapplication and the committee is recommending their submittal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport ACIP covering fiscal years 1998-2008, and a preapplication for fiscal years 1998-2001 in the amount of $2,100,250.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the Airport Manager will submit the ACIP to the FAA along with the preapplication, and will begin to prepare an application for use of PFC funding for the local share of the AIP funds.

BE IT FURTHER RESOLVED that the Airport Manager will
submit a FY 1999 Capital Improvement budget to the City that includes Aircraft Rescue and Firefighting (ARFF) improvements and the design engineering for a new general aviation (GA) entrance that is included as part of the preapplication being submitted to the FAA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___27th___ day of ___January___, 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 Adams___

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM;

By ___Michael D. Milich___

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-62

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT CAPITAL IMPROVEMENT PROGRAM AND MULTI-YEAR PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE THE FIRST SIX PROJECTS LISTED ON THE AIRPORT CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA) requires that the City periodically submit an Airport Capital Improvement Program (ACIP) identifying near and long-range funding needs and also requires airport sponsors to submit an annual preapplication for funds needed, and the FAA has notified the City of Modesto that federal funds in the amount of $600,000.00 are available to complete the Modesto City-County Airport’s improvement projects for the fiscal year 1998, and

WHEREAS, the airport staff has developed a list of needed improvements to the Modesto City-County Airport, consistent with the FAA’s criteria of airport capacity enhancement, safety and security, and noise or other environmental concerns and as shown on the FAA required approved airport layout plan, and staff anticipates that said improvements will be completed between now and the end of the current airport master plan, the period ending approximately 2008, and
WHEREAS, the AIP funding levels have been uncertain over the past few years and are likely to continue into the future, however, the FAA’s Airport District Office agreed to consider a preapplication that will ensure funding over the next four years, and

WHEREAS, the funding requests submitted for the proposed multi-year grant idea, if accepted by the FAA, would be $2,152,500.00 for FY 2002-2005 and $1,558,600.00 for FY 2006-2008 and it is anticipated that a Passenger Facility Charge (PFC) will cover the local matching amount of the project, and

WHEREAS, the Airport Advisory Committee reviewed the capital improvement plans in November, and the Transportation Policy Committee reviewed the recommendations for improvements and concurs with the requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport preapplication for federal funds in the amount of $600,000.00 to complete the airport's improvement projects for the fiscal year 1998.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the Airport Manager will hold a meeting with the airlines and prepare a Passenger Facility Charge application to be submitted to the FAA in an amount to cover the local share of said preapplication being submitted.

BE IT FURTHER RESOLVED that the Airport Manager will submit a FY 1999 Capital Improvement Program budget and shall include the projects on the preapplication related to Aircraft Rescue and Firefighting (ARFF) and the design of the General Aviation (GA) Entrance Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 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 Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

1/27/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-63

A RESOLUTION APPROVING THE ISSUANCE OF REFUNDING REVENUE BONDS BY THE MODESTO IRRIGATION DISTRICT FINANCING AUTHORITY RELATED TO THE REFINANCING OF THE DOMESTIC WATER TREATMENT AND DELIVERY SYSTEM OF THE MODESTO IRRIGATION DISTRICT

WHEREAS, the City of Modesto, a charter city and municipal corporation organized and existing under the laws of the State of California (the “City”), currently provides municipal water service within the service boundaries of the Modesto Irrigation District (the “District”), and

WHEREAS, the District and the Modesto Irrigation District Financing Authority, a joint powers authority organized and existing under the laws of the State of California, have financed the domestic water treatment and delivery system of the District (the “Project”) through the issuance of Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 1992A Water Bonds and Series 1995C Water Bonds currently outstanding in the aggregate principal amount of $90,700,000 (collectively, the “Prior Water Bonds”), and

WHEREAS, the District desires to refinance the Project through the issuance of Modesto Irrigation District Financing Authority Domestic Water Project Refunding Revenue Bonds, Series 1998D (the “Bonds”), the proceeds of which will be used to refund and defease the outstanding principal amount of the Prior Water Bonds, and

WHEREAS, the Bonds will be issued for the benefit of the City’s Municipal Water Utility and will be repaid from the debt service portion of payments made by the City in
accordance with the Treatment and Delivery Agreement entered into in 1992 by the City and the District (the “Treatment and Delivery Agreement”),

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

SECTION 1. The City Council of the City hereby finds and determines that the matters set forth in the preambles to this Resolution are true and correct.

SECTION 2. The City Council of the City hereby approves of the issuance of the Bonds by the Authority for the benefit of the City’s Municipal Water Utility; provided, however, that the issuance of the Bonds and the refinancing of the Project shall result in net present value savings of not less than three percent (3%), the principal amount of the Bonds shall not exceed $105,000,000 and the true interest cost with respect to the Bonds shall not exceed seven percent (7%).

SECTION 3. The proposed form of the Official Statement relating to the Bonds (the “Official Statement”) as presented to this meeting is hereby approved. Bear, Stearns & Co. Inc, as underwriter with respect to the Bonds, is hereby authorized to distribute copies of the Official Statement in preliminary form to prospective purchasers of the Bonds and is hereby directed to distribute copies of the Official Statement in final form to all actual purchasers of the Bonds.

SECTION 4. The Treatment and Delivery Agreement is ratified and confirmed.

SECTION 5. Subject to the conditions specified in Section 2 hereof, the Mayor and the City Manager (or his or her designee) are hereby authorized and directed, jointly and severally,
to do any and all things and to execute and deliver any and all documents, certificates and other instruments, including a continuing disclosure agreement relating to the Bonds, which they may deem necessary or advisable, to carry out, give effect to and comply with the terms and intent of this Resolution.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 27th day of January, 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
CERTIFICATE OF THE CITY CLERK
OF THE CITY OF MODESTO

I, JEAN ADAMS, City Clerk of the City of Modesto, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a meeting of the City Council of the City of Modesto duly and regularly held on January 27, 1998, of which meetings all of said City Council had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a true, complete and correct copy of the original resolution duly adopted at said meeting and entered is said minutes; and that said resolution has not been modified, amended, rescinded of revoked except as provided in such resolution in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate this 3rd day of January, 1998.

CITY OF MODESTO

By ____________________________
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-64

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TERRI AMERIO-BELL FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JANUARY 27, 1998

WHEREAS, Terri Amerio-Bell was first appointed as a member of the Affirmative Action Commission on March 3, 1992; and

WHEREAS, Terri Amerio-Bell has tendered her resignation from the Affirmative Action Commission, effective January 27, 1998; and

WHEREAS, Terri Amerio-Bell 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 Terri Amerio-Bell from the Affirmative Action 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 Terri Amerio-Bell 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 27th day of January, 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. 98-65

A RESOLUTION ACCEPTING THE BID OF PAUL ANDERSON CONSTRUCTION FOR THE PROJECT TITLED "WATER STORAGE BUILDING AT WATER TANK NO. 6"

WHEREAS, the bids received for the Water Storage Building at Water Tank No. 6 were opened at 11:00 a.m. on December 2, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Paul Anderson Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $118,624.00 from Paul Anderson Construction be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 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 Adams
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $18,000 TO FULLY FUND THE PROJECT TITLED "WATER STORAGE BUILDING AT WATER TANK NO. 6"  

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

From: 610 480 J509 $18,000  
To: 610 480 H099 $18,000  

The low bid is about 17% above the original budget estimate. Funds are available for the contract. This transfer is needed to pay for inspection and contingencies if needed.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 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 Adams, City Clerk
A RESOLUTION ACCEPTING THE BID OF ALL AMERICA TRENCHING FOR THE PROJECT TITLED "J STREET AND 11TH STREET WATER SYSTEM IMPROVEMENTS"

WHEREAS, the bids received for J Street and 11th Street Water System Improvements were opened at 11:00 a.m. on January 20, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of All America Trenching be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $101,877.59 from All America Trenching be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 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 Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-68

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $37,000 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 40; $37,000
To: 610 480 J501 6040 40; $37,000

Additional funding is needed to construct the J/11th Street Water project. Bids came in higher than anticipated due to the requirement for the work to be performed during night-time hours to accommodate the demolition work for the 10th Street Plaza project and not disturb businesses in the area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 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 Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-69

A RESOLUTION ACCEPTING THE BID OF SOARES UNDERGROUND CONSTRUCTION FOR THE PROJECT TITLED "96/97 ANNUAL SEWER REHABILITATION"

WHEREAS, the bids received for 96/97 Annual Sewer Rehabilitation were opened at 11:00 a.m. on January 20, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & 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 $214,325.00 from Soares Underground 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 3rd day of February, 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, City Clerk
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to change the designation of the following classifications from Miscellaneous General Non-Sworn to Management Non-Sworn:

Senior Crime Analyst
Senior Community Development Program Specialist

The job specifications for the classifications of Senior Crime Analyst, formerly...
classified as Miscellaneous, (Range 130), and reclassified to Management, (Range 430), and Senior Community Development Program Specialist, formerly classified as Miscellaneous, (Range 131), and reclassified to Management, (Range 431), are hereby made a part of this resolution by reference, and are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 3, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 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. 98-71

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REMOVE SENIOR CRIME ANALYST AND SENIOR COMMUNITY DEVELOPMENT PROGRAM SPECIALIST AS MISCELLANEOUS GENERAL NON-SWORN EMPLOYEES, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 97-375 TO DESIGNATE SENIOR CRIME ANALYST AND SENIOR COMMUNITY DEVELOPMENT PROGRAM SPECIALIST AS MANAGEMENT NON-SWORN EMPLOYEES.

WHEREAS, during the process of conducting the Ralph Andersen classification study, the issue was raised to change the designation for two employees in the single position classes of Senior Crime Analyst and Senior Community Development Program Specialist from Miscellaneous to Management employees, and

WHEREAS, since the issue was outside the scope of the classification study and dealt with Fair Labor Standards Act exempt status, the City Attorney’s Office reviewed the duties and responsibilities of the incumbents, and staff recommends designating these positions as “Management Employees”, and

WHEREAS, this recommendation has also been reviewed and agreed upon by the Modesto City Employees Association (MCEA), and

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26 to remove Senior Crime Analyst and Senior Community Development Program Specialist as Miscellaneous General Non-Sworn employees and to amend Exhibit “A” of Resolution No. 97-
375 to designate Senior Crime Analyst and Senior Community Development Program Specialist as Management Non-Sworn employees,

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” of Resolution No. 95-26 entitled “City Of Modesto Class Range Table General Non-Sworn Classes, Effective January 10, 1995”, is hereby amended as shown on the amended Exhibit “A” entitled “City Of Modesto Class Range Table General Non-Sworn Classes, Effective February 3, 1998”, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” removes Senior Crime Analyst (formerly Range 130) and Senior Community Development Program Specialist (formerly Range 131) as Miscellaneous General Non-Sworn employees.

SECTION 2. AMENDMENT TO RESOLUTION NO. 97-375. Exhibit "A" of Resolution No. 97-375 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 24, 1997", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes, Effective February 3, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" designates Senior Crime Analyst (Range 430) and Senior Community Development Program Specialist, (Range 431) as Management Non-Sworn employees.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February 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
<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 |
| 108   | Custodian II |
| 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 |

Exhibit "A"
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
Street Trees Crewleader
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
Class Range Table
General Non-Sworn Classes
Page 3

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.
Senior Building Inspector
Senior Construction Inspector
Fire Plan Checker
Plan Review Engineer
# CITY OF MODESTO
## CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective February 3, 1998**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<tr>
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</tr>
<tr>
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<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>
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</tr>
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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>
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<td>Police Training and Records Technician (Confidential)</td>
</tr>
<tr>
<td>420</td>
<td>Accountant I (Confidential)</td>
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<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"
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
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
</table>
| 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 |
| 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

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

448

449

Sr. Deputy City Attorney II
<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Job Title</th>
</tr>
</thead>
</table>
| 450       | Deputy Director Public Works - Engineering  
Deputy Director Public Works - Operations  
Deputy Director Public Works - Transportation |
| 451       |           |
| 452       |           |
| 453       | Assistant City Attorney |
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DRYDEN PARK COFFEE SHOP INC. FOR FOOD AND BEVERAGE CONCESSION AT DRYDEN AND MUNI GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dryden Park Coffee Shop Inc. for food and beverage concession at Dryden and Muni Golf Courses be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 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: 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. 98-73

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARGIE LEE FROM THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE, EFFECTIVE FEBRUARY 3, 1998

WHEREAS, Margie Lee was appointed a member of the Citizens Housing & Community Development Committee on August 10, 1993; and

WHEREAS, Margie Lee has tendered her resignation from the Citizens Housing & Community Development Committee, effective February 3, 1998; and

WHEREAS, Margie Lee 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 Margie Lee from the Citizens Housing and Community Development 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 Margie Lee 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 3rd day of February, 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, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-74

A RESOLUTION ACCEPTING THE PROJECT TITLED "BRIGGSMORE/COFFEE INTERSECTION IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Briggsmore/Coffee Intersection Improvements, has been completed by George Reed Inc., in accordance with the contract agreement dated May 20, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Briggsmore/Coffee Intersection Improvements be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,722,955.28 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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 Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-75

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TEN POLICE VEHICLES FOR A TOTAL COST NOT TO EXCEED THE CITY’S BUDGET OF $250,000.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of ten police vehicles is hereby waived.

BE IT FURTHER RESOLVED that purchase of ten police vehicles for a not to exceed price of $250,000.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-76

A RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT PICKUP TRUCKS FROM THE COMPETITIVELY BID STATE CONTRACT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of eight pickup trucks from the competitively bid State contract is hereby approved.

BE IT FURTHER RESOLVED that purchase of eight pickup trucks for a not to exceed price of $143,778.56 be, and it hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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 Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-77

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID OR PUBLIC AUCTION.

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 eight (8) buses which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, a list of the buses to be sold by sealed bid and/or public auction is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the eight (8) buses, which are set forth on the list on file in the City Clerk’s office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.
SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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 Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

2/9/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-78


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the Master Agreement between the City of Modesto and the County of Stanislaus, the Modesto Redevelopment Agency, and the City/County Capital Improvements and Financing Joint Powers Agency for the elimination of the service parcel within the JPA site and to approve a lot line adjustment be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to the Master Agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-79

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS REGARDING OWNERSHIP OF THE AT&T BUILDING TO PROVIDE FOR CASUALTY AND LIABILITY INSURANCE AND TO ALLOW THE CITY TO COLLATERALIZE ITS ONE-HALF INTEREST AS PART OF THE OVERALL 10TH STREET PLACE FINANCING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus regarding ownership of the AT&T building to provide for casualty and liability insurance and to allow the City to collateralize its one-half interest as part of the overall 10th Street place financing be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-80

A RESOLUTION DENYING THE STAFF
RECOMMENDATION PERTAINING TO THE
DELIVERANCE OF A GRANT DEED FOR CONVEYANCE
OF PROPERTY FROM THE CITY OF MODESTO TO THE
COUNTY OF STANISLAUS.

WHEREAS, the City of Modesto currently owns a small parking lot behind the
County Administration Building at 11th and G Streets, and

WHEREAS, the Master Agreement for the 10th Street Place Project was
approved by the City Council in July, 1997, and one of the collateral documents that was
approved was a form of Grant Deed for the conveyance of this parking lot to the County in
order to enable the County to convey the entire block to the Stanislaus County Office of
Education upon the completion of the JPA building and the 10th Street Place Project, and

WHEREAS, the Master Agreement is silent as to when the deed should be
delivered to the County, and the County has requested that it be delivered now instead of at
the time City Hall is conveyed to the County, after the completion of the JPA building, and

WHEREAS, the property is currently used for 44 public parking spaces, and
the parties have approved of and will enter into an agreement to reserve an easement for that
purpose so that even after the property is conveyed to the Stanislaus County Office of
Education, the property will continue to be used for public parking, and

WHEREAS, City staff has recommended authorizing the City Manager to
deliver the Grant Deed for the conveyance from the City to the County of the City’s real
property located at the southeast corner of 11th Street and G Street,
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the recommended action is denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-81

A RESOLUTION APPROVING, AUTHORIZING THE
ISSUANCE AND SALE OF NOT TO EXCEED $65,000,000
LEASE REVENUE BONDS, SERIES 1998 (CAPITAL
IMPROVEMENTS AND REFINANCING PROJECT) BY THE
MODESTO PUBLIC FINANCING AUTHORITY AND
DIRECTING EXECUTION OF CERTAIN LEASE FINANCING
DOCUMENTS AND CERTAIN RELATED DOCUMENTS,
AUTHORIZING THE EXECUTION AND DELIVERY OF AN
ESCROW AGREEMENT, AUTHORIZING THE EXECUTION
AND DELIVERY OF A REIMBURSEMENT AGREEMENT,
AUTHORIZING AND DIRECTING EXECUTION OF A
PURCHASE CONTRACT, APPROVING THE FORM AND
AUTHORIZING DISTRIBUTION OF A PRELIMINARY
OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE
 AGREEMENT, AND AUTHORIZING AND DIRECTING
CERTAIN ACTIONS WITH RESPECT THERETO

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal
corporation organized and existing under the laws of the State of California; and

WHEREAS, the Modesto Public Financing Authority (the "Authority") is
authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4,
Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California Government
Code, as amended (the "Act"), to lease and/or purchase real property and to sell at public or
negotiated sale Authority bonds secured in whole or in part by the Obligations of a Local Agency
(as defined under the Act), including the City; and

WHEREAS, the Authority is authorized under the Act to provide financing and/or
refinancing for Public Capital Improvements and other costs by entering into Lease/Purchase
Agreements (all as defined in the Act) with Local Agencies; and

WHEREAS, the City is a Local Agency under the Act and, working together with
the Authority, is proposing to proceed with a lease financing to finance the costs associated with
a mixed-use development, including, among other uses, retail and office uses, a public parking
garage, a City-County building, each of such improvements more commonly referred to as the
10th Street Place Project (the "10th Street Place Project"); and
WHEREAS, City, in conjunction with the financing of the 10th Street Place Project, has determined to undertake the acquisition and/or construction of other public capital improvements, including the Communications Dispatch Center and a Police Headquarters Building (together with the 10th Street Place Project, the "Project"); and

WHEREAS, in conjunction with the financing of the Project, the City has determined it would be advantageous to refund and defease all of its outstanding Certificates of Participation (Capital Improvements Projects) (the "1986 Certificates") which obligations evidence the undivided fractional interests of the Owners thereof in Lease Payments to be made by the City as the rental for certain property in accordance with the terms of that certain Lease Agreement (the "1986 Lease"), dated as of December 1, 1986, by and between the City and the California Public Agency Leasing Corporation; and

WHEREAS, upon the advance refunding of the 1986 Certificates, the City will lease the real property constituting the Public Park Projects (which were the subject of the 1986 Lease) and the real property upon which the component of the Project constituting the Police Headquarters Building will be acquired and constructed to the Authority pursuant to the terms of a Site Lease (the "Site Lease"), dated as of March 1, 1998, by and between the City and the Authority; and

WHEREAS, in order to implement the 10th Street Place Project, the City, the County of Stanislaus (the "County"), the Redevelopment Agency and the Agency have entered into, among other documents, a Master Agreement, dated July 22, 1997, which agreement sets forth the responsibilities of the parties with respect to the development of the 10th Street Place Project; and

WHEREAS, in furtherance of the 10th Street Place Project, the Redevelopment Agency of the City of Modesto (the "Agency") will lease certain real property to the Authority pursuant to a Site Lease, dated as of March 1, 1998, by and between the Authority and the Agency, upon which the component of the Project constituting the Public Parking Garage will be acquired, constructed and/or installed; and

WHEREAS, pursuant to the terms of a Facilities Lease (City-County Building), dated as of March 1, 1996, between the Authority and the City-County Capital Improvements and Financing Agency (the "Financing Agency"), the Financing Agency will lease to the Authority the City's interest in the City-County building and the site upon which such facility is located, together with the City's interest in common areas to be used by the City; and

WHEREAS, pursuant to the terms of a Facilities Lease (Communications Dispatch Center) (the "Facility Lease"), dated as of March 1, 1998, between the City and the Authority, the City will lease its undivided one-half interest in and to the Communications Dispatch Center, together with common areas to be used by the City, to the Authority; and
WHEREAS, the Authority, on behalf of the City, desires to issue, sell and deliver its Lease Revenue Bonds, Series 1998 (Capital Improvements and Refinancing Project), in the aggregate principal amount not to exceed $65,000,000 (the "Bonds") to (i) provide funds to finance the Project, (ii) provide funds to advance refund the 1986 Certificates, (iii) pay capitalized interest on the Bonds, (iv) provide a debt service reserve fund for the Bonds, and (v) pay the costs of issuance therefor; and

WHEREAS, pursuant to the Lease Agreement (the "Lease Agreement"), dated as of March 1, 1998, the City, as agent of the Authority, will acquire, construct or install or cause to be acquired, constructed or installed the certain components of the Project, and lease the Sites (as defined in the Lease Agreement) together with the Leased Units of the Project (collectively, the "Leased Property") from the Authority and pay Lease Payments therefor, all under and in accordance with the Constitution and laws of the State of California, including the Act; and

WHEREAS, in order to provide funds for its share of the costs of certain components of the Project, the Agency has agreed under the terms of the Reimbursement Agreement (as described below) to repay to the City certain costs related to the acquisition, construction and installation of a component of the Project being the Public Parking Garage, together with related improvements; and

WHEREAS, in order to secure the Lease Payments payable by the City under the Lease, pursuant to Section 37351.5 of the Government Code of the State of California, the City has determined to guarantee Lease Payments payable under the Lease by an apportionment of Motor Vehicle License Fee Revenue allocated to the City pursuant to California Revenue and Taxation Code Section 11001 et seq.; and

WHEREAS, the issuance of the Bonds, the execution and delivery of the Site Lease, the Lease Purchase Agreement and the Escrow Agreement will have significant public benefits to the City, including, with respect to the financing of the Project, the more efficient delivery of local agency services to the community, and with respect to the advance refunding of the 1986 Certificates, significant debt service savings; and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Authority is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided;
NOW, THEREFORE, it is hereby resolved, as follows:

Section 1. The below-enumerated documents be and are hereby approved, and the City Manager or the Interim Finance Director is hereby authorized and directed to execute said documents, with such changes, insertions and omissions as may be approved by such official, and the City Clerk is hereby authorized and directed to attest to such official's signature:

(a) a form of Lease/Purchase Agreement, between the Authority, as lessor, and the City, as lessee, pursuant to which the City will lease-back certain real property, together with the improvements constructed and installed thereon, provided (i) the term of the Lease Agreement does not exceed forty-six (46) years, and (ii) the maximum lease payments made by the City under the Lease Agreement in any twelve-month period, beginning on March 2 and ending on the succeeding March 1, shall not exceed $6,000,000 (the "Maximum Annual Lease Payment");

(b) the form of Site Lease, between the City and the Authority, pursuant to which the City will lease certain real property relating to the Public Parks Projects and the Police Headquarters Building to the Authority;

(c) the form of Facilities Lease (Communication Dispatch Center), between the City and the Authority, pursuant to which the City will lease its undivided one-half interest in and to the Communication Dispatch Center, together with its undivided one-half interest in the site upon which such facility is located, to the Authority;

(d) a form of Reimbursement Agreement, between the City and the Agency, pursuant to which the Agency will pay certain costs of the Public Parking Garage, and related improvements, to the City;

(e) a form of Escrow Agreement, between the Escrow Agent named therein and the City, pursuant to which the 1986 Certificates will be refunded and defeased; and

(f) a form of Continuing Disclosure Agreement, between the City and Harris Trust of California, as Dissemination Agent.

Section 2. The form of preliminary Official Statement describing the Bonds herewith submitted to the Authority is hereby approved and adopted as the Official Statement describing the Bonds, with such additions, corrections and revisions as may be determined to be necessary or desirable by the City Manager or the Interim Finance Director. The City Manager or the Interim Finance Director is hereby authorized to cause the distribution of a preliminary
Official Statement deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Act of 1934, as amended (the "Rule"), and to sign a certificate to that effect. The City Manager or the Interim Finance Director is further hereby authorized and directed to sign the final Official Statement. The Underwriter is hereby authorized and directed to cause to be printed and mailed to prospective purchasers of the Bonds copies of the preliminary Official Statement in substantially the form of the preliminary Official Statement approved and adopted hereby, as supplemented, corrected or revised with the approval of the Chairperson or Treasurer.

Section 3. A Purchase Contract among Stone & Youngberg LLC and Artemis Capital (collectively, the "Underwriter"), the Authority and the City relating to the purchase by the Underwriter of the Bonds, be and is hereby approved, and the City Manager or the Interim Finance Director is hereby authorized and directed to execute said agreement, with such changes, insertions and omissions as may be approved by such official, so long as the interest rate with respect to the Bonds will not produce annual lease payments in excess of the Maximum Annual Lease Payment and so long as the principal amount of the Bonds will not exceed $65,000,000 and so long as the Underwriter's discount shall not exceed one and one-half percent (1.5%) (net of the original issue discount) of the Bonds.

Section 4. The City hereby determines, upon the advice of Public Financial Management, Inc (the "Financial Advisor"), that it would be advantageous to guarantee the Lease Payments payable by the City under the Lease by an apportionment of Motor Vehicle License Fee Revenue allocated to the City pursuant to California Revenue and Taxation Code Section 11001 et seq. pursuant to Section 37351.5 of the Government Code of the State of California. The City Manager or the Interim Finance Director are hereby authorized and directed to provide notice to the State Controller in the manner provided in Section 37351.5, together with any other documents which they deem necessary or advisable.

Section 5. The City Manager, the Interim Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed, jointly and severally, to do any and all things (including the purchase of a municipal bond insurance policy and/or surety bond to provide a debt service reserve for the Bond if, upon the advice of the City's financial advisor, the purchase of such insurance policy or surety bond shall be financially advantageous to the City) and to execute and deliver any and all documents which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated hereby.

Section 6. This Resolution shall take effect upon its adoption by this City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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, 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
STATE OF CALIFORNIA  
COUNTY OF STANISLAUS  
CITY OF MODESTO  

I, JEAN ADAMS, City Clerk of the City of Modesto, do hereby certify that the foregoing Resolution No. 98-81 was introduced and adopted at a regular meeting provided by law, of the City Council of the City of Modesto held on the 10th day of February, 1998, by the following vote of the members thereof:

AYES: COUNCIL MEMBERS: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES: COUNCIL MEMBERS: Serpa
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Modesto this 11th day of February, 1998.

Jean Adams  
JEAN ADAMS, City Clerk

(SEAL)

I, JEAN ADAMS, City Clerk of the City of Modesto, do hereby certify that the foregoing is the original of Resolution No. 98-81 duly passed and adopted by the Modesto City Council on February 10, 1998.

Jean Adams  
JEAN ADAMS, City Clerk
RESOLUTION OF THE CITY OF MODESTO DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, City of Modesto (the "Issuer") is a municipal corporation and a charter city, established and authorized to transact business and exercise its powers, all under and pursuant to its Charter and the laws of the State of California; and

WHEREAS, the Issuer, on May 10, 1994, adopted Resolution No. 94-264, as supplemented by Resolution No. 95-99 adopted on February 21, 1995, (collectively, the "Prior Resolutions"), declaring its intention to reimburse itself from proceeds of certain tax-exempt financings made and/or to be made in connection with the acquisition, construction and equipping of certain capital improvements, and now desires to supplement the Prior Resolutions, as described herein; and

WHEREAS, the Issuer has paid, beginning no earlier than December 19, 1997, which date is not more than sixty (60) days prior to the adoption of this resolution, and will pay, on and after the date hereof, certain expenditures not described in the Prior Resolutions (the "Expenditures") in connection with the acquisition, construction and/or equipping of a police building and a dispatch center, which shall be additional components of the 10th Street Plaza Project (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the City Council of the Issuer (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

Section 1. The City Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on
and after December 19, 1997, a date which is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. Recognizing that portions of the Project may not be eligible for financing on a tax-exempt basis, the maximum principal amount of the Bonds expected to be issued for the Project is $62,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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, 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
Description of the Plaza Project

The Project is a mixed use development proposed for downtown Modesto. The total project includes the following:

A joint administrative office building for the City of Modesto and the County of Stanislaus. Included on the ground floor of the office building is retail space. The total square footage of the building is about 248,000, of which 220,000 is office space and 28,000 is retail space. The building is seven stories high, six stories of which are above grade and one below grade.

A parking garage of approximately 720 spaces. The garage is five stories, four of which are above grade and one below grade.

A retail building of approximately 12,000 square feet.

A cinema complex containing approximately 18 screens and 4,000 seats. The cinema complex would also contain about 4,000 square feet of retail space.

The Project shall also contain space for a police building and a dispatch center, each of which shall be located within the Project.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-63

A RESOLUTION ADOPTING GUIDING PRINCIPLES FOR
THE DEVELOPMENT OF A REGIONAL
TRANSPORTATION POLICY.

WHEREAS, pursuant to a staff report dated January 30, 1998, from the
Engineering and Transportation Department, it has been recommended by the Transportation
Policy Committee that the City Council adopt a policy statement and guiding principles for the
development of a regional transportation policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council does hereby adopt a set of guiding principles, relating to the manner
in which the Stanislaus Area Association of Governments (SAAG) should evaluate
transportation policy, as set forth on the staff report dated January 30, 1998, from the
Engineering and Transportation Department, a copy of which report (including guiding
principles) is attached hereto marked Exhibit “A” and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
To: City Council
From: Engineering & Transportation
Subject: Guiding Principles Relative to Draft Regional Transportation Program

RECOMMENDED COUNCIL ACTION:

Adopt a set of guiding principles as to how SAAG should evaluate transportation policy.

BACKGROUND:

The Transportation Policy Committee (TPC) recommends that the City Council adopt the following policy statement:

SAAG and the agencies of the region are considering alternative proposals to improve service and reduce the cost of transit operations. In evaluating these proposals, Modesto suggests that the region be guided by the following principles:

1. Options for multi-jurisdictional agreements are preferred to options that establish new levels of bureaucracy.
2. Local service needs (schedules and levels of service) should be determined by the individual cities.
3. Accountability for financing, preparation of budgets, and expenditures of an agency’s share of transit funds should be maintained at the local level.
4. Service should be coordinated within a regional context.
5. City transit needs should be integrated into each local community’s economic development and land use planning processes.
6. Transit needs must be viewed in the context of the total transportation needs of the local communities and the region, as well as within the framework of the Transportation Development Act.
7. SAAG’s currently established programs for Local Transportation Fund (LTF) cost sharing should be maintained in order to:
   a. Continue the availability of LTF money to local governments.
   b. Enhance coordination between local transit operators.
   c. Ensure operation of cost-effective transit services.
   d. Provide the recently established transit cost-sharing program (created by SB 344) the opportunity to function as intended.

REASON FOR RECOMMENDED ACTION:

The TPC recommends adoption of the guiding principles.
STEPS FOLLOWING APPROVAL:

Forward the adopted policy to the Stanislaus Area Association of Governments.

Prepared by: 
Fred Cavanah 
Transit Manager 

Recommended by: 
Richard J. Ramirez, 
Interim Engineering & Transportation Director 

Submitted by: 
J. Edward Tewes 
City Manager 

FC/Regional Transit Council Agenda Item
MODESTO CITY COUNCIL
RESOLUTION NO. 98-84

A RESOLUTION AUTHORIZING STAFF TO PROCEED
WITH REQUESTS FOR QUALIFICATIONS AND
PROPOSALS FOR STREET SWEEPING SERVICES AND TO
DELAY A DECISION ON WATER METER READING AND
UTILITY BILLING/COLLECTION FOR TWELVE MONTHS.

WHEREAS, City staff has recommended that authorization be given to staff to
proceed with Requests for Qualifications and Proposals (RFQ&P) for street sweeping services,
and

WHEREAS, in relation to water meter reading/utility billing and the collection
process, staff has been assisted by David M. Griffiths, Inc., a financial and personnel
consulting firm, and

WHEREAS, due to the conversion to a new utility billing software package,
said consultant recommended that staff not proceed with the utility billing and collection
portion of this managed competition project for a twelve-month period, until the new software
system is fully operational,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council hereby authorizes City staff to proceed with formal Requests for
Qualifications and Proposals (RFQ&P) for street sweeping services.

BE IT FURTHER RESOLVED that the Council authorizes City staff to delay a
decision on water meter reading and utility billing/collection for a twelve-month period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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 Läng

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE DELAY OF A DECISION ON WATER METER READING AND UTILITY BILLING/COLLECTION FOR TWELVE MONTHS.

WHEREAS, City staff has recommended that authorization be given to staff to proceed with Requests for Qualifications and Proposals (RFQ&P) for street sweeping services, and

WHEREAS, in relation to water meter reading/utility billing and the collection process, staff has been assisted by David M. Griffiths, Inc., a financial and personnel consulting firm, and

WHEREAS, due to the conversion to a new utility billing software package, said consultant recommended that staff not proceed with the utility billing and collection portion of this managed competition project for a twelve-month period, until the new software system is fully operational,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with formal Requests for Qualifications and Proposals (RFQ&P) for street sweeping services.

BE IT FURTHER RESOLVED that the Council authorizes City staff to delay a decision on water meter reading and utility billing/collection for a twelve-month period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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 ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich,
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-86

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SIGN A CONTRACT WITH THE STATE OF CALIFORNIA
FOR FUNDING FOR A SMALL BUSINESS
ADMINISTRATION GRANT TO PLANT TREES.

WHEREAS, on January 13, 1998, the City Council authorized the City
Manager to sign a grant application for $20,000 in funding from the Federal Small Business
Administration for the purpose of contracting with small businesses for the purchase and
planting of trees on public easements, and

WHEREAS, in order to receive funding, a signed contract is required,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the City Manager or his authorized designees are hereby authorized and directed
to execute a contract between the City of Modesto and the Department of Forestry and Fire
Protection, contract number 8CA97303, regarding the distribution of grant funds under the
Small Business Administration Tree Planting Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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]
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE $20,000 IN GRANT REVENUE AND APPROPRIATE EXPENDITURES FOR TREE PLANTING

WHEREAS, a grant application was approved from the Federal Small Business Administration in the amount of $20,000 for the purpose of contracting with small businesses for the purchase and planting of trees on public easements.

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>Revenue</th>
<th>$20,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>#010-470-4712-3134</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>$20,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>#010-470-4712-1500</td>
<td></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 10th day of February 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ________________________________

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-88

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO ANY CONTRACTS OR MEMORANDA OF UNDERSTANDING WITH SERVICE PROVIDERS FOR EARTH DAY IN THE PARK 1998 AND ANY FUTURE EARTH DAY EVENTS.

WHEREAS, the Citizens Advisory Committee on Recycling (CACOR) has scheduled Saturday, April 25, 1998, for the 9th annual Earth Day in the Park in the City of Modesto, and

WHEREAS, the Modesto Jaycees propose to coordinate all activities for Earth Day and participate in fund-raising efforts as recommended by CACOR, and

WHEREAS, the Citizens Advisory Committee on Recycling has requested that the City Council authorize the City Manager to enter into contracts or memoranda of understandings with service providers for Earth Day in the Park 1998 and any further Earth Day events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designees are hereby authorized to enter into contracts or memoranda of understandings with service providers for Earth Day in the Park 1998 and any further Earth Day events.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

2/9/98 W:\APPS\CAOFFICE\ROSIE\RESO\EARTHDAY.WPD
MODESTO CITY COUNCIL
RESOLUTION NO. 98-89

A RESOLUTION APPROVING A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revocable license agreement between the City of Modesto and Turlock Irrigation District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-90

A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS PHASE 1 AND AUTHORIZING RELEASE OF BONDS UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Inland Village, a California General Partnership, subdividers of Village Highlands Phase 1 have filed a Subdivision Faithful Performance Bond for faithful performance, and a Subdivision Payment Bond for labor and materials in the amount of $717,310.00 and $358,655.00 respectively to guarantee improvements in Village Highlands, Phase 1 and;

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

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

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

1. The improvements in Village Highlands, Phase 1, Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond for faithful performance in the amount of $717,310.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Subdivision Payment Bond for labor and materials in the amount of $358,655.00 upon expiration the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-91

A RESOLUTION ACCEPTING REAL PROPERTY, LOCATED AT 618 AND 622 14TH STREET, FROM THE ESTATE OF DANIEL SORANNO, AND AUTHORIZING THE CITY MANAGER TO OPEN AN ESCROW AND EXECUTE RELATED DOCUMENTS.

WHEREAS, the Trust of Daniel Soranno states that upon his death certain real property located at 618 and 622 14th Street in the City of Modesto shall be distributed to the City of Modesto, a municipal corporation, upon certain terms, and

WHEREAS, the City of Modesto is willing to accept said real property as a gift from the Estate of Daniel Soranno and agree to said terms, and

WHEREAS, upon acceptance of said real property the Trustee, William McManis, for the Trust of Daniel Soranno, will execute a Trustee Deed and deliver the Trustee Deed to an escrow agent designated by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the real property, located at 618 and 622 14th Street in the City of Modesto, as a gift from the Estate of Daniel Soranno, said property is more particularly described in the attached Exhibit “A”, subject to the following conditions:

1. That said property shall be used solely for civic purposes.

2. That should the City declare said property to be surplus, should said property be listed for sale, or should said property not be used for civic purposes, said property shall revert to the trust and be distributed to the residuary beneficiary of the Daniel Soranno Trust, as set forth in subparagraph 2(c) of Article Four of the Daniel Soranno Trust.
3. That said property shall be dedicated to the Trustor’s parents, Daniel and Mary Soranno.

BE IT FURTHER RESOLVED that the City Manager or his authorized designees is hereby authorized to accept said real property, to proceed to open and close an escrow, and to execute any other documents necessary in relation to accepting said real property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __th day of __, 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 and 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
EXHIBIT "A"

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

PARCEL NO. 1:
LOTS 27 AND 28 IN BLOCK 115 OF THE CITY OF MODESTO, ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS.
APN:  002-173/006-13-16-491

PARCEL NO. 2:
ALL OF LOT 26 AND A PORTION OF LOT 25 IN BLOCK 115 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, BOUNDED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE EASTERLY SIDE OF 14TH STREET WHERE IT IS INTERSECTED BY THE DIVIDING LINE BETWEEN LOTS 26 AND 27 IN SAID BLOCK 115; RUNNING THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF 14TH STREET, 41 FEET AND 8 INCHES; THENCE AT RIGHT ANGLES AND PARALLEL TO THE LINE BETWEEN SAID LOTS 26 AND 27 IN A NORTHEASTERLY DIRECTION 140 FEET TO THE WESTERLY LINE OF THE ALLEY RUNNING THROUGH SAID BLOCK; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE WESTERLY LINE OF SAID ALLEY, 41 FEET AND 8 INCHES TO THE LINE BETWEEN LOTS 26 AND 27; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE LINE BETWEEN SAID LOTS, 140 FEET TO THE PLACE OF BEGINNING.

Description Proof-read by: MF/BMT
MODESTO CITY COUNCIL
RESOLUTION NO. 98-92

A RESOLUTION APPOINTING RAY FELLER AS THE PLANNING COMMISSION’S REPRESENTATIVE 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. Ray Feller is hereby appointed as the Planning Commission’s representative to the Board of Zoning Adjustment, with a term expiration of January 1, 1999.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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
A RESOLUTION APPOINTING SHEILA BRITTON AND JERRY SAULS TO THE ANTI-GRAFFITI STEERING 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. Shiela Britton and Jerry Sauls are hereby appointed to the Anti-Graffiti Steering Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES:       Councilmembers: None

ABSENT:     Councilmembers: Dobbs

ATTEST:     Yeal Adams

JEAN ADAMS, City Clerk
A RESOLUTION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY.

WHEREAS, Chapter 4 of Title III of the Modesto Municipal Code and Section 8630 of the California Government Code empower the Modesto City Council to proclaim the existence or threatened existence of a local emergency when the City of Modesto is affected or likely to be affected by a public calamity, and

WHEREAS, conditions of extreme peril to the safety of persons and property exist due to recent unprecedented amounts of rainfall, and

WHEREAS, the Modesto Irrigation District has reported that February 1 through February 8, 1998, was the wettest week during the past 110 years, and

WHEREAS, state and federal officials who monitor weather patterns report that there is a possibility of continued heavy rainfall in the immediate future, and

WHEREAS, the unprecedented rainfall has resulted in the accumulation and migration of significant amounts of surface water so as to imperil the safety of persons and property within the City of Modesto.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that a local emergency exists within the City of Modesto, that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Modesto.

BE IT FURTHER RESOLVED by the City Council that pursuant to Section 3-4.06 of the Modesto Municipal Code, the City Manager acting in his capacity as Director of
Emergency Services is hereby empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property in the City of Modesto as affected by this emergency; provided, however, that such rules and regulations shall be confirmed at the earliest practical time by the City Council, and to otherwise exercise the powers conferred upon him by said Section 3-4.06 of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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, Smith, Serpa, 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

2/11/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-95

A RESOLUTION VACATING AND ABANDONING ALLEYS AND RESERVING EASEMENTS FOR PUBLIC UTILITY SERVICE LINES LOCATED IN BLOCK 451 OF THE CITY OF MODESTO TO FACILITATE EXPANSION AND ADDITION OF BUILDINGS AND PARKING AREAS SERVING EMANUEL LUTHERAN CHURCH, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COLLEGE AND STODDARD AVENUES AT 324 COLLEGE AVENUE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-36 on January 13, 1998, declaring its intention to vacate and abandon alleys and reserve easements for public utility service lines located in Block 451 of the City of Modesto, to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, and

WHEREAS, said alleys to be vacated and abandoned and easements to be reserved for public utility service lines are 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, and

WHEREAS, said Resolution No. 98-36 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, a duly noticed public hearing was held by the Council of the City
of Modesto on Tuesday, February 17, 1998, at 7:00 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, the Planning Commission recommended that the abandonment be
made subject to the condition contained in Planning Commission Resolution No. 97-83, 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 alleys have been
done and accomplished, and

WHEREAS, the Council finds and declares that the alleys to be vacated and
abandoned, located in Block 451 of the City of Modesto, to facilitate expansion and additions
of buildings and parking areas serving Emanuel Lutheran Church, property located at the
southeast corner of College and Stoddard Avenues at 324 College Avenue are unnecessary for
present or prospective street purposes, and that the vacation and abandonment thereof is in the
public interest, and that easements should be reserved for public utility service lines, and

WHEREAS, on October 9, 1997, the City’s Community Development
Department, by Environmental Assessment Initial Study No. 97-125, 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 the alley right-of-way in the block bound by College and Stoddard Avenues and the Tidewater Southern Rail Road right-of-way is unnecessary for present or future public use, since the Emanuel Lutheran Church facility will occupy the entire block.

2. That utility easements will remain in place to serve water and storm sewer lines and that the proposed expanded church facility plan proposes no buildings within utility easements.

3. That the abandonment and vacation of the alley right-of-way 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 the alleys located in Block 451 of the City of Modesto, to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue. 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.

BE IT FURTHER RESOLVED that the easements, as shown on Exhibit “B”, shall be reserved for public utility service lines.

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 17th day of February, 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 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
EXHIBIT "A"

February 6, 1998
Job No. 70-838

LEGAL DESCRIPTION TO ACCOMMODATE
ABANDONMENT OF ALLEYS AND ROADS
(EMANUEL LUTHERAN CHURCH)

ALL that certain real property situate in a portion of the Northwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of LOT 15 of Block 451 of the City of Modesto, as shown on the map filed in Volume 15 of maps, Stanislaus County Records; thence along the West line of said Lot 15, North 00°00'00" East, a distance of 20.00 feet; thence along a line parallel to the South line of said Lot 15, South 87°54'00" East, a distance of 72.29 feet to the POINT OF BEGINNING of a curve from which a radial line bears South 33°45'36" East, said curve having a radius of 40.00 feet and a central angle of 158°19'57"; thence Southeasterly along the arc of said curve, a distance of 110.54 feet to point on the East line of the alley in said Block 451, said point being the POINT OF BEGINNING of a reverse curve from which a radial line bears North 85°57'27" East, said curve having a radius of 192.27 feet and a central angle of 34°52'49", thence Southeasterly along said reverse curve, a distance of 117.05 feet to a point on the Northerly line of the 20.00 foot wide Terminal Avenue in said Block 451; thence Northeasterly along said Northerly line of Terminal Avenue of said Block 451 and Block 452 of the City of Modesto, as shown on the map filed in Volume 15 of Maps, Stanislaus County Records; North 45°32'52" East, a distance of 329.93 feet to the Northeast corner of said Block 452, said point lies on the South line of Stoddard Avenue in said Block 452; thence South 87°54'00" East, along said South line of Stoddard Avenue, a distance of 27.55 feet to a point on the Southerly line of said Terminal Avenue; thence South 45°32'52" West along said southerly line of Terminal Avenue, a distance of 476.72 feet to a point on the East line of College Avenue in said Block 451; said point lies on a curve from which a radial line bears North 45°17'35" East; said curve having a radius of 319.27 feet and a central angle of 03°35'28"; thence Northwesterly along the arc of said curve, a distance of 20.01 feet to the Northerly line of said Terminal Avenue; thence North 45°32'52" East along said Northerly line of Terminal Avenue, a distance of 107.22 feet to a point on the West line of said alley in Block 451, said point lies on a curve from which a radial line bears North 50°33'22" East; said curve having a radius of 212.27 feet and a central angle of 39°26'38"; thence Northwesterly along the arc of said curve, a distance of 146.13 feet; thence continuing along said West line of the alley in Block 451, North 00°00'00" East, a distance of 21.13 feet to the Southeast corner of said LOT 15; thence North 87°54'00" West along the South line of said LOT 15, a distance of 107.00 feet to the POINT OF BEGINNING of this description.

The above described alleys to be abandoned are to be reserved as public utility easements containing 15,515 square feet (0.36 acres), more or less.

______________________________
Crolie E. Lindsay, L.S. 4709
State of California
Notary Public in
Commission No. 4709
Exp. 09/30/99
alleys to be abandoned and reserved as P.U.E.
RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

2 Clerk
2 Attorney
1 Public Works
1 Engineering Services
1 Fire
1 Police
1 County Recorder
1 MID
1 PG&E
1 Pacific Bell
1 Del Este Water Co.
13

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

* Temporary Closings do not Record
MODESTO CITY COUNCIL
RESOLUTION NO. 98-96

A RESOLUTION VACATING AND ABANDONING A SIX-FOOT-WIDE PUBLIC WALKWAY CONNECTING LORD AVENUE WITH THE ADJACENT P-D(21) COMMERCIAL DEVELOPMENT AND LOCATED BETWEEN 3323 AND 3327 LORD AVENUE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-35 on January 13, 1998, declaring its intention to vacate and abandon a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, and

WHEREAS, said six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue to be vacated and abandoned 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, and

WHEREAS, said Resolution No. 98-35 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, by Resolution No. 97-96, the Planning Commission recommended to the Council the vacation and abandonment of said six-foot-wide public walkway, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, February 17, 1998, at 7:00 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 public walkway have been done and accomplished, and

WHEREAS, the Council finds and declares that the six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue is unnecessary for present or prospective public walkway purposes, and that the vacation and abandonment thereof is in the public interest, and

WHEREAS, on November 24, 1997, the City’s Community Development Department, by Environmental Assessment Initial Study No. 97-137, 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 the abandonment of the walkway located between two residential lots at 3323 and 3327 Lord Avenue will tend to eliminate security
problems and increase safety for the adjacent commercial office complex and residential neighborhood.

2. That the abandonment and vacation of the walkway 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 the six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue. 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.

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 17th day of February, 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

APPROVED AS TO DESCRIPTION:

By Community Development Department Development Services
The land referred to in this Report is situated in the County of Stanislaus, City of Modesto, State of California, and is described as follows:

That certain 6 foot walk, being a portion of Block 13129, Map of Tully Manor No. 2, according to the Official Map or Plat thereof filed for record April 28, 1965 in Volume 21 of Maps and Plats, at Page 8, Stanislaus County Records, which lies South and contiguous to the South line of Lot 1, and which lies North and contiguous to the North line of Lot 7 of said Tully Manor No. 2.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and Special, for the fiscal year 1997 - 1998 a lien, but not yet due or payable.

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

3. An easement for public walk purposes over the land herein described, as dedicated to and for the public use, and accepted by the City Council of the City of Modesto, County of Stanislaus, by the Map of Tully Manor No. 2 herein described.

4. Private easements for ingress and egress to and from the 6 foot walk, in favor of the owners of other lots on the map herein referred to, such easements having been acquired under conveyance of lots by reference to said map.
RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

2 Clerk
2 Attorney
1 Public Works
1 Engineering Services
1 Fire
1 Police
1 County Recorder
1 MID
1 PG&E
1 Pacific Bell
1 Del Este Water Co.
13

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

* Temporary Closings do not Record
MODESTO CITY COUNCIL
RESOLUTION NO. 98-97

A RESOLUTION GRANTING AN APPEAL FILED BY REDEV, INC., TO A PLANNING COMMISSION DECISION, AND APPROVING AMENDMENT NO. 13 TO THE VILLAGE ONE SPECIFIC PLAN AND AN AMENDMENT TO PRECISE PLAN NO. 3.

WHEREAS, Government Code Section 65450 et seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, to guide the development of 1,780 acres located in northeast Modesto, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and the Council has adopted twelve (12) such amendments to the Village One Specific Plan by Resolutions adopted by the Council from time to time, and

WHEREAS, the Village One Specific Plan designates several sites for Multi-family development, including a 9.8 acre site located in Precise Plan No. 3, and a Precise Plan for Area No. 3 which was adopted by the City Council on December 16, 1996, and which provided for the development of a multi-family site, and

WHEREAS, Redev, Inc., filed an application with the City of Modesto to amend the Village One Specific Plan and to amend Precise Plan for Area No. 3 for the purpose of redesignating the 9.8 acre site from Multi-family to Village Residential, to allow
for the development of a Single-family subdivision, (Wildflower Subdivision), and the Principal Underlying Zone from a Medium-High-Density Residential, R-3, Zone, to a Low-Density Residential, (R-1), Zone, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on January 26, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered on this application, and

WHEREAS, the Planning Commission by its Resolution No. 98-07 denied the application of Redev, Inc., for an amendment to the Village One Specific Plan and denied an amendment to Precise Plan No. 3 for the reasons set forth in said Resolution No. 98-07, and

WHEREAS, pursuant to Section 10-1.105 of the Modesto Municipal Code, an appeal to the decision of the Planning Commission’s denial of the application was filed with the Office of the City Clerk by letter dated January 27, 1998, from David O. Romano, P.E., AICP, of Normoyle and Newman on behalf of Redev, Inc., requesting an amendment to the Village One Specific Plan and Precise Plan No. 3 to redesignate 9.8 acres of Multi-family to Village Residential, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 17, 1998, at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the Specific Plan and Precise Plan
Amendments for Area No. 3 of the Village One Specific Plan, for the purpose of redesignating the 9.8 acre site from Multi-family to Village Residential, to allow for the development of a Single-family subdivision, should be granted.

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

SECTION 1. That the Appeal filed by Redev, Inc., to a Planning Commission Decision Denying an Amendment to the Village One Specific Plan and an Amendment to Precise Plan No. 3, to Redesignate 9.8 Acres from Multi-Family to Village Residential for the development of a Single-family subdivision, (Wildflower Subdivision), is hereby granted for the following reasons, and the decision of the Planning Commission is hereby overruled:

1. The proposed Specific Plan Amendment and Precise Plan Amendment do not decrease the amount of multi-family housing in Village One below the Specific Plan’s goal of providing 20% of the housing as multi-family housing.

2. The proposed Specific Plan Amendment and Precise Plan Amendment will not significantly affect the City’s ability to meet the affordable housing goals of the General Plan Housing Element.

3. The proposed Specific Plan Amendment and Precise Plan Amendment are consistent with the Guiding Principles and Comprehensive Policies of the Village One Specific Plan.

SECTION 2. That the Council hereby adopts said Amendment No. 13 to the Village One Specific Plan to redesignate 9.8 acres from Multi-Family to Village Residential as follows:

1. Table II-1 on page II-48, entitled “Village One, Residential Development Program”;

2/23/98
ATTACHMENT

VILLAGE ONE
SPECIFIC PLAN AMENDMENT NO. 13 FOR
PRECISE PLAN AREA #3
2. Table II-1 on page II-49, entitled “Village One Single-Family Residential Mix”, etc.;

3. Figure 11-1 on page II-53, entitled “Land Use Diagram”; and

4. Figure III-4, on page III-14 and III-15, entitled “Precise Plan Area #3”.

Copies of said revisions are attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
This amendment would redesignate Sub-Area "B" of Precise Plan Area #3, consisting of 9.8 acres, from Multi-Family to Village Residential and the Principal Underlying Zone from R-3, Medium High Density Residential, to R-1, Low-Density Residential, as follows:

Details of Amendment:

1. Acreage: Changed from 34.4 acres to 38.8 acres (original in error).
   - APN 77-09-02 = 19.61 acres
   - APN 77-09-43 = 1.00 acres
   - APN 77-09-44 = 18.14 acres
   - Total = 38.75 acres

2. Land Use Intensity:
   a. Village Residential; changed from 24.6 acres to 38.8 acres (of which 0.0 acres are devoted to noise setback area).
   b. Multi-Family; deleted 9.8 acres.

3. Special Considerations:
   a. Within the Precise Plan Area, only single-family residential uses shall be allowed.
      1. The average number of dwelling units is 212 (changed from 123).
   b. (No change) Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Section III-D(12).
   c. Deleted 9.8 acres of Multi-Family consisting of a maximum number of units of 257 and a minimum of 232.
   d. (No change) The Precise Plan shall provide pedestrian access to the commercial area in Precise Plan Area #2 consistent with Section II(G)(1) in Chapter II.

4. Principal Underlying Zone(s):
   a. R-1, Low Density Residential
   b. Deleted "Sub-Area B", R-3, Medium High Density Residential.

Need for Amendment:
The property is situated between Symphony Park, a single-family subdivision, on the east, the existing commercial development on the northwest, and proposed single-family development on the south and southwest. The owner would like to develop his property, but it would be economically impossible to farm a remainder parcel of nine acres while waiting for a multi-family housing market to develop. Studies have shown that a need for high density residential is still sometime away.
Need for Amendment (cont'd):

The owner would like to develop the total 20 acres with a mix of lot sizes ranging from fifty feet to sixty-eight feet wide which would provide a neighborhood with a variety of housing types. This would not be feasible on just 10 acres.

The slope of the land is from Sylvan on the north to Hillglen (Road Q) on the south. The street grades would follow this same general pattern eventually draining to the 60 inch diameter storm drain trunk in Hillglen (Road Q). To provide for this connection, a street is needed from Hillglen (Road Q) running north to Maestro Way.

The amendment will conform to the Specific Plan Guiding Principles. Better pedestrian access will be provided to the neighborhoods to the south and east and to the commercial development to the west. The change allows a better flow from neighborhood to neighborhood and on to the schools, parks and the Village Center core. There will be a reduction in traffic from the proposed land use.

The street pattern will allow fewer driveways on the connector streets Road E and Hillglen Drive (Road Q) reducing the conflicts with vehicles, bicycles and pedestrians. The additional streets will provide more open space and landscaped front yards enhancing the overall quality of life.

A proposed amendment to adopted Precise Plan Area #3 is part of this application so it will be compatible with the Specific Plan Amendment. The change will not affect any other adopted Precise Plans.

The amendment would amend the Land Use Diagram shown on Figure II-1 on page II-53 to redesignate the Multi-Family to Village Residential. The amendment is consistent with all other Land Use Designations.

The amendment is in conformance with the Circulation Plan, the Public Facilities and Infrastructure Master Plan, Schools, Parks, Community Design Policies, and the E.I.R. mitigation measures. Since the amendment proposes a less intense land use there will be no impact to the adopted Environmental Impact Report.
REVISED VILLAGE ONE SPECIFIC PLAN PAGES
Table II-1 (page 1 of 2)

VILLAGE ONE
RESIDENTIAL DEVELOPMENT PROGRAM

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Units</th>
<th>Percentage</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>87</td>
<td>1%</td>
<td>44</td>
</tr>
<tr>
<td>(Ranchettes)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>4839</td>
<td>69%</td>
<td>964</td>
</tr>
<tr>
<td>Multi-Family</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Housing</td>
<td>600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td>1485</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed-Use</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>2135</td>
<td>30%</td>
<td>70</td>
</tr>
<tr>
<td>Total</td>
<td>7061</td>
<td>100%</td>
<td>1078</td>
</tr>
</tbody>
</table>

Note: The acreage is gross acreage. The single-family acreage includes 26 acres devoted to noise setback areas, that will not contain residential dwellings. The total units may exceed 8,000 only if a supplement to the EIR is prepared and certified and a Specific Plan Amendment approved.
Table II-1 (page 2 of 2)

VILLAGE ONE
SINGLE-FAMILY RESIDENTIAL MIX
ASSUMPTIONS USED UPON WHICH TO BASE
YIELD FOR COST ASSESSMENT PURPOSES

As experience with approved project grows, the assumptions can be modified if actual density averages are significantly higher or lower than five dwelling units per gross acre.

The assumptions:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>% Mix</th>
<th>Net* Square Feet</th>
<th>Dwelling Unit Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 square foot</td>
<td>48%</td>
<td>11,590,026</td>
<td>2,323</td>
</tr>
<tr>
<td>6,000 square foot</td>
<td>42%</td>
<td>12,243,597</td>
<td>2,033</td>
</tr>
<tr>
<td>7,500 square foot</td>
<td>10%</td>
<td>3,607,770</td>
<td>483</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
<td>27,441,393</td>
<td>4,839</td>
</tr>
</tbody>
</table>

* Gross acreage less 25% for streets and 10% for inefficiencies.

Assume a yield of 4,839 single-family dwelling units, and an average lot size of 5,700 square feet that translates into:

7.6 dwelling units per net acre, average
5.0 dwelling units per gross
Figure II-1
LAND USE DIAGRAM

Very Low Density  Community Facilities  Expressway
Village Residential  General Commercial  Arterial
Multi-Family  School  Connector
Industrial/Business Park  Public Park  Residential
Bike Trail & Landscape Setback Area

See Village Center Precise Plan Area #20 for Detail
PRECISE PLAN AREA #3 AMENDED  
(Figure III-4)

1. **Acreage:**
   38.8 Acres  
   (of which 0.0 Acres are devoted to noise setback area)

2. **Land Use Intensity**
   a. Village Residential
      38.8 acres  
      (of which 0.0 Acres are devoted to noise setback area)

3. **Special Considerations**
   The Precise Plan shall incorporate the following policies:
   a. Within the Precise Plan Area, only single-family residential uses shall be allowed.
      1. The average number of dwelling units is 212.
   b. Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Section III-D (12).
   c. The Precise Plan shall provide pedestrian access to the commercial area in Precise Plan Area #2 consistent with Section II(G)(1) in Chapter II.

4. **Principal Underlying Zone(s)**
   a. R-1, Low-Density Residential
Figure III - 4
Precise Plan Area #3
MODESTO CITY COUNCIL
RESOLUTION NO. 98-97A

A RESOLUTION FINDING THAT THE FOLLOWING
PROJECT IS CONSISTENT WITH THE VILLAGE ONE
ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181)
AS AMENDED BY THE SUPPLEMENTAL EIR: VILLAGE
ONE SPECIFIC PLAN AMENDMENT NO. 13 AND
AMENDMENT TO PRECISE PLAN NO. 3 TO REDESIGNATE
9.8 ACRES FROM MULTI-FAMILY TO VILLAGE
RESIDENTIAL. (REDEV, INC.)

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

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

WHEREAS, Redev, Inc., has applied for an amendment to the Village One
Specific Plan and an amendment to Precise Plan No. 3 for the purpose of redesignating the 9.8
acre site from Multi-family to Village Residential, to allow for the development of a single-
family subdivision, and

WHEREAS, on January 15, 1998, the City's Community Development
Department reviewed the project to determine if said project might have a significant effect on
the environment, and
WHEREAS, by Environment Assessment No. 98-03 findings have been made that the proposed project is within the scope of the Village One Program EIR (SCH 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission by Resolution No. 98-07 adopted on January 26, 1998, and City staff by report dated February 5, 1998, from the Community Development Department, recommended to the City Council denial of amendment to the Village One Specific Plan and amendment to Precise Plan No. 3 for the purpose of redesignating the 9.8 acre site from Multi-family to Village Residential, to allow for the development of a single-family subdivision, located on the south side of Sylvan Avenue opposite Jeffrey Drive, and

WHEREAS, pursuant to Section 10-1.105 of the Modesto Municipal Code, an appeal to the decision of the Planning Commission’s denial of the application was filed with the Office of the City Clerk by letter dated January 27, 1998, from David O. Romano, P.E., AICP, of Normoyle and Newman on behalf of Redev, Inc., requesting an amendment to the Village One Specific Plan and Precise Plan No. 3 to redesignate 9.8 acres to Multi-family to Village Residential, to allow for the development of a single-family subdivision, located on the south side of Sylvan Avenue opposite Jeffrey Drive, and

WHEREAS, said appeal was set for a public hearing of the Council of the City of Modesto to be held on February 17, 1998, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

WHEREAS, after said public hearing, the Council adopted Resolution No. 98-97 granting the appeal filed by Redev, Inc., to the Planning Commission decision, and the
Council approved an amendment to the Village One Specific Plan and Precise Plan No. 3 to redesignate 9.8 acres to Multi-family to Village Residential, to allow for the development of a single-family subdivision, located on the south side of Sylvan Avenue opposite Jeffrey Drive,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-03, entitled “Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map”, for the proposed project, and the Council hereby makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

3. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

4. This initial study provides substantial evidence to support findings 1, 2 and 3 above.

A copy of said Environmental Assessment No. 98-03 entitled “Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map”, is attached hereto as Exhibit “A”, and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

2/23/98
City of Modesto
Initial Study

Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map

E.A. No. 98-03
January 15, 1998

I. PURPOSE

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

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

Section 21166 of Public Resources Code allows the Village One Program EIR, as amended by the Supplemental EIR, to be used for subsequent projects, if the following findings can be made:

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

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

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

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

II. PROJECT DESCRIPTION

A. Project title:

Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map
B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

The south side of Sylvan Avenue opposite Jeffrey Drive.

E. Project Sponsor:

Redev Inc., 2020 Standiford Ave., D-5, Modesto, CA 95355

F. General Plan Designation: Village Residential (VR)

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

H. Description of Proposed Project:

The project consists of two items:

1. A proposed amendment to the Village One Specific Plan and to Precise Plan No. 3 to redesignate 9.8 acres from Multi-Family to Village Residential, to allow for the construction of a single-family subdivision.

2. A single-family subdivision, Wildflower, to divide 19.6 acres into 101 lots.

I. Surrounding land uses:

The project is adjoined on the east by land currently being developed for a single-family subdivision. To the south is land that is currently vacant, but is planned for future single-family development under the Village One Specific Plan. To the west is a ranchette, also planned to be developed for single-family uses. And to the north are existing ranchettes and a single-family subdivision.

J. Other public agencies whose approval is required: none
III. ANALYSIS OF CONFORMANCE WITH CEQA 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 Village One Program EIR, as modified by the Supplemental EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development resulting from this proposed Specific Plan Amendment, Precise Plan Amendment and subdivision will result in dwelling units, and therefore less traffic, than the development analyzed in the EIR. Therefore, impacts to traffic and circulation for this project are within the analysis presented in the Village One Specific Plan Program EJR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Because the air quality impacts of this project are closely associated with traffic impacts, air quality impacts will be less than those analyzed in the EIR. Therefore, the air quality impacts of this project are within the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The nature and intensity of noise impacts does not change significantly with the change from multi-family development to single-family development. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The proposed amendments and subdivision will not result in any further urbanization than was analyzed in the EIR. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented
5. **Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The proposed amendments and subdivision will not result in the loss of additional farmland that was not analyzed in the EIR. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

6. **Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The proposed amendments and subdivision will result in the reduction of approximately 250 multi-family units, out of a total of approximately 1,500-2,000 multi-family dwelling units in Village One. This will result in a reduced ability of Village One to meet the affordable housing goals in the General Plan. However, this would not change the conclusions for Population, Employment and Housing in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

7. **Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The proposed amendments and subdivision would not significantly alter the urban design elements analyzed in the EIR. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. **Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The proposed amendments and subdivision will not result in development on soils not already analyzed by the EIR. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

9. **Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The proposed amendments and subdivision will not result in
any increase in storm drainage runoff from the levels analyzed in the EIR. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The proposed amendments and subdivision will result in development of lesser intensity than that analyzed in the EIR, resulting in a lesser demand for public services. Therefore, the impacts to public services of this project are within the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The reduction in dwelling units resulting from the proposed amendments and subdivision would impact the ability of the Community Facilities District to finance needed infrastructure improvements. However, this would not change the conclusions reached in the Fiscal Impacts section of the EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The proposed amendments and subdivision would not significantly alter the Village One EIR's conclusions regarding cumulative impacts.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The proposed amendments and subdivision would not significantly alter the Village One EIR's conclusions regarding growth-inducing impacts.

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

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 98-98

A RESOLUTION CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONFIRMING RULES AND REGULATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES.

WHEREAS, Section 3-4.01, et seq., of the Modesto Municipal Code, provides for the preparation and carrying out of plans for the protection of persons and property within the City of Modesto in the event of an emergency, and

WHEREAS, Section 3-4.05 of the Modesto Municipal Code creates the office of the Director of Emergency Services and designates the City Manager of the City of Modesto as the Director of Emergency Services, and

WHEREAS, Section 3-4.07 of the Modesto Municipal Code empowers the Director of Emergency Services (the “City Manager”) to request the City Council to proclaim the existence of threatened existence of a “local emergency” if the City Council is in session, and

WHEREAS, at the February 10, 1998, meeting of the City Council, which was held in the City Council Chambers, City Hall, 801 11th Street, Modesto California, under Matters Too Late For the Agenda, the Director of Emergency Services requested the City Council to proclaim the existence of a “local emergency” due to flooding caused by unprecedented amounts of rainfall which has resulted in the accumulation and migration of significant amounts of surface water so as to imperil the safety of persons and property within the City of Modesto, and
WHEREAS, by Resolution No. 98-94 adopted by the Council of the City of Modesto on February 10, 1998, the Council found and proclaimed the existence of a local emergency within the City of Modesto and that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council's proclamation of the existence of a local emergency is hereby ratified, and that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Modesto.

BE IT FURTHER RESOLVED by the City Council that the Rules and Regulations dated February 11, 1998, issued by the Director of Emergency Services since the issuance of the Council proclamation of the existence of a local emergency in the City of Modesto, California, are reasonably related to the protection of life and property as affected by such emergency, and said Rules and Regulations are hereby confirmed as attached hereto, marked Exhibit "A" and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 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
Pursuant to the powers vested in the Director of Emergency Services by virtue of Resolution No. 98-94, of the City Council of the City of Modesto, pursuant to the provisions of Section 3-4.01, et. seq., of the Modesto Municipal Code, and more particularly of Section 3-4.06 (aa) thereof, the following rules shall be effective upon execution of such rules by the Director of Emergency Services at 5:30 p.m., Wednesday, February 11, 1998:

1. No person, business entity or other association of any type which is capable of being in legal control of any real property in the City shall undertake or permit to be undertaken on their behalf any act which would alter, disturb or otherwise change in any material way the natural flow of storm surface water on, over or under real property controlled by them without the express written permission of the Director of Emergency Services or his designee. These acts shall include, but not be limited to, the following:

   a. Sandbagging, building of berms, walls and all other means of blocking or diverting the flow of storm water runoff.

   b. Pumping, or other electrical or mechanical means of discharging or diverting water from any existing location within the City of Modesto.

   c. Destruction of, or tampering with, any means, whether publicly or privately owned, of controlling the flow of surface waters which was or were in existence on or before February 1, 1998.

   d. Alteration of the capacity, flow characteristics or content of any existing storm water drainage system, or the pumping of water out of any irrigation water delivery system, without the express written permission of the entity controlling such system.

1A. Exception: Placement of sandbags within 10' of either an owner or tenant occupied residential dwelling, by or at the direction of such owner or tenant, may occur without prior written approval of the Director of Emergency Services. All other diversions must have such prior approval.

2. Any person or entity as described in subsection 1 above shall have a positive duty to permit any member or members of the emergency organization of the City, or those acting at their direction, to come onto their property for the purpose of repairing, modifying or otherwise altering any device, structure, excavation or
other means of controlling surface water, for the purpose of protecting the life
and/or property of any resident of the City.

(3) These emergency rules shall be subject to ratification for a period not to exceed
fourteen (14) days from the date of any such ratification, by the City Council of
the City of Modesto.

Executed at 5:30 p.m., on Wednesday, February 11, 1998.

CITY OF MODESTO

By

PAUL BAXTER
Acting Director of Emergency Services
MODESTO CITY COUNCIL
RESOLUTION NO. 98-99

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY JOSEPHINE PASSALAQUA FAMILY TRUST FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary Josephine Passalaqua Family Trust for the purchase of right of way needed for the Carpenter Road widening 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 17th day of February, 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 Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-100

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ELsie M. OWNBEy LIVING TRUST FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Elsie M. Ownbey Living Trust for the purchase of right of way needed for the Carpenter Road widening 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 17th day of February, 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. 98-101

A RESOLUTION OF INTENTION TO VACATE AND
ABANDON THE MIDDLE PORTION OF THE NORTH-
sOUTH ALLEY IN BLOCK 2098 AND RESERVING AN
EASEMENT FOR UTILITY SERVICES LOCATED
BETWEEN 140 COVENA AND 145 CAMELLIA AVENUES
SOUTH OF MILLER AVENUE.

WHEREAS, the City Council has received and referred to the Planning
Commission a request by Marvin Byerly and adjacent property owners to vacate and abandon
the middle portion of the north-south alley in Block 2098, and

WHEREAS, a title report was submitted with the abandonment request which
vests fee title to the alley right-of-way in the adjacent land owner who is the proponent of the
abandonment, and

WHEREAS, the proposed alley 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 the middle portion of the north-south alley in Block 2098 and reserving an
easement for utility services were posted in the area and said public hearing was held by the
Planning Commission on January 26, 1998, and

WHEREAS, the Planning Commission by Resolution No. 98-04, adopted
January 26, 1998, found and determined as follows:

1. That the central portion of the north-south alley right-of-way extending
south from Miller Avenue between Covena and Camellia Avenues is
unnecessary for present or future pedestrian or vehicular use.
2. That a public utility easement will be required to serve water and sewer lines and other public utilities and no buildings or structures will be permitted within the utility easement.

3. That Environmental Assessment No. 98-1 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 the alley right-of-way is in conformance with the City of Modesto General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 98-04 recommended to the City Council the vacation and abandonment of the middle portion of the north-south alley in Block 2098 and reserving an easement for utility services located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, subject to the following conditions:

1. That an easement for existing utilities shall be reserved as approved by the City of Modesto and effected utility companies.

2. That any fencing and gates provided to secure the abandoned portion of the alley shall be in accordance with the City of Modesto Standard Specifications, Appendix H, Section 108.

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 the middle portion of the north-south alley in Block 2098 and reserving an easement for utility services located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, subject to the conditions recommended by the Planning Commission and
hereinafore set forth. 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 March 10, 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 the middle portion of the north-south alley in Block 2098 and reserving an easement for utility services located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, to be posted conspicuously at the entrance of the alley and mid-block at Block 2098, 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 alley proposed to be abandoned.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, 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 Services

2/17/98
LEGAL DESCRIPTION TO ACCOMPANY
AN ALLEY ABANDONMENT (MARVIN BYERLY)

ALL that certain real property situate in a portion of the Southwest Quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEING that 20.00 foot wide alley adjacent to Lots 3, 4, 5, 6, 7, 17, 18, 19, 20 and 21 of the Covena Park Tract, as shown on the Map filed in Volume 11 of Maps, at Page 7, Stanislaus County Records.

ALSO including the Westerly 10.00 feet of the 20.00 foot wide alley adjacent to PARCEL "B", as shown on the Map filed in Book 2 of Parcel Maps, at Page 98, Stanislaus County Records.

Reserving all of the above-described alley as a public utilities easement.
Portion of alley to be abandoned
RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2 Clerk
2 Attorney
1 Parks & Recreation
1 Public Works
1 Engineering Services
1 Planning
1 Fire
1 Police
1 Modesto Bee
1 MID
1 PG&E
1 Pacific Bell
1 Del Este Water Co.
15

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353
A RESOLUTION ACCEPTING IMPROVEMENTS IN SILVERADO AT THE VILLAGE PHASE 1 SUBDIVISION AND AUTHORIZING RELEASE OF BONDS UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Jaguar/Sylvan Partners, L.P., a California Limited Partnership, subdividers of Silverado at the Village, Phase 1, have filed a Subdivision Faithful Performance Bond for faithful performance, and a Subdivision Payment Bond for labor and materials in the amount of $655,859.00 and $327,927.50 respectively to guarantee improvements in Silverado at the Village, Phase 1, and;

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:
1. The improvements in Silverado at the Village, Phase 1, Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond for faithful performance in the amount of $655,859.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Payment Bond for labor and materials in the amount of $327,927.50 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 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 Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-103

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF BONDS UPON THE EXPIRATION OF STATUTORY PERIODS

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 2 subdivision, have filed a Subdivision Faithful Performance Bond for faithful performance, and a Subdivision Payment Bond for labor and materials in the amount of $283,804.51 and $141,902.25 respectively to guarantee improvements in Rose Lane No. 2 subdivision and;

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

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

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

1. The improvements in Rose Lane No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond for faithful performance in the amount of $283,804.51 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Payment Bond for labor and materials in the amount of $141,902.25 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-104

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM & ASSOCIATES FOR PREPARATION OF A MASTER PLAN FOR WOODLAND NEIGHBORHOOD PARK AND FOR CONSTRUCTION DOCUMENTS FOR WOODLAND AND EISENHUT NEIGHBORHOOD PARKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and RRM Associates for preparation of a master plan for Woodland Neighborhood Park and for construction documents for Woodland and Eisenhut Neighborhood Parks be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 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 ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-105

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PURKISS ROSE R.S.I. FOR PREPARATION OF A MASTER PLAN AND CONSTRUCTION DOCUMENTS FOR YOSEMITE NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Purkiss Rose R.S.I. for preparation of a master plan and construction documents for Yosemite 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 17th day of February, 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 Adams, City Clerk
RESOLUTION NO. 98-106

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY DEPARTMENT OF PUBLIC HEALTH TO PROVIDE A MALE-FEMALE RITES OF PASSAGE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Department of Public Health to provide a Male-Female Rites of Passage 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 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

JEAN ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES OF $7,940

WHEREAS, Tommie Muhammad, Social Services Coordinator, has conducted Rites of Passage programs for young men and women. The County conducts a mentoring program (R.E.A.L.) that would benefit from his experience and the Rites of Passage Program; and

WHEREAS, the County has agreed to enter into a contract with the City to provide a Male-Female Rites of Passage Program for up to 25 young men and women in targeted areas and will pay the City $7,940, which will cover the expense of facilitators and workshop training expenses.

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>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>#010-370-3717-4095 $7,940</td>
<td>#010-370-3717-0235 $7,940</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 10th day of February 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [signature]
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: [signature]
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-108

A RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION TO ISSUE CHANGE ORDERS AT A HIGHER PERCENT OF THE ORIGINAL CONTRACT PRICE WITH MOUNTAIN CASCADE, INC., ON THE SECTION III - RELIEF LINE PROJECT.

WHEREAS, on June 17, 1997, the City Council awarded a contract to Mountain Cascade, Inc., in the amount of $1,160,940.00, to construct a sanitary sewer relief line as a component of the larger Cannery Segregation Pipeline project, and

WHEREAS, during the course of construction, the need for a design change was encountered as required by the permit with the Union Pacific Railroad at the 9th Street trestle crossing, as well as a design change due to a differing site condition at the 7th Street Bridge location adjacent to the Southern Pacific Railroad trestle, and

WHEREAS, the Council's change order policy adopted by Resolution No. 94-443, authorizes the Director to approve change orders up to a cumulative amount of eight (8) percent of the original contract price, and

WHEREAS, the required changes will exceed the Director of Engineering and Transportation’s authority level for authorizing change orders,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, as a prudent measure in order to finalize negotiations on outstanding change orders, the Council hereby increases the Director of Engineering and Transportation’s level of authority from eight (8) percent to seventeen (17) percent of the original contract price with
Mountain Cascade, Inc. on the Section III - Relief Line project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-109

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE AN ADDITIONAL $73,000 TO THE SECTION III - RELIEF LINE ACCOUNT #623-480-H867 FROM THE WASTEWATER CIP BOND FUND CONTINGENCY RESERVE

WHEREAS, a contract was awarded to Mountain Cascade, Inc. To construct a sanitary sewer relief line as a component of the larger Cannery Segregation Pipeline project; and

WHEREAS, during the course of construction, design changes were required and staff is forecasting a shortfall of $73,000 to the project.

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:

Transfer From:
#623-800-8000-8003 Wastewater CIP Bond Fund Contingency Reserve $(73,000)

Transfer To:
#623-480-H867 Section III Relief Line $ 73,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following 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. 98-110

A RESOLUTION AUTHORIZING THE ENGINEERING AND TRANSPORTATION DEPARTMENT TO NEGOTIATE A CONTRACT WITH STORER TRANSIT SYSTEMS TO OPERATE MODESTO AREA DIAL-A-RIDE FOR A FIVE-YEAR PERIOD.

WHEREAS, City staff has requested authorization to negotiate a contract with Storer Transit Systems to operate Modesto Area Dial-A-Ride for a five-year period beginning May 2, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Department is hereby authorized to negotiate a contract with Storer Transit Systems to operate Modesto Area Dial-A-Ride for a five-year period beginning May 2, 1998.

BE IT FURTHER RESOLVED that City staff shall return to Council at a later date requesting approval of the final agreement as described above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 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 Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE
CITY OF MODESTO FOR THE MID-YEAR OF FISCAL YEAR 1997-98
AND RE-ESTIMATING REVENUE

WHEREAS, the mid-year financial analysis has been completed and it has been
determined that certain adjustments are required to the Annual Budget of the City of Modesto for
the Fiscal Year 1997-98;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
1996-97 Annual Budget is hereby amended as indicated on Attachment “A”.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 17th day of February 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: Jean Adams

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers

STAN FEATHERS, Budget Officer
A RESOLUTION CONTINUING THE EXISTENCE
OF A LOCAL EMERGENCY.

WHEREAS, by Resolution No. 98-94, adopted on February 10, 1998, the City Council proclaimed the existence of a local emergency based on extreme peril to the safety of persons and property in the City of Modesto due to unprecedented amounts of rainfall, and

WHEREAS, by Resolution No. 98-98, adopted on February 17, 1998, the City Council confirmed the existence of a local emergency and confirmed rules and regulations issued by the Director of Emergency Services on February 11, 1998, and

WHEREAS, state and federal officials who monitor weather patterns continue to report that there is a possibility of continued heavy rainfall in the immediate future, and

WHEREAS, the unprecedented rainfall continues to result in the accumulation and migration of significant amounts of surface water so as to continue to imperil the safety of persons and property within the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that a local emergency continues to exist within the City of Modesto and that said local emergency shall be deemed to continue to exist until such time as its termination is proclaimed by the City Council of the City of Modesto.

BE IT FURTHER RESOLVED that the Rules And Regulations issued by the Director of Emergency Services of February 11, 1998, and confirmed by the City Council on February 17, 1998, shall continue in full force and effect until such time as the local emergency
is deemed terminated by proclamation of the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

(Seal)

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ESTABLISHING A SCHEDULE OF CASH SECURITY DEPOSITS TO BE CHARGED TO RESIDENTS AND BUSINESSES FOR SELF-HAUL OF SOLID WASTE IN THE CITY OF MODESTO.

WHEREAS, pursuant to Section 5-5.18 of the Modesto Municipal Code cash security deposits for the removal of solid waste can be deposited with the City in an amount set from time to time by resolution of the City Council, and

WHEREAS, City staff has recommended establishing a schedule of cash security deposits for self-haul of solid waste, and

WHEREAS, the Council Utility Services and Franchise Committee considered this item and recommended to the City Council the establishment of a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto, and is as set forth on Exhibit “A” attached hereto, and

WHEREAS, February 24, 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 establishment of a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste 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, it was found and determined by the Council of the City of Modesto that a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto should be established,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the establishment of a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto, a copy of said schedule is attached hereto as Exhibit “A”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CASH SECURITY DEPOSITS FOR
SELF-HAUL RESIDENTS AND BUSINESSES
CITY OF MODESTO

Pursuant to the Modesto Municipal Code, Section 5-5.18, any person, other than a collector who has an agreement with the City, who wishes to remove and dispose of waste created or produced on premises they occupy or control must first provide a cash security deposit to the City. Such deposits shall be based on the following criteria:

RESIDENTIAL OR COMMERCIAL - CART SERVICE

A. For any residential property that is, or would be served by 60 or 90 gallon automated carts the cash security deposit shall be:

$1,000 per individual dwelling unit

B. For any commercial property that is, or would be served by 60 or 90 gallon automated carts the cash security deposit shall be:

$1,000 per cart

RESIDENTIAL OR COMMERCIAL - BIN SERVICE

A. For those person that are currently served by an authorized collector and wish to haul and dispose of their own refuse, the City shall contact the collector and determine the existing service level being provided. Based on the existing service level, the City shall require a cash security deposit based on the formula noted and defined in C.

B. For those persons that are not currently served by an authorized collector and wish to haul and dispose of their own refuse, the City shall, after consulting with the authorized collector who would serve the customer, determine an appropriate service level. The City shall require a cash security deposit based on the formula noted and defined in C.

C. Cash Deposit Formula - Bin Customers

Base Deposit$ X Multiplier$ = Cash Security Deposit

| 1 - Base Deposit | $3,000 |
| 2 - Multiplier   | Total number of cubic yards in bin(s), times the number of collections per week |
MODESTO CITY COUNCIL
RESOLUTION NO. 98-114

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM HOGAN MANUFACTURING, INC., A CALIFORNIA CORPORATION AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-52-39 (Hogan Manufacturing, Inc., a California corporation)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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.
Whether the public interest and necessity require the Project;

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;

Whether the property sought to be acquired is necessary for the Project; and

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 Exhibits “A” and “B” 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 24th day of February, 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, Mayor Lang

**NOES:**
Councilmembers: None

**ABSENT:**
Councilmembers: Smith

**ATTEST:**
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
HOGAN MFG., INC., a California corporation, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Northeast quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of the South 105 feet of Lot 4 in Block 12 of PLEASANT HOMES, as per map filed August 17, 1922 in Volume 9 of Maps, Page 67, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Lot 4 in Block 12, said point being the intersection of the East line of said Section 25 with the center line of former 50.00 foot Torrid Avenue; thence along said East line of Section 25, North 00° 48' 39" West, 25.00 feet, to its intersection with the Easterly extension of the Northern line of said former 50.00 foot Torrid Avenue; thence along said Easterly extension, South 89° 09' 36" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from the East line of Section 25, and the true point of beginning of this description; thence along said parallel line, North 00° 48' 39" West, 59.97 feet, to a point of cusp with a tangent curve concave to the Northwest; thence Southwesterly along said tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of 89° 58' 15" and an Arc Length of 78.51 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Northerly of said Northern line of former 50.00 foot Torrid Avenue; thence South 00° 50' 24" East, 10.00 feet, to a point on the Northern line of former 50.00 foot Torrid Avenue; thence along the Northern line of former 50.00 foot Torrid Avenue, North 89° 09' 36" East, 49.97 feet, to the point of beginning, containing 1035 square feet, more or less.

Dated ____________________________

HOGAN MFG., INC.,
a California corporation

(corporate seal)

By ____________________________

By ____________________________

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ____________________________

City Engineer
1101 N. CARPENTER ROAD
Parcel 81-52-39

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED
City of Modesto

HOGAN MFG., INC., a California corporation;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Northeast quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of the South 105 feet of Lot 4 in Block 12 of PLEASANT HOMES, as per map filed August 17, 1922 in Volume 9 of Maps, Page 67, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, lying Westerly and Northwesterly of the following described line:

Commencing at the Southeastern corner of said Lot 4 in Block 12, said point being the intersection of the East line of said Section 25 with the center line of former 50.00 foot Torrid Avenue; thence along said East line of Section 25, North 00° 48' 39" West, 130.00 feet, more or less, to its intersection with the Easterly extension of the Northern line of said South 105 feet of Lot 4; thence along said Easterly extension, South 89° 09' 36" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from the East line of Section 25, and the true point of beginning of this description; thence along said parallel line, South 00° 48' 39" East, 45.03 feet, more or less; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of 89° 58' 15" and an Arc Length of 78.51 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Northerly of the Northern line of former 50.00 foot Torrid Avenue and the end of this description.

Dated ________________________

HOGAN MFG., INC.,
a California corporation

(corporate seal)

By ________________________

By ________________________

Page 1 of 2 Pages
This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ____________________________

City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-115

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM GLADYS WALLIS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-31 (Gladys Wallis)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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 Exhibits “A” and “B” 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
GLADYS WALLIS, a widow, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

Commencing at the Southeast corner of said Section 24; thence along the East line of Section 24, North 00° 19' 08" West, 20 feet, to its intersection with the Easterly extension of the present Northern line of Woodland Avenue; thence along said Easterly extension, South 89° 25' 52" West, 40 feet, to its intersection with the Southerly extension of the present Westerly line of Carpenter Road; thence along said Southerly extension, North 00° 19' 08" West, 24.94 feet, to the true point of beginning of this description; thence along said Western line of Carpenter Road, North 00° 19' 08" West, 75.06 feet; thence parallel with said Northern line of Woodland Avenue, South 89° 25' 52" West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from said present Western line of Carpenter Road; thence along said parallel line, South 00° 19' 08" East, 75.06 feet; thence South 44° 33' 22" West, 21.17 feet; thence along a line at right angles to said Northern line of Woodland Avenue, South 00° 34' 08" East, 10.00 feet, to a point on the present Northern line of Woodland Avenue; thence along the present Northern line of Woodland Avenue, North 89° 25' 52" East, 5.00 feet; thence at right angles to the present Northern line of Woodland Avenue, North 00° 34' 08" West, 10.00 feet, to a point on a non-tangent curve from which point a radial line bears North 00° 34' 08" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 89° 45' and an Arc Length of 23.50 feet, to its point of tangency on the present Westerly line of Carpenter Road and the point of beginning, containing 564 square feet, more or less.

Dated ______________________

GLADYS WALLIS

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ______________________

City Engineer
GLADYS WALLIS, a widow;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, lying Westerly and Northwesterly of the following described line:

Commencing at the Southeast corner of said Section 24; thence along the East line of Section 24, North 00° 19’ 08” West, 20 feet, to its intersection with the Easterly extension of the present Northern line of Woodland Avenue; thence along said Easterly extension, South 89° 25’ 52” West, 40 feet, to its intersection with the Southerly extension of the present Westerly line of Carpenter Road; thence along said Southerly extension and the present Westerly line of Carpenter Road, North 00° 19’ 08” West, 100.00 feet; thence parallel with said Northern line of Woodland Avenue, South 89° 25’ 52” West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from said present Western line of Carpenter Road, and the true point of beginning of this description; thence along last mentioned parallel line, South 00° 19’ 08” East, 75.06 feet; thence South 44° 33’ 22” West, 21.17 feet; thence along a line at right angles to said Northern line of Woodland Avenue, South 00° 34’ 08” East, 10.00 feet, to a point on the present Northern line of Woodland Avenue and the end of this description.

Dated __________________________

GLADYS WALLIS

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ____________________________

City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98–116

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM ROBERT MORRIS NEWMAN AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-30 (Robert Morris Newman)

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 widen Carpenter Road (the “Project”), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article I, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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 Exhibits “A” and “B” 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
GRANT DEED

ROBERT MORRIS NEWMAN, an unmarried man, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the North 100 feet of the following described property:

Beginning at a point on the North line of Woodland Avenue, distant thereon 40 feet West of the intersection of the East line of Langdon Avenue (now Carpenter Road) with the said North line of Woodland Avenue; running thence West along the North line of Woodland Avenue, a distance of 97.33 feet; thence North parallel with the West line of Langdon Avenue (now Carpenter Road), a distance of 200 feet; thence East parallel with the North line of Woodland Avenue, a distance of 97.33 feet to a point in the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of said Langdon Avenue (now Carpenter Road), a distance of 200 feet, to the point of beginning.

Dated ________________

ROBERT MORRIS NEWMAN

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ________________

City Engineer
EALEMENT DEED

ROBERT MORRIS NEWMAN, an unmarried man;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the North 100 feet of the following described property:

Beginning at a point on the North line of Woodland Avenue, distant thereon 40 feet West of the intersection of the East line of Langdon Avenue (now Carpenter Road) with the said North line of Woodland Avenue; running thence West along the North line of Woodland Avenue, a distance of 97.33 feet; thence North parallel with the West line of Langdon Avenue (now Carpenter Road), a distance of 200 feet; thence East parallel with the North line of Woodland Avenue, a distance of 97.33 feet to a point in the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of said Langdon Avenue (now Carpenter Road), a distance of 200 feet, to the point of beginning.

Dated __________________________

ROBERT MORRIS NEWMAN

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ____________________________

City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-117

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM NEILL MICHAEL WISE AND BETTY RUTH WISE AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-27 (Neill Michael Wise and Betty Ruth Wise)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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 Exhibits “A” and “B” 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
1321 N. CARPENTER ROAD
APN 81-29-27

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

NEILL MICHAEL WISE and BETTY RUTH WISE, husband and wife, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the following described property:

Beginning at the Northeast corner of land conveyed to Samuel Caulton, et ux, by Deed dated November 16, 1945 and recorded December 19, 1945 in Volume 831 of Official Records, Page 534, Stanislaus County Records, thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of Langdon Avenue (now Carpenter Road), a distance of 148.24 feet, more or less, to the point of beginning.

Dated __________________________

BETTY RUTH WISE

NEILL MICHAEL WISE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date __________________________

City Engineer
EASEMENT DEED

NEILL MICHAEL WISE and BETTY RUTH WISE, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the following described property:

Beginning at the Northeast corner of land conveyed to Samuel Caulton, et ux, by Deed dated November 16, 1945 and recorded December 19, 1945 in Volume 831 of Official Records, Page 534, Stanislaus County Records; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of Langdon Avenue (now Carpenter Road), a distance of 148.24 feet, more or less, to the point of beginning.

Dated ________________________

______________________________
BETTY RUTH WISE

______________________________
NEILL MICHAEL WISE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date __________________________

City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-118

A RESOLUTION DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION
OF CERTAIN LAND FROM THOMAS E. CHAFFEE AND SUE
A. CHAFFEE AND DIRECTING THE FILING OF EMINENT
DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-26 (Thomas E. Chaffee and Sue A. Chaffee)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways
Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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 Exhibits "A" and "B" 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: __________
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________
MICHAEL D. MILICH, City Attorney
THOMAS E. CHAFFEE and SUE A. CHAFFEE, husband and wife, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the North half thereof.

Dated ____________________________

SUE A. CHAFFEE

THOMAS E. CHAFFEE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ____________________________

City Engineer
1329 N. CARPENTER ROAD  
Parcel 81-29-26

Recording Requested by:  
City of Modesto

When Recorded Mail To:  
City of Modesto  
City Clerk  
P. O. Box 642  
Modesto, CA 95353

EASEMENT DEED

THOMAS E. CHAFFEE and SUE A. CHAFFEE, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the North half thereof.

Dated ____________________________ SUE A. CHAFFEE

______________________________ THOMAS E. CHAFFEE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

______________________________ City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-119

A RESOLUTION DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION
OF CERTAIN LAND FROM JAMES RUIZ AND MICHELLE
EILEEN HELLER AND DIRECTING THE FILING OF
EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD
WIDENING)

APN 81-29-25 (James Ruiz and Michelle Eileen Heller)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways
Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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:
Corrected 3/13/98

(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.
(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 Exhibits “A” and “B” 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
1343 N. CARPENTER ROAD
APN 81-29-25

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

JAMES RUIZ, a single man, and MICHELLE EILEEN HELLER, a single woman, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the North half of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

Dated ___________________________  

MICHELLE EILEEN HELLER

______________________________  
JAMES RUIZ

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ___________________________  
City Engineer
JAMES RUIZ, a single man, and MICHELLE EILEEN HELLER, a single woman;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of North half of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

Dated ____________________________

MICHELLE EILEEN HELLER

______________________________
JAMES RUIZ

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ____________________________

City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-120

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM DEEPAK SINGH AND PROMILA PAUL AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-24 (Deepak Singh and Promila Paul)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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:
Corrected 3/13/98

(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.
(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;

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 Exhibits "A" and "B" 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich

MICHAEL D. MILICH, City Attorney
DEEPAK SINGH and PROMILA PAUL, husband and wife, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the following described property:

Beginning at the Northeast corner of said Lot 16; thence West along the North line of said Lot 18, a distance of 40 feet to the West line of former Langdon Avenue, now Carpenter Road, which is the true point of beginning of this description; thence West along the North line of said Lot 16, a distance of 292 feet, more or less, to a point in the center line of said Lot 16; thence South along the center line of said Lot 16, a distance of 148.24 feet to the North line of land conveyed to L. Eugene Blum, et ux, by Deed dated May 24, 1946 and recorded June 21, 1946 in Volume 845 of Official Records, Page 488, Stanislaus County Records; thence East along the North line of land conveyed to L. Eugene Blum, et ux, as aforesaid, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence North along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the true point of beginning.

Dated ___________________________  

PROMILA PAUL  

DEEPAK SINGH

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ___________________________  

City Engineer
EASEMENT DEED

DEEPAK SINGH and PROMILA PAUL, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the following described property:

Beginning at the Northeast corner of said Lot 16; thence West along the North line of said Lot 18, a distance of 40 feet to the West line of former Langdon Avenue, now Carpenter Road, which is the true point of beginning of this description; thence West along the North line of said Lot 16, a distance of 292 feet, more or less, to a point in the center line of said Lot 16; thence South along the center line of said Lot 16, a distance of 148.24 feet to the North line of land conveyed to L. Eugene Blum, et ux, by Deed dated May 24, 1946 and recorded June 21, 1946 in Volume 845 of Official Records, Page 488, Stanislaus County Records; thence East along the North line of land conveyed to L. Eugene Blum, et ux, as aforesaid, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence North along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the true point of beginning.

Dated __________________________  PROMILA PAUL

DEEPAK SINGH

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date __________________________  City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-121

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM MICHAEL P. BILLINGTON, MARGARET M. BILLINGTON, CHARLES J. BILLINGTON, III, JOHN D. BILLINGTON, AND EDWARD E. BILLINGTON AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-28-22 (Michael P. Billington, Margaret M. Billington, Charles J. Billington, III, John D. Billington, and Edward E. Billington)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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:

2/24/98
(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 Exhibits “A” and “B” 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: 

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
GRANT DEED

MICHAEL P. BILLINGTON, EDWARD E. BILLINGTON, JOHN D. BILLINGTON, CHARLES J. BILLINGTON III AND MARGARET M. BILLINGTON, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Western 5.00 feet, measured at right angles, of the Eastern 45.00 feet of the East one-half of the South one-half of said Lot Thirteen (13).

EXCEPTING THEREFROM the North 165 feet thereof;

ALSO EXCEPTING THEREFROM the West 95 feet of the East one-half of the South one-half of said Lot Thirteen (13), excepting therefrom the North 165 feet thereof.

MARGARET M. BILLINGTON

Dated _____________________

CHARLES J. BILLINGTON III

JOHN D. BILLINGTON

EDWARD E. BILLINGTON

MICHAEL P. BILLINGTON

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____________________

City Engineer
EASEMENT DEED

MICHAEL P. BILLINGTON, EDWARD E. BILLINGTON, JOHN D. BILLINGTON, CHARLES J. BILLINGTON III AND MARGARET M. BILLINGTON; GRANT to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 55.00 feet of the East one-half of the South one-half of said Lot Thirteen (13).

EXCEPTING THEREFROM the North 165 feet thereof;

ALSO EXCEPTING THEREFROM the West 95 feet of the East one-half of the South one-half of said Lot Thirteen (13), excepting therefrom the North 165 feet thereof.

Dated __________________________

MARGARET M. BILLINGTON

CHARLES J. BILLINGTON III

JOHN D. BILLINGTON

EDWARD E. BILLINGTON

MICHAEL P. BILLINGTON

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date __________________________

City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-122

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM THE ISLAMIC CENTER OF MODESTO, A NON-PROFIT CORPORATION AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-28-15 (Islamic Center of Modesto, a non-profit corporation)

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 widen Carpenter Road (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, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, 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 Exhibits “A” and “B” 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 24th day of February, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
GRANT DEED
Corporation

ISLAMIC CENTER OF MODESTO, a non-profit corporation, also known as MODESTO ISLAMIC CENTER, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Western 5.00 feet, measured at right angles, of the Eastern 45.00 feet of the North half of the North half of said Lot 13.

EXCEPTING THEREFROM the following described property:

Beginning at a point 20 feet East of the Northwest corner of said Lot 13, said point being on the East line of a 40 foot county road; thence East along the North line of said Lot 13, 168 feet; thence South and parallel with the East line of said County Road, a distance of 164 feet, more or less, to the South line of the North half of the North half of said Lot 13; thence West along the South line of the North half of the North half of said Lot 13, a distance of 168 feet to the East line of the County Road aforesaid; thence North along the East line of said County Road, on a line parallel with the West line of said Lot 13 and distant 20 feet Easterly therefrom, 164 feet, more or less, to the point of beginning.

Dated ____________________________

(ISLAMIC CENTER OF MODESTO, a non-profit corporation)

(corporate seal)

By ____________________________

By ____________________________

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ____________________________

City Engineer
1445 N. CARPENTER ROAD
Parcel 81-28-15

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

Corporation

ISLAMIC CENTER OF MODESTO, a non-profit corporation, also known as MODESTO ISLAMIC CENTER;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 55.00 feet of the North half of the North half of said Lot 13:

EXCEPTING THEREFROM the following described property:

Beginning at a point 20 feet East of the Northwest corner of said Lot 13, said point being on the East line of a 40 foot county road; thence East along the North line of said Lot 13, 168 feet; thence South and parallel with the East line of said County Road, a distance of 164 feet, more or less, to the South line of the North half of the North half of said Lot 13; thence West along the South line of the North half of the North half of said Lot 13, a distance of 168 feet to the East line of the County Road aforesaid; thence North along the East line of said County Road, on a line parallel with the West line of said Lot 13 and distant 20 feet Easterly therefrom, 164 feet, more or less, to the point of beginning.

Dated ____________________________

ISLAMIC CENTER OF MODESTO,
a non-profit corporation

(corporate seal)

By ____________________________

By ____________________________
This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date ___________________________       City Engineer
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET FOR THE TENTH STREET PLACE PROJECT TO REFLECT THE BIDS RECEIVED ON FEBRUARY 18, 1998 AND TO REFLECT ADDITIONAL FUNDS FOR PUBLIC ART

WHEREAS, in July 1997, the City Council approved a budget for Block A of the Tenth Street Place redevelopment project. The budget estimate for construction was $34,115,000 including bid alternates; and

WHEREAS, on February 18, 1998, six bids were received and ranged from a low of $28,994,833 to a high of $38,545,500; whereby five of the six bids were below the engineer’s estimate; and

WHEREAS, the Public Art Committee has requested additional funds in the amount of $498,000 be provided for public art in the project. These funds can be designated in the budget from the savings that resulted from building construction estimates.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February 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, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Smith

ATTEST:  

(Seal)

APPROVED AS TO SUFFICIENCY:

By:  

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-124

A RESOLUTION SUPPLEMENTING RESOLUTION NO. 98-81
OF THE CITY OF MODESTO AUTHORIZING AND
DIRECTING CERTAIN ACTIONS WITH RESPECT TO THE
ISSUANCE OF LEASE REVENUE BONDS BY THE
MODESTO PUBLIC FINANCE AUTHORITY

WHEREAS, the City of Modesto (the “City”) is a charter city and a municipal
corporation organized and existing under the laws of the State of California, and

WHEREAS, the Modesto Public Financing Authority (the “Authority”) is
authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4,
Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California Government
Code, as amended (the “Act”), to lease and/or purchase real property and to sell at public or
negotiated sale Authority bonds secured in whole or in part by the Obligations of a Local Agency
(as defined under the Act), including the City, and

WHEREAS, the Authority has determined to assist the City through a lease
financing to finance the costs associated with a mixed-use development, including, among other
uses, retail and office uses, a public parking garage, and a City-County Administration building,
each of such improvements more commonly referred to as the 10th Street Place Project (the
“10th Street Place Project”), together with the financing of a police headquarters building and a
communications dispatch center (collectively, the “Project”), and

WHEREAS, on February 10, 1998, pursuant to Resolution No. 98-81 (the
“Resolution”) of this City Council, the City approved the issuance by the Authority of its Lease
Revenue Bonds, Series 1998 (Capital Improvements and Refinancing Project), in the aggregate
principal amount not to exceed $65,000,000 (the "Bonds") to (i) provide funds to finance the Project, (ii) provide funds to refund its outstanding Certificates of Participation (Capital Improvements Project), (iii) pay capitalized interest on the Bonds, (iv) provide a debt service reserve fund for the Bonds and (v) pay the costs of issuance therefor, and

WHEREAS, pursuant to Section 5 of the Resolution, the City Manager or the Interim Finance Director was authorized and directed to do any and all things necessary or advisable in order to obtain municipal bond insurance, if, upon the advice of the City’s Financial Advisor (as defined below), such actions would be financially advantageous to the City, and

WHEREAS, the City has now determined to supplement the Resolution by authorizing and directing the City Manager or the Interim Finance Director, in order to obtain municipal bond insurance, to exclude from the Leased Property under the Lease/Purchase Agreement (as defined in the Resolution) the component of the Project constituting the site upon which the Police Headquarters Building will be constructed and to substitute and pledge other real property of the City therefor pending the completion of construction of the Police Headquarters Building, and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,
NOW, THEREFORE, BE IT RESOLVED, by the Council as follows:

Section 1. The City hereby determines, upon the advice of Public Financial Management, Inc. (the "Financial Advisor"), that it would be financially advantageous to authorize and direct the City Manager or Interim Finance Director of the City, in order to obtain municipal bond insurance, to exclude the component of the Project constituting the site upon which the Police Headquarters Building will be constructed and to substitute and pledge the real property of the City identified on Exhibit A hereto; provided however, that the City Manager or the Interim Finance Director, as the case may be, shall cause as soon as practicable following the completion of construction of the Police Headquarters Building the site upon which said property has been constructed to be substituted for the real property identified on Exhibit A hereto therefor and to cause the lien upon such property to be released.

Section 2. The City Manager, the Interim Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed, jointly and severally, to do any and all things to execute and deliver any and all documents which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated hereby.

Section 3. This Resolution shall take effect upon its adoption by this City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Smith.

ATTEST:

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
EXHIBIT A

Fire Station #1
Fire Station #3
Fire Station #5
Fire Station #6
Fire Station #7
McHenry Museum
McHenry Mansion
800 E. Morris/Community Center
Senior Citizens Center
Parking Lot #25
Parking Lot #3
11th Street Parking Structure
I, JEAN ADAMS, City Clerk of the City of Modesto, do hereby certify that the foregoing is the original of Resolution No. 98-124 duly passed and adopted by the Modesto City Council on February 24, 1998.

[Signature]
JEAN ADAMS, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH STANISLAUS COUNTY FOR THE CREATION OF A JOINT POWERS AUTHORITY FOR THE JOINT OPERATION OF THE EMERGENCY DISPATCH CENTER.

WHEREAS, on August 12, 1997, the City and Stanislaus County agreed to acquire the A.T. & T. Communications facility at 3705 Oakdale Road to house the existing 911 Communications Center currently located in the County Administration Building, and

WHEREAS, City and County staff have undertaken research regarding available technology to be used in the facility, and to develop proposals for space utilization, and to discuss how the facility will be operated and managed, and

WHEREAS, based on preliminary discussions, staff has developed a proposal which is in the best interests of both agencies for emergency dispatch including:

(1) Development of a permanent partnership by creation of a joint powers agency for the operation of emergency dispatch,

(2) Utilization of a space plan developed by Daniel Smith and Associates and the hiring of a consultant to coordinate renovation, systems development, and acquisition and implementation for the facilities,

(3) Establishment of a project budget for the acquisition of computer systems and furnishings to be shared on a formula developed by staff and approved by the City Council and County Board of Supervisors, and

(4) Development of a plan which may allow for other public or private entities
who have expressed interest in the facility to participate in its use, with options for remote or contracted services, and

WHEREAS, following Council approval of the concept of the joint operation of the Emergency Dispatch Center, this matter will be referred to the Public Safety Committee for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to enter into negotiations with Stanislaus County for the creation of a Joint Powers Authority for the joint operation of the Emergency Dispatch Center and to implement whatever steps are necessary for the consolidation of this joint venture.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES:     Councilmembers: None

ABSENT:   Councilmembers: Smith

ATTEST:   Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

2/23/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-126

A RESOLUTION OBJECTING TO THE SALE OF TAX-DEFAULTED PROPERTIES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PURCHASE SAID PROPERTIES FOR TAXES OWED PLUS ADVERTISING COSTS.

WHEREAS, each year the Stanislaus County Office of Treasurer and Tax Collector receives authorization from the Board of Supervisors under Section 3700 of the Revenue and Taxation Code to dispose of, at public auction, properties for which no property taxes have been paid for at least the previous five years, and

WHEREAS, Section 3695 of the Revenue and Taxation Code allows the City to object to the sale of said properties and to offer to buy those properties for the amount of taxes owed, and

WHEREAS, the City is desirous of objecting to the sale of the tax-defaulted properties set forth in Exhibit “A” attached hereto, and

WHEREAS, by objecting to the sale, the property owners are given an additional period of time to redeem the properties by paying the delinquent taxes, and

WHEREAS, if the City were to acquire one or more of these properties, the land and/or homes would be made available for affordable housing purposes, which could include resale through the City's Down Payment Assistance Program or provide additional transitional housing for homeless families, and

WHEREAS, the Community Development and Housing Committee reviewed this action at its February 18, 1998, meeting, and recommended approval,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to object to the sale of tax-defaulted properties set forth in Exhibit “A” attached hereto, and to offer to purchase said properties for taxes owed, plus advertising costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
## APPENDIX A

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>TAXES OWED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2800 Merle Avenue</td>
<td>$12,387.51</td>
</tr>
<tr>
<td>2. 2824 Merle Avenue</td>
<td>$10,790.33</td>
</tr>
<tr>
<td>3. 2844 Merle Avenue</td>
<td>$10,854.57</td>
</tr>
<tr>
<td>4. 2908 Merle Avenue</td>
<td>$11,333.14</td>
</tr>
<tr>
<td>5. 2812 Walnut Terrace</td>
<td>$10,870.32</td>
</tr>
<tr>
<td>6. 4121 Windom Court</td>
<td>$8,934.06</td>
</tr>
<tr>
<td>7. 4th &amp; H Street (Lot only)</td>
<td>$8,016.04</td>
</tr>
<tr>
<td>8. 601 Fleetwood</td>
<td>$16,547.71</td>
</tr>
</tbody>
</table>

**SUBTOTAL:** $89,733.68

**ADVERTISING COSTS:** $800.00

**TOTAL:** $90,533.68
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TRANSFERRING $39,000 FROM THE ASSET FORFEITURE TRUST ACCOUNT AND APPROPRIATING IT TO POLICE OPERATIONS

WHEREAS, two police officers are being sent to Denmark to select and purchase four new police canines. The officers will receive canine training techniques with the dogs and then return two of the dogs to Modesto; with the other two being sent at a later date; and

WHEREAS, the cost of the project is $19,000 with private donations in the amount of $10,000 provided to the Police Canine Program.

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>Revenue</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>010-190-1961-7202</td>
<td>$ 9,000</td>
</tr>
<tr>
<td>010-190-1941-7202</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>010-190-1961-0308</td>
<td>$ 9,000</td>
</tr>
<tr>
<td>010-190-1941-0429</td>
<td>$30,000</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 24th day of February 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: [Signature]
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: [Signature]
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-129

A RESOLUTION ACCEPTING THE PROJECT TITLED "STANDIFORD AVENUE - ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Standiford Avenue - Road Construction and Drainage Improvements, has been completed by Donald L. Oberg, General Engineering Contractor, in accordance with the contract agreement dated October 22, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Standiford Avenue - Road Construction and Drainage Improvements be accepted from said contractor, Donald L. Oberg, General Engineering Contractor; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $746,288.05 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 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
A RESOLUTION ACCEPTING THE PROJECT TITLED "ENCINA STORM DRAIN PHASE II" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Encina Storm Drain Phase II, has been completed by Allen A. Waggoner Construction Inc., in accordance with the contract agreement dated August 19, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Encina Storm Drain Upgrade Phase II be accepted from said contractor, Allen A. Waggoner construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $107,814.56 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 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 ADAMS, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $2,500.00 TO FULLY FUND ENCINA STORM DRAIN UPGRADE PHASE II

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

FROM: 628-480-J751 6040; $2,500
TO: 628-480-E577 6040; $2,500

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 3rd day of March, 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 Adams, City Clerk

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-132

A RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS FOR THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES) IN RELATION TO THE “EL NINO 98” FLOODS.

WHEREAS, in order for the City to file claims for the purpose of obtaining certain financial Federal Assistance under Federal Public Law 93-288, it is necessary to authorize selected City officials to execute for and on behalf of the City of Modesto numerous documents, forms, and letters detailing the nature and justification of claims in relation to the incident known as the "El Nino 98" Floods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following City officials are hereby authorized to execute and submit documents required by the Federal Emergency Management Administration (FEMA) and the California State Office of Emergency Services (OES), on an ongoing basis, for the purpose of filing claims for reimbursements for disaster assistance due to the incident known as the "El Nino 98" Floods:

J. Edward Tewes, City Manager
Paul Baxter, Deputy City Manager
Duane Frederick, Parks Superintendent
Barry Newlin, Accounting Division Manager
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 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

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-133  

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ISLAMIC CENTER OF MODESTO FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT  

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Islamic Center of Modesto for the purchase of right of way needed for the Carpenter Road widening 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 3rd day of March, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-134

A RESOLUTION APPROVING CHANGING THE NAME OF THE AFFIRMATIVE ACTION COMMISSION TO EQUAL OPPORTUNITY/ DISABILITY COMMISSION.

WHEREAS, in view of recent changes generated by the passage and implementation of Proposition 209, the Affirmative Action Commission believes that a new name would more accurately reflect its mission, and

WHEREAS, during its September 15, 1997, meeting, the Affirmative Action Commission voted to change its name to Equal Opportunity/Disability Commission, and

WHEREAS, the City Manager and the Affirmative Action Officer endorse changing the Commission’s name to Equal Opportunity/Disability Commission, and

WHEREAS, the Economic Development Committee and the Community & Intergovernmental Relations Committee reviewed the recommendation for name change on February 12, 1998, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves changing the name of the Affirmative Action Commission to Equal Opportunity/Disability Commission in order to more accurately reflect the mission of the Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, 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 ACCEPTING WITH REGRET THE RESIGNATION OF HOWARD MALLORY FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE MARCH 3, 1998

WHEREAS, Howard Mallory was appointed a member of the Human Relations Commission on January 2, 1996; and

WHEREAS, Howard Mallory has tendered his resignation from the Human Relations Commission, effective March 3, 1998; and

WHEREAS, Howard Mallory 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 Howard Mallory from the Human Relations 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 Howard Mallory 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 3rd day of March, 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 APPOINTING ADRIAN MENDOZA TO THE CULTURE COMMISSION

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

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

SECTION 1. Adrian Mendoza is hereby appointed to the Culture Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 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. 98-137

A RESOLUTION VACATING AND ABANDONING THE MIDDLE PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 2098 AND RESERVING AN EASEMENT FOR PUBLIC UTILITY SERVICES, LOCATED BETWEEN 140 COVENA AND 145 CAMELLIA AVENUES SOUTH OF MILLER AVENUE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-101 on February 17, 1998, declaring its intention to vacate and abandon the middle portion of the north-south alley in Block 2098 and reserve an easement for public utility services, located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, and

WHEREAS, said alley to be vacated and abandoned and the easement to be reserved for public utility services are 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, and

WHEREAS, said Resolution No. 98-101 set March 10, 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. 98-101 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. 98-04, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, March 10, 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 middle portion of the north-south alley to be vacated and abandoned, located in Block 2098 of the City of Modesto, located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and that an easement should be reserved for public utility services, and

WHEREAS, on January 2, 1998, the City’s Community Development Department, by Environmental Assessment Initial Study No. 98-01, 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 the central portion of the north-south alley right-of-way extending south from Miller Avenue between Covena and Camellia Avenues is unnecessary for present or future pedestrian or vehicular use.

2. That a public utility easement will be required to serve water and sewer lines and other public utilities and no buildings or structures will be permitted within the utility easement.

3. That the abandonment and vacation of the alley right-of-way 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 the middle portion of the north-south alley in Block 2098 and reserves an easement for public utility services, located between 140 Covena and 145 Camellia Avenues south of Miller Avenue. 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.

BE IT FURTHER RESOLVED that the easement, as shown on Exhibit "B", shall be reserved for public utility services.

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 10th day of March, 1998, by Councilmember Fisher, 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: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

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
LEGAL DESCRIPTION TO ACCOMPANY
AN ALLEY ABANDONMENT (MARVIN BYERLY)

ALL that certain real property situate in a portion of the Southwest Quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEING that 20.00 foot wide alley adjacent to Lots 3, 4, 5, 6, 7, 17, 18, 19, 20 and 21 of the Covena Park Tract, as shown on the Map filed in Volume 11 of Maps, at Page 7, Stanislaus County Records.

ALSO including the Westerly 10.00 feet of the 20.00 foot wide alley adjacent to PARCEL "B", as shown on the Map filed in Book 2 of Parcel Maps, at Page 98, Stanislaus County Records.

Reserving all of the above-described alley as a public utilities easement.

[Signature]

Croie E. Lindsay, L.S. 4709
RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

2 Clerk
2 Attorney
1 Public Works
1 Engineering Services
1 Fire
1 Police
1 County Recorder
1 MID
1 PG&E
1 Pacific Bell
1 Del Este Water Co.
13

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

* Temporary Closings do not Record
A RESOLUTION ACCEPTING THE BID OF AMERINE SYSTEMS INC. FOR THE PROJECT TITLED "BRIGGSMORE AND COFFEE STORM LIFT STATION"

WHEREAS, the bids received for Briggsmore and Coffee Storm Lift Station were opened at 11:00 a.m. on February 24, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Amerine Systems 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 $165,074.00 from Amerine Systems 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 10th day of March, 1998, by Councilmember Fisher, 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: Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs, Friedman

ATTEST: 
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $199,000.00 TO FULLY FUND
THE BRIGGSMORE AND COFFEE STORM LIFT STATION

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

FROM: 628 480 J699 All; $66,000
       628 480 H087 All; $ 5,000
       628 480 H083 6040; $128,000

TO:    New CIP Account 6060; $199,000

Most of the funds in the Coffee Road Storm Drain fund were expended
earlier this year to install a storm drain system for the
coffee/Briggsmore Widening project. The amount of 48" pipe needed to
store water prior to pumping into the canal was greater than
anticipated. Expenditures on extra pipe left insufficient funds in the
Coffee Road Storm account for this project.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of March, 1998, by
Councilmember Fisher, 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: Fisher, Serpa, Smith, Mayor Lang

NOES:  Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs, Friedman

ATTEST:  
JEAN ADAMS, City Clerk
A RESOLUTION ACCEPTING THE BID OF WILLE ELECTRIC SUPPLY COMPANY FOR FURNISHING ABOUT TEN VARIABLE FREQUENCY DRIVES PER YEAR, FOR UP TO TWO-AND-ONE-HALF YEARS, FOR A FIRST YEAR COST NOT TO EXCEED $90,000.00

WHEREAS, Resolution No. 97-679, adopted by the Council of the City of Modesto on December 7, 1997 approved the call for bids for furnishing about ten variable frequency drives; and

WHEREAS, the bids received for furnishing about ten variable frequency drives, were opened at 11:00 a.m. on January 12, 1998, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Wille Electric Supply Company for a first year total cost not to exceed $90,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wille Electric Supply Company be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1997, 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: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: ____________________________
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-141

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO REFLECT THE FINAL FIGURES ON THE 10TH STREET PLACE PROJECT

WHEREAS, the 10th Street Place financing is complete and funds will become available on March 11, 1998. The City needs to amend the budget to reflect final figures which will enable the necessary accounting entries for the financing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as shown on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March 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 votes:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs, Conrad

ATTEST: ________________
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ________________
STAN FEATHERS, Budget Officer
 Attachment A

### Appropriations

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A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR PUBLIC OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project, and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the City of Modesto, the “Applicant”, and may require the Applicant to provide the local share of the project cost, and

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project,

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

1. That the City Manager of the City of Modesto, or his authorized designee, is authorized to execute and file an application for Federal assistance on behalf of the City of Modesto with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The Applicant has received authority from the Designated Recipient to apply for Urbanized Area Formula Program.
2. That the City Manager, or his authorized designee, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.

3. That the City Manager, or his authorized designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 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 Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Modesto, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the City Council of the City of Modesto held on the 10th day of March, 1998.

Dated: 3/12/98

[Signature]

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-143

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT MORRIS NEWMAN FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert Morris Newman for the purchase of right of way for the Carpenter Road widening 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 10th day of March, 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: None
ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-144  

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NEILL MICHAEL WISE, ET AL., FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Neill Michael Wise, et al. for the purchase of right of way needed for the Carpenter Road widening 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 10th day of March, 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: None  
ABSENT: Councilmembers: Conrad, Dobbs

ATTEST:  
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-145

A RESOLUTION AMENDING THE CONSOLIDATED PLAN
FOR HOUSING AND COMMUNITY DEVELOPMENT FOR

WHEREAS, on May 2, 1995, the Modesto City Council approved a Consolidated
Plan for Housing and Community Development ("Plan") for the years 1995-2000, and
WHEREAS, the Plan's goal is to integrate housing, economic and community
development needs, resources, and strategies in a coordinated and comprehensive manner so that
the City of Modesto, its neighborhoods and families can work together, and
WHEREAS, the Plan has been instrumental in assisting the City of Modesto's
Community Development Department in allocating Community Development Block Grant
(“CDBG”), HOME Investment Program, and Emergency Shelter Grant funds, and
WHEREAS, the Plan identifies the City of Modesto's primary community
development priorities as (1) Neighborhood Revitalization, (2) Economic Development, and (3)
Capital and Infrastructure Improvements, and
WHEREAS, in order for the City of Modesto to effectively address emerging
community needs and allocate funds, it is necessary that the priorities of the Plan be amended to
enable staff to focus limited Federal resources in meeting emergency development needs,
NOW, THEREFORE, BE IT RESOLVED, by the City Council that:

1. The priorities of the Consolidated Plan for Housing and Community Development for the Fiscal Year 1998-1999 shall be amended as follows:

   (1) Economic Development (including job training),
   (2) Capital Improvements in low and moderate income neighborhoods,
   (3) Additional Public Safety services in low and moderate income neighborhoods, and
   (4) Welfare to Work initiative including child care, transportation, emergency food and homeless prevention.

2. The amended priorities of the Consolidated Plan for Housing and Community Development for the Fiscal Year 1998-1999 shall be forwarded to the Citizens Housing and Community Development Committee for their use in reviewing and recommending Community Development Block Grant Public Service funds.

3. The City of Modesto will continue to work with local nonprofit organizations and agencies to develop collaborative arrangements and comprehensive programs in order to carry out community efforts which are deemed eligible under the Community Development Block Grant Public Service category.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-146

A RESOLUTION PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY CAUSED BY AN UNPRECEDENTED AMOUNT OF HEAVY RAINFALL.

WHEREAS, by Resolution No. 98-94, adopted on February 10, 1998, the City Council proclaimed the existence of a local emergency based on extreme peril to the safety of persons and property in the City of Modesto due to unprecedented amounts of heavy rainfall, and

WHEREAS, by Resolution No. 98-98, adopted on February 17, 1998, the City Council confirmed the existence of a local emergency and confirmed rules and regulations issued by the Director of Emergency Services on February 11, 1998, and

WHEREAS, the Council is required to proclaim the termination of the local emergency at the earliest possible date that conditions warrant, and

WHEREAS, at the Council Meeting of March 17, 1998, the Director of Emergency Services reported to the City Council that conditions currently warrant the termination of the local emergency,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby proclaims that conditions currently warrant the termination of the local emergency which was caused by unprecedented amounts of heavy rainfall, and said local emergency is, therefore, officially terminated.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 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

3/18/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-147

A RESOLUTION DENYING THE APPEAL OF WILLIAM B. HUGHES TO A DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR CONCERNING A PROTEST TO CAPITAL FACILITIES FEES PAID TO OBTAIN A BUILDING PERMIT FOR A FAMILY AUTOMOTIVE TENANT IMPROVEMENT LOCATED AT 817 EIGHTH STREET IN THE CITY OF MODESTO.

WHEREAS, on September 19, 1997, Mr. Bill Hughes (the “Applicant”) submitted plans for a building permit for a Family Automotive Shop located at 817 Eighth Street, and

WHEREAS, one portion of the proposed remodeling project was to enclose a covered area for automotive repair use, and

WHEREAS, the Capital Facility Fee (CFF) for the building permit was in amount of $7,099.20, which was based on 50% of the total CFF due for a new project, and based on the established CFF Task Force Administrative Guideline, and

WHEREAS, on December 23, 1997, the Applicant under protest paid the required CFF and a building permit was issued, and

WHEREAS, the Applicant appealed to the Chief Building Official and the Community Development Director, and both, the Chief Building Official and the Community Development Director, denied the Applicant’s appeal, and

WHEREAS, by letter dated February 24, 1998, an appeal to the Council was filed on February 25, 1998, by the Applicant, and said appeal was set for a City Council public hearing, duly noticed, to be held on Tuesday, March 17, 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 appeal should be denied,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the appeal filed by the Applicant is hereby denied for the following reasons:

1. The Administrative Guidelines established by the Capital Facility Fee Task Force requires 50% of the CFF to be paid when an enclosure is built around a previously covered area for the following reasons:
   a. The enclosure is an enhancement of a business activity.
   b. Police surveillance and fire suppression cannot be provided as easily in an enclosed structure.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 17th day of March, 1998, by Councilmember Fisher, who
moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Serpa, Mayor Lang

NOES: Councilmembers: Conrad, Friedman, Smith

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. 98-148

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $50,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE REDEVELOPMENT AGENCY

WHEREAS, the Research Team for the Regional Center for the Arts is working with a professional consultant to review the feasibility of building and operating a regional arts center in Downtown Modesto; and

WHEREAS, the feasibility study will evaluate the options, models from other communities, and develop recommendations for moving forward.

WHEREAS, an appropriation of $50,000 is needed to provide partial funding of the feasibility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March 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: 

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 

STAN FEATHERS, Budget Officer
### Appropriations

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-149

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE RESEARCH TEAM FOR THE CENTER FOR THE ARTS, A NON-PROFIT FOUNDATION, FOR PARTICIPATION IN THE FEASIBILITY STUDY FOR THE REGIONAL CENTER FOR THE ARTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Research Team for the Regional Center for the Arts for participation in a feasibility study be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-150

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEVERLY PRIOR ARCHITECTS FOR DESIGN OF THE MODESTO POLICE BUILDING EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beverly Prior Architect for design of the Modesto Police Building Expansion 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 17th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-151

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): MODESTO POLICE BUILDING EXPANSION PROJECT (AGREEMENT FOR ARCHITECTURAL SERVICES).

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

WHEREAS, the 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, remodeling the existing facility for field operations, and providing site improvements including structure demolition and new parking facilities, located in the urbanized central core of downtown Modesto, between "F" and "G" Streets and 10th and 11th Streets, and

WHEREAS, the commencement of the project requires entering into an agreement for architectural services with Beverly Prior Architects for design of the Project, and

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

WHEREAS, on March 5, 1998, the City's Engineering and Transportation
Department by Environmental Assessment Initial Study No. E&T-98-01 reviewed the
proposed Modesto Police Building Expansion 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
Modesto Police Building Expansion 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 Engineering & 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 17th day of March, 1998, by
Councilmember Serpa who moved its adoption, which motion being duly
seconded by Councilmember Friedman, was upon roll call carried and the resolution
adopted by the following vote:

AYES:  Councilmembers: Conrad, 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
I. PURPOSE:

On August 15, 1995, the Modesto City Council (lead agency) certified the Final Master Environmental Impact Report for the Modesto Urban Area Plan (SCH #92052017). CEQA allows the limited review of subsequent projects if they can be found to be within the scope of the Master EIR. The Final EIR analyzed the impacts of the build-out of the Modesto Urban Area General Plan, which includes the area where this proposed subsequent project is proposed.

Section 21157.1 of Public Resources Code - Review of Subsequent Projects for a Master EIR - states that for proposed subsequent projects:

"The lead agency shall prepare an initial study on any proposed subsequent project. This initial study shall 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.

If the lead agency, based on the initial study, determines that a proposed 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.

The purpose of this Initial Study is to document the finding that the proposed Modesto Police Building Expansion (the project) is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR.

Sections III and IV provide analysis by the lead agency (City of Modesto) to make the determination whether the project will cause a significant effect that was not analyzed by the Master EIR pursuant to Public Resources Code Section 21157.1(b).
II. **PROJECT DESCRIPTION:**

A. **Project Title:** Modesto Police Building Expansion

B. **Lead Agency Name and Address:**

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. **Contact Person and Phone Number:**

Steve Pace, Engineering & Transportation Department
(209) 577-5265

D. **Project Location:**

In the urbanized central core of downtown Modesto (incorporated in 1884) between "F" and "G" Streets and 10th and 11th Streets.

E. **Project Sponsor:**

City of Modesto Engineering & Transportation Department

F. **General Plan Designation:** Redevelopment Planning District

G. **Current Zoning:** CM, Commercial/Industrial Zone

H. **Description of Proposed Project:**

This project includes: 1) preparation of a master plan for the site bounded by 10th Street, the alley that is parallel to and between 11th Street and 12th Street, F Street and G Street (See attached Exhibit 1, "Location of Master Plan Area"); 2) constructing a new 40,000 square-foot facility to accommodate administrative and investigative services; 3) remodeling the existing facility for field operations; and 4) providing site improvements including structure demolition and new parking facilities.

I. **Surrounding Land Uses:**

This project is adjoined on the east by City Fire Station No. 1; on the north by Stanislaus County Administrative Building, a lock and safe business and automotive parts businesses; to the west by automotive parts store, and paved parking area; and on the south by an implement and hardware business.

J. **Other Public Agencies Whose Approval is Required:** None
LOCATION OF MASTER PLAN AREA

Limits of Master Plan Area
III. ANALYSIS OF WHETHER THE PROPOSED SUBSEQUENT PROJECT MAY CAUSE ADDITIONAL SIGNIFICANT EFFECTS NOT EXAMINED IN THE MODESTO URBAN AREA GENERAL PLAN MASTER EIR

The impact categories listed below reference the analysis covered by the General Plan Master EIR by page numbers (SCH #92052017).

A. Traffic and Circulation (Pages IV-1-1 thru IV-1-38)
B. Degradation of Air Quality (Pages IV-2-1 thru IV-2-25)
C. Generation of Noise (Pages IV-3-1 thru IV-3-33)
D. Loss of Productive Agricultural Land (Pages IV-4-1 thru IV-4-16)
E. Increased Demand for Water Supplies (Pages IV-5-1 thru IV-5-11)
F. Increased Demand for Sanitary Sewer Services (Pages IV-6-1 thru IV-6-9)
G. Loss of Sensitive Wildlife and Plant Habitat (Pages IV-7-1 thru IV-7-30)
H. Disturbance of Archaeological and Historic Sites (Pages IV-8-1 thru IV-8-21)
I. Drainage, Flooding and Water Quality (Pages IV-9-1 thru IV-9-23)
J. Increased Demand for Storm Drainage (Pages IV-10-1 thru IV-10-8)
K. Increased Demand for Parks and Open Space (Pages IV-11-1 thru IV-11-11)
L. Increased Demand for Schools (Pages IV-12-1 thru IV-12-11)
M. Increased Demand for Police Services (Pages IV-13-1 thru IV-13-8)
N. Increased Demand for Fire Services (Pages IV-14-1 thru IV-14-9)
O. Generation of Solid Waste (Pages IV-15-1 thru IV-15-10)
P. Generation of Hazardous Materials (Pages IV-16-1 thru IV-16-15)
Q. Landslides and Seismic Activity (Pages IV-17-1 thru IV-17-11)
R. Energy (Pages IV-18-1 thru IV-18-6)

The Modesto Police Building Expansion project is consistent with the allowed density and intensity of uses in the General Plan and would not alter the assumptions or standards of significance used in the MEIR. It is not located within any MEIR resource study zones requiring further analysis. Therefore, significant impacts identified in the MEIR (referenced above) would not change. Thus there is no need for new or additional mitigation measures or alternatives.

The expanded police facility would not significantly increase traffic impacts to the surrounding street system. The number of employees assumed in the Master EIR traffic model for this area is substantially the same as anticipated for the expanded facility. According to Captain David Leonardo, Modesto Police Department, the number of employees will not significantly increase from the existing building. Thus, no new or additional traffic mitigation measures are required for this project (page 20, Appendices, General Plan Master EIR).

The Modesto Police Building Expansion project is located within a Hazardous Materials Zone according to Figure 16-1, Master EIR. A Phase I environmental site assessment was performed by Twining Laboratories (12/2/97). The assessment concluded there are no underground storage tanks (UST) on the site and no remediation is required for adjacent UST's. In addition, a Phase II assessment may be required to determine the extent of soil contamination from a plant which existed on-site that
manufactured gas from petroleum oil in the 1910’s. The Master EIR (Page IV-16-13) requires that for all development projects located within the Redevelopment Area that certain mitigation measures be incorporated into the project. Those mitigation measures, listed on attached Exhibit "2", shall be incorporated into the Modesto Police Building Expansion Project. These measures include a site remediation plan, which would be prepared in coordination with the Stanislaus County Environmental Resources Department to clean up any contamination found on site.

IV. ANALYSIS OF WHETHER THE PROPOSED SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER EIR

The project is located in the City’s "Redevelopment Area" and is an expansion of an existing use. It conforms to the adopted General Plan and existing zoning which is C-2, General Commercial and CM, Commercial Industrial. For application of the Master EIR to "Anticipated Subsequent Projects" within the Redevelopment Area, (Page IV-19-3 MEIR):

"If a subsequent project within the "Redevelopment Area" conforms to the adopted Plan and existing zoning, the Initial Study for the project will find it to be within the scope of the Master EIR."
V. **DETERMINATION AND FINDINGS:**

The City of Modesto (lead agency) hereby finds on the basis of this initial study that for the proposed subsequent project the following apply:

A. That the Modesto Police Building Expansion (proposed subsequent project) will not cause any additional significant effect on the environment that was not examined in the Modesto Urban Area General Plan master environmental impact report.

B. That no new or additional mitigation measures or alternatives are required.

C. That the Modesto Police Building Expansion (proposed subsequent project) is within the scope of the project analyzed by the Modesto Urban Area General Plan Master Environmental Impact Report.

D. That no new environmental document or findings pursuant to Public Resources Code Section 21081 are required.

E. The initial study, Environmental Assessment No. E&T-98-01, provides substantial evidence to support the above determination and findings.

Date: March 5, 1998

Steve Pace
Associate Civil Engineer

SP: dj
EXHIBIT "2"

GENERAL PLAN MASTER EIR
MITIGATION MEASURES FOR
GENERATION OF HAZARDOUS MATERIALS
FOR PROJECTS LOCATED IN THE REDEVELOPMENT AREA
A. All development projects located within the Baseline Developed Area (and Redevelopment Area) shall be required to incorporate the following measures into the project.

1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine that overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.

3. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the location of the new facility or use and
designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-152

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VANIR CONSTRUCTION MANAGEMENT INC. FOR CONSTRUCTION MANAGEMENT SERVICES THROUGH DESIGN AND BIDDING OF THE MODESTO POLICE EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Vanir Construction Management Inc. for construction management services through design and bidding of the Modesto Police Expansion 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 17th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-153

A RESOLUTION DESIGNATING THE PROPERTY AT 125 POPULAR AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: VIRGINIA LISH)

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 February 23, 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. 98-1, that the property at 125 Poplar Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, and use 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 March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined...
that the property at 125 Poplar Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 125 Poplar Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 125 Poplar Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Historic and architectural significance as a well-maintained Craftsman-Bungalow single-family residence from the turn of the century.

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 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, 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:

MICHAEL D. MILICH, City Attorney
LEGAL DESCRIPTION OF THE PROPERTY

Lots 30 and 31 in Block 527 of the City of Modesto according to the official map thereof filed in the Office of the Recorder of Stanislaus County, California August, 1982 (82-828781) with the address of 125 Poplar Avenue. Tax parcel #110-09-28-101.

POR. NE 1/4 SECTION 29 T. 3S. R. 9 E. M. D. B. & M.
CITY OF MODESTO - BLKS. 516, 527, 528
MODESTO CITY COUNCIL
RESOLUTION NO. 98-154

A RESOLUTION APPROVING A HISTORIC PROPERTY
PRESERVATION AGREEMENT (MILLS ACT CONTRACT
NO. 7) AT 125 POPLAR AVENUE, LANDMARK SITE NO.
41, AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF
MODESTO. (OWNER: VIRGINIA LISH)

WHEREAS, Virginia Lish, owner of the property at 125 Poplar Avenue applied
for Landmark Site Designation for this site with Landmark Preservation Commission
recommendation for designation on February 23, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes
the authority for the Landmark Preservation Commission to recommend and the City Council
to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the
City to enter into historical property contracts (Mills Act Contract) with owners of qualified
historical property to provide for the use, maintenance and restoration of such historical
property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 125 Poplar Avenue, which
met State law and garnered staff support, given a reasonable relationship of past and future
estimates of improvement and maintenance to tax savings as a result of contract completion,
and
WHEREAS, a public hearing was held by the Landmark Preservation Commission on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 7, by Resolution No. 98-2, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 125 Poplar Avenue, and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 125 Poplar Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 7) for the property at 125 Poplar Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, 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. 98-155

A RESOLUTION DESIGNATING THE PROPERTY AT 215
STODDARD AVENUE AS A MODESTO LANDMARK
PRESERVATION SITE. (OWNERS: MICHAEL AND KAREN
GUZMAN)

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 February 23, 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. 98-3, that the
property at 215 Stoddard Avenue is eligible for designation as a Landmark Preservation Site
for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, and use
   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 March 24, 1998, in the City Council
Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined
that the property at 215 Stoddard Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 215 Stoddard Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 215 Stoddard Avenue has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Architectural significance as a well-maintained Craftsman-Bungalow single-family residence from the 1920's.

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 24th day of March, 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
Exhibit "A" - Legal description

Lots 39, 40, and 41 in Block 553 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-156

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 8) AT 215 STODDARD AVENUE, LANDMARK SITE NO. 42, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: MICHAEL AND KAREN GUZMAN)

WHEREAS, Michael and Karen Guzman, owners of the property at 215 Stoddard Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on February 23, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 215 Stoddard Avenue, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

3/17/98
WHEREAS, a public hearing was held by the Landmark Preservation Commission on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 8, by Resolution No. 98-4, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 215 Stoddard Avenue, and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 215 Stoddard Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 8) for the property at 215 Stoddard Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 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. 98-157

A RESOLUTION DESIGNATING THE PROPERTY AT 319 ELMWOOD AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: THEODORE AND JOYCE AYRES)

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 February 23, 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. 98-5, that the property at 319 Elmwood Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and use 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 March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined
that the property at 319 Elmwood Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 319 Elmwood Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 319 Elmwood Avenue has HISTORIC AND architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Historic and architectural significance as a well-maintained Craftsman-Bungalow single-family residence from the 1920's.

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 24th day of March, 1998, by Councilmember Serpa, 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
County of Stanislaus, State of California, Lots 19 and 20 in Block 547 of the City of Modesto, as per map filed on December 21, 1943 in Volume 15 of Maps, Stanislaus County Records.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-158

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 9) AT 319 ELMWOOD AVENUE, LANDMARK SITE NO. 43, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: THEODORE AND JOYCE AYRES)

WHEREAS, Theododre and Joyce Ayres owners of the property at 319 Elmwood Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on February 23, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 319 Elmwood Avenue, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and
WHEREAS, a public hearing was held by the Landmark Preservation Commission on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 9, by Resolution No. 98-6, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 319 Elmwood Avenue, and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 319 Elmwood Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 9) for the property at 319 Elmwood Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Serpa, 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. 98-159

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL INC. FOR THE PROJECT TITLED "CARPENTER ROAD STORM DRAIN"

WHEREAS, the bids received for Carpenter Road Storm Drain were opened at 11:00 a.m. on March 10, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Ross F. Carroll Inc. in the amount of $997,399.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 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 ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-160

A RESOLUTION ACCEPTING THE PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 97/98" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Rockwell Replacement/Addition 97/98, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated August 5, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Rockwell Replacement/Addition 97/98 be accepted from said contractor, Ross F. Carroll; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $446,273.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 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 Adams, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO INCLUDE THE SUPPLEMENTAL CDBG ALLOCATION FOR THE HUD DISASTER RELIEF PROGRAM

WHEREAS, the City applied for and was awarded a grant of $650,426 in CDBG funds for its Disaster Relief Program; and

WHEREAS, necessary transactions and accounts need to be established or amended in order to account for the allocation.

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:

Revenue
#113-140-1455-3513 $650,426

Appropriations
#113-140-1455-0255 $14,000
#113-140-1455-0210 $636,426

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March 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 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. 98-162

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT ALLOWING THE CITY TO PUMP STORM WATER INTO THE MID LATERAL NO. 3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District allowing the City to pump storm water into the MID Lateral No. 3 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 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. 98-163

A RESOLUTION APPROVING THE SUBMITTAL OF AN AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT APPLICATION FOR MODESTO CITY-COUNTY AIRPORT PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, in January, the City Council approved the submittal of an AIP grant preapplication in the amount of $2,100,250 for projects to be completed between now and 2001, and

WHEREAS, the preapplication identified the first two projects to be completed during the City's fiscal year (FY) 1999 for an estimated amount of $600,000, and the Federal Aviation Administration (FAA) notified the City that approximately $600,000 was allocated during FY 1998 for its projects, and

WHEREAS, the FAA has notified the City that it will consider an application for entitlement funds for airport projects beyond one year, and

WHEREAS, the City anticipates submitting an application and receiving FAA approval for a Passenger Facility Charge (PFC) program to fund the City match of approximately $233,750 for the requested grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport AIP application for
FY's 1998 - 2001 in the amount of $2,100,250.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-164

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, 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.

The “Policies and Procedures”, as restated and amended in their entirety are set forth in Exhibit “A’ attached hereto. Accordingly, Resolutions No. 96-501 and 96-545 are hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None.

ATTEST: 

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
CITY OF MODESTO

POLICIES & PROCEDURES FOR THE FORMATION, ANNEXATION, AND ADMINISTRATION OF COMMUNITY FACILITIES DISTRICTS CREATED PURSUANT TO THE PROVISIONS OF THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

Exhibit "A"
EXHIBIT “A”

CITY OF MODESTO

POLICIES & PROCEDURES FOR THE FORMATION, ANNEXATION AND ADMINISTRATION OF COMMUNITY FACILITIES DISTRICTS CREATED PURSUANT TO THE PROVISIONS OF THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

1. Introduction.

The following policies and procedures (“Policies and Procedures”) for the use of the Mello-Roos Community Facilities Act of 1982 (the “Act”) are established pursuant to Government Code Section 53312.7. These Policies and Procedures describe the application, formation, annexation, appropriate uses for and administration of any Community Facilities District (“CFD”) used to finance facilities or for the provision of allowable services.

The City of Modesto (the “City”) will consider developer or property-owner initiated applications requesting the formation of a CFD, and the possible issuance of bonds or the generation of revenues to finance eligible public facilities necessary to serve residential, commercial and/or industrial projects. The City may also establish CFDs which are initiated by the City. Priority in using CFD funding will be given to capital projects that are regional in nature and have the broadest possible benefit to the land uses included in the CFD. While it is the City’s intent to use the Act to provide for the financing of City-owned and operated infrastructure and services, projects of a regional nature may include facilities to be owned and operated by other public agencies. In any event, only regional or community serving public facilities which directly benefit the CFD, and the provision of services (if applicable) may be eligible for CFD funding.

The City shall make the final determination as to whether or not a proposed CFD shall proceed under the provisions of the Act. The City may confer with the applicant and its consultants to learn of any unique district requirements, such as regional-serving facilities or long term development phasing prior to making any such final determination.

The Act may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public improvements, or the provision of public services subject to the provisions of these Policies and Procedures and any subsequent amendments thereto, to the fullest extent permitted by the Act. The City shall use the Act to provide for the financing of City-owned and operated infrastructure and services, except as noted above.

The City will make the final determination whether or not the CFD will be a construction or acquisition district. All City and consultant costs incurred in the evaluation of CFD
applications and the creation of CFDs must be paid in advance by the applicants in those instances where a CFD is initiated by a party or parties other than the City. However, the City may incur expenses for analyzing proposed districts where the City is the principal proponent of the CFD formation for financing of the CFD.

Expenses not legally reimbursable by the district shall be borne by the applicant. Both City costs and district consultant costs may be funded from bond proceeds.

For the purposes of reviewing activities undertaken pursuant to these Policies and Procedures, and to review proposed Mello-Roos financing, all relevant matters shall be referred to the Financial Policy Committee of the City Council.

2. Definitions.

a. **Acquisition District.** A CFD formed to finance the acquisition of infrastructure or public facilities where the applicant will be reimbursed for eligible construction related costs by means of tax credits or otherwise.

b. **Amendment:** A change, in any manner, to an adopted Public Report.

c. **Annexation:** The addition of real property into a CFD which has already been formed, and for which a Public Report has already been prepared and adopted. "Annexation" in this context does not mean a change in organization as described in the Cortese-Knox Act of 1985 (Section ______, Division 3 of the Government Code).

d. **Applicant.** Developer or landowner who initiates formation/annexation of a CFD.

e. **Bonds.** Bonds authorized and issued under the Mello-Roos Community Facilities Act of 1982.

f. **Bond Counsel.** Outside counsel retained by the City to assure compliance with applicable federal and State tax and other laws and regulations relating to public financing.

g. **Bond Underwriter.** The investment banker(s) retained by the City to design, develop and execute the sale of bonds in the market place.

h. **City.** The City of Modesto.

i. **City Attorney.** City Attorney of the City of Modesto.
j. **Community Facilities District (CFD).** A special district formed pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 as amended, to finance specific public improvements or public services, and where properties within the CFD are levied a special tax in accordance with the rate and method of apportionment adopted as part of the district proceedings.

k. **Conclusion of Formation:** The date a tax lien, for a specific CFD, is successfully recorded by the Stanislaus County Clerk Recorder.

l. **CFD Formation Group.** An interdepartmental City working group consisting of the City Clerk, the Assistant City Attorney, and a designated member of the Community Development Department and such staff as they may designate. Its function shall be to process CFD applications and the formation of CFDs, including elections as appropriate.

m. **District Administrator.** A subgroup of the CFD Formation Group composed of the City Clerk and the Assistant City Attorney and such City staff as they may designate. The District Administrator shall have the power to retain and consult with an outside consultant experienced in administering established CFDs in order to assure such administration is in accordance with City ordinances, resolutions, these Policies and Procedures as amended, and applicable law.

n. **Fair Market Value.** The amount of cash or its equivalent which property would bring if exposed for sale on the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other and both have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon uses and purposes.

o. **Financial Advisor.** Financial consultant retained by the City to review, comment and advise on financial matters relating to CFDs.

p. **Fiscal Feasibility Report.** A study performed under the direction of the City to determine the financial viability of a proposed CFD.

q. **Infrastructure and Public Facilities.** Those public improvements including but not limited to major streets and arterials, highway improvements and freeways, freeway interchanges, right of way acquisitions, bridges, street lights, water, flood, sewer and drainage improvements, fire and police stations, parks, wetlands, telephone ducts, electrical conduits, libraries, transit improvements (including public parking facilities), and the provision of certain services (if applicable), that may be eligible for financing pursuant to these Policies and Procedures, and
which are authorized improvements pursuant to provisions of the Mello-Roos Community Facilities Act of 1982 ("Act").

r. **In-tract Facilities.** Infrastructure and public facilities which serve an individual CFD, such as local subdivision streets, local utilities and local drainage systems. Not all such infrastructure and public facilities may actually be located within the boundaries of the CFD. (Possible example: drainage system).

s. **Public Report:** A report generally containing the following:

1. A description of the public capital facilities and services proposed for the CFD.
2. A general description of the area to be served by said facilities; said areas being the boundaries of the CFD.
3. A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the CFD and the costs of any incidental expenses to be paid by the CFD.
4. The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed CFD to estimate the annual amount of payment;
5. General Terms and conditions relating to the proceedings.

T. **Special Tax Consultant.** A consultant retained by the City to develop the rate and method of apportionment and other special tax formulas and criteria for a Mello-Roos CFD.

u. **Value-to-Lien Ratio.** The value of a parcel of land as determined by an MAI appraisal relative to the amount for which land secured bonds may be sold for the parcel.

3. **Application Process.**

a. **Application.** The applicant shall submit an application in the form attached hereto as Example "A" to the City together with a nonrefundable fee as set forth herein and amended from time to time. The fee is for the purpose of application processing, other preliminary costs, retention of appropriate consultants, and the compensation of staff time devoted to the formation of the CFD.
b. **Project Review.** Applicant and the CFD Formation Group may discuss the application including but not limited to further information that might be required and other issues as necessary. If necessary, the applicant may be required to submit a revised application. Once the application is accepted by the CFD Formation Group, it may be reviewed by City Finance personnel or City consultants to determine the adequacy of the proposed financing. CFD Formation Group may also forward the application to the City’s engineering staff for determination that the application package is in fact both complete and practicable.

c. **Project Initiation.** The application is accepted by the CFD Formation Group and the CFD Formation Group receives contracts, reimbursement agreements, bond documents and other pertinent items for consideration by the City Council, as required.

d. **Costs Incurred By The City Prior To Formation.** All costs incurred by the City prior to formation of the CFD, including but not limited to consultant costs (e.g. legal counsel, engineer firms, appraisers, special tax consultants, financial advisors), City staff and administrative costs and related expenses, cost of providing notices, printing and publication costs, and all expenses directly or indirectly relating to these items, shall be reimbursed to the City by the applicant prior to the completion of formation.

e. **Costs Incurred Prior To Bond Closing.** If a CFD is formed, and if bonds are issued, the City may direct that all of its costs of formation be reimbursed from bond proceeds.

f. **Costs Incurred By The City Subsequent To Formation.** All City administrative and consultant costs, including those of the District Administrator, related to administration of a CFD and incurred after formation shall be included within the special tax formula in accordance with applicable provisions of law.

g. **Reimbursement To Applicant.**

(1) **Where CFD is not formed, or where CFD is formed and bonds are not issued.** In the event that the CFD is not formed due to City disapproval or abandonment, or due to applicant abandonment, or due to nonpayment of any reimbursable fee, or the CFD is formed and bonds are not issued for any reason, the City will refund to the applicant any remaining unexpended and unobligated portion of advance deposits posted with the City, subject to the City’s prior and full reimbursement of all of its direct and indirect costs. In the event that the applicant’s advance deposit to the City is not sufficient to reimburse the City for all of its direct and indirect costs, the City will require an additional deposit by the applicant for the difference. The City shall be entitled to pay any refund to the applicant listed on the application form without interest, irrespective of any changes in the ownership or compensation of the applicant.

(2) **Where CFD is formed and bonds are issued.** If the CFD is formed and bond are issued, the applicant shall be entitled to reimbursement from bond proceeds for all
reasonable costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the City Attorney 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.

h. Agreements Required. Applicant will be required to enter into all necessary agreements incident to CFD proceedings in a form provided by the City and consistent with these Policies and Procedures. These agreements may include, but not be limited to:

(1) Funding and Reimbursement Agreement
(2) Advance Deposit Agreement
(3) Land Dedication Agreement (where required)
(4) Acquisition and Disclosure Agreement
(5) Disposition and Development Agreement (where required)
(6) Development Agreement
(7) Other agreements (as required)

As a condition of the issuance and sale of bonds, all of the agreements required by the City shall be duly approved and executed by the parties thereto. Prior to execution of any such agreements, the agreements shall be reviewed and approved by the City Attorney. They may also be reviewed by Bond Counsel and such other consultants as the City believes are appropriate.

i. Land Use Approvals. All projects within the proposed CFD, together with the infrastructure and public facilities, must be consistent with the City's adopted General Plan and zoning classifications. All property within the proposed CFD must possess land use determinations or zoning classifications of sufficient certainty, and facility requirements of sufficient speciality that each parcel can be adequately assessed.

j. Use of Consultants. The City shall employ any consultants necessary for the formation of a CFD, review of financing, the issuance and administration of bonds, including but not limited to underwriters and underwriter's counsel, Bond Counsel, Financial Advisor, special tax consultant, engineers, appraisers, market absorption study consultant, or any other
consultant deemed necessary by the CFD Formation Group in its judgment to complete the CFD proceedings and/or for issuance of bonds. The cost reimbursement provisions of these Policies and Procedures shall apply to all costs and expenses incurred by the CFD Formation Group in employing such consultants. An applicant may retain its own consultants for its own benefit, but must work only through those consultants hired by the City. In the event the applicant retains its own consultants, all costs associated therewith shall be borne by the applicant, without reimbursement from bond proceeds unless expressly agreed in writing by the CFD Formation Group.

k. **Eligible Infrastructure and Public Facilities.** Infrastructure and public facilities eligible for CFD financing are those public improvements which benefit properties within a proposed CFD and/or will mitigate impacts of that development upon areas of the City outside the proposed CFD, and which will be owned, operated and maintained by the City or another public agency expressly approved in writing by the City. Improvements which are or will be owned, operated or maintained by a private company or utility are not eligible, except for improvements to be owned by shareholder owned utility companies regulated by the California Public Utilities Commission and which comprise less than five (5%) percent of the project. In-tract facilities, exactions, or other public right of way easements and/or lands which are dedicated by applicant as a condition of a development entitlement will not be eligible for bond financing, except if they are expressly allowed in a development agreement or other agreement between the City and the applicant.

l. **Designation of Spokesperson.** The applicant(s) owners requesting preparation of a petition for formation of a CFD, if more than one, shall designate a spokesperson for all of them. The applicants’ spokesperson shall be responsible for the following.

1. Advising joint applicants to contact him or her for answers to their questions concerning CFD matters.

2. Contacting appropriate City representatives to obtain answers to such questions as he or she is unable to answer. The appropriate City representatives are the members of the CFD Formation Group.

3. Informing joint applicants that any estimated cost figures supplied to them prior to the estimate contained in the public report, as preliminarily approved by the CFD Formation Group, must not be relied upon as necessarily precise.

m. **Additional Advances.** It is the policy of the City that applicants with properties improved through CFD proceedings pay all City and associated costs of such proceedings and other costs incurred in advance of CFD formation, or, in the case of the sale of bonds, before any bonds are sold. Therefore, with respect to all developer-initiated applications, if actual City costs
exceed the amounts estimated below, the applicant will be required to advance additional monies to pay all costs incurred or to be incurred. Any failure to do so within ten (10) days of provision of written demand by the CFD Formation Group will be grounds for immediate termination of all activities by the CFD Formation Group, and by the consultants, if any, retained by the CFD Formation Group for the purpose of bond financing.

n. **Boundary Map.** A boundary map for each proposed CFD must be provided with the application. The boundary map should be provided in the following formats:

- “18” x 26” Mylar and three blue lined copies
- “8 ½ x 11” paper

Assessor’s parcels maps may be compiled on which the project boundary and other required information are shown. The map must identify all Assessor’s parcels within the project boundary and the boundary of the area being annexed must follow existing parcel lines. The map must be certified by a licensed civil engineer. The CFD number to be included in the map title and page numbers may be obtained from the CFD Formation Group.

o. **Registered Voter/Property Owner Certification.** Any CFD election will be voted upon by property owners (one vote per acre) so long as there are fewer than twelve (12) registered voters residing within the proposed CFD area. The CFD Formation Group will not process registered voter elections absent special arrangements with the CFD proponent. Each of the property owners must designate a single proxy to cast their ballot. The civil engineer for the CFD applicant must verify the number of registered voters within the project and list all property owners showing APN and number of acres. The civil engineer must then file a certification suitable to the CFD Formation Group as part of the application package. This certification must be made within ninety (90) days prior to the hearing on the resolution of formation for the CFD.

p. **Waiver and Consent.** The qualified electors (property owners) must file a waiver and consent document suitable to the CFD Formation Group waiving some of the statutory election requirements, particularly the timelines. With this waiver, the election may take place sooner than otherwise.

q. **Fiscal Feasibility Report.** Prior to the formation of a CFD, a fiscal feasibility report may be required if a portion of the land within a CFD is substantially undeveloped. The report shall be prepared by or at the direction of the CFD Formation Group. All costs for preparing this report shall be borne by the applicant.

r. **Special Taxes and Assessments.** The projected special tax, when added to the ad valorem property tax and other direct and overlapping debt for the proposed CFD (including other benefit assessments, special taxes levied for authorized but unissued debt, and any other anticipated special assessments, taxes or charges which may be included on a property owner’s
s. **Special Tax Formula.** The maximum special tax submitted to the qualified voters of the CFD shall not exceed one (1%) percent of the projected assessed value of the developed properties at the time of full build out of CFD formation. Furthermore, the total of the following shall not exceed two (2%) percent of the projected assessed value of the subject properties:

1. Ad valorem property taxes levied by the City.
2. Voter approved ad valorem taxes levied by the City in excess of one (1%) percent of the assessed value.
3. Special taxes levied by any existing CFD for the payment of bonded indebtedness or ongoing services.
4. Assessments levied for any assessment district or maintenance district for the payment of bonded indebtedness or services.
5. The maximum special tax for the proposed CFD.

The maximum special tax formula shall adhere to the following requirements:

1. The maximum special tax shall be established when a developed parcel is first subject to the tax and shall include the annual administrative costs to the City to administer the CFD.
2. Concerning that portion of the tax restricted to generating funds for maintenance of facilities, the special tax formula shall not include escalator rates allowing annual tax increases above four (4%) percent per year for developed parcels.
3. The City shall have discretion to allow a special tax in excess of the two (2%) percent maximum tax burden limits for any commercial or industrial lands within the CFD.
4. Concerning that proportion of the tax restricted to generate funds for the payment of debt service, the special tax formula shall not include escalator rates allowing annual tax increases above two (2%) percent.
**t. CEQA Compliance.** The CFD Formation Group shall be responsible for compliance with the California Environmental Quality Act with respect to each CFD formation analyzed or completed by it.

**u.** Based on substantial evidence presented to the City Council, it is determined that advance deposits in the following sums must be received in all cases, whether reimbursable or not, prior to an applicant's application for a CFD being deemed complete by the CFD Formation Group.

- **(1)** A CFD is to be created at applicant's request and where bonds are issued - $43,500.00.

- **(2)** A CFD is to be created at applicant's request and where bonds are not to be issued - $30,000.00. Notwithstanding any other rule to the contrary, in this sole case, additional staff time and material costs, which are presently anticipated to be no less than $13,500.00, will be required from applicant prior to issuance of the first building permit in the applicant's portion of the CFD. Such reimbursable costs shall not be subject to any "credit" due to "in-kind" CFD work done by applicant.

- **(3)** In the case of the creation of an annexation to an existing CFD, which does not require the preparation of a new public report, or the alteration of an existing Public Report for the existing CFD, and the annexation does not involve the sale of bonds - $20,500.00.

- **(4)** In the event that a "registered" voter election is required, an additional amount over and above the previously mentioned fees may be incurred. The City Clerk will estimate the minimum time and material costs pertaining to such an election based on the facts known at the time the election becomes necessary, and payment of the estimated sum shall be required prior to initiation of such an election.

- **(5)** In the event that a "registered voter" election is both required and results in the nonformation/nonannexation of the subject CFD, the above-referenced fees and costs will not be refundable to the applicant save and except those amounts advanced by the applicant which are in excess of those obligated for the CFD Formation Group formation/annexation costs, consulting fees and other related expenses.

**v. Resolution of Intention.** When a CFD application and all related documents have been completed, the appropriate fee has been paid, and the CFD Formation Group has agreed to place the matter of the formation/annexation of the pertinent CFD before the City
Council, the vehicle for such placement shall be the "Resolution of Intention" as required by the Act. The City Council vote on the Resolution of Intention shall also be the City's final determination on the application. If the Resolution of Intention is approved, the CFD Formation Group will undertake the necessary steps to complete formation/annexation of the CFD, including, but not limited to, completion of appropriate contracts, legal documentation, bond documents, project schedule, and other pertinent items.

w. Fiscal Year Planning. In the event that the fiscal year in which a CFD is commenced ends during the formation of the CFD, the Finance Department of the City shall carry forward any unused CFD funds to the next fiscal year in order to facilitate a smoothly continuous CFD formation/annexation process, and to permit prompt payment of ongoing expenditures.

x. Fiscal Authority. The CFD Formation Group has the inherent authority to receive and to appropriate CFD revenue and to direct the Finance Department of the City of Modesto to establish a new fund for each new CFD formation/annexation.

4. Terms and Conditions of Bonds.

a. All terms and conditions of bonds shall be established by the City. The City will control, manage and invest all CFD issued bond proceeds. Unless otherwise authorized by the City, the following shall serve as bond requirements:

(1) A debt service reserve fund equal to an amount not less than ten (10%) percent of the bond issue's par value, subject to federal tax regulations will be established.

(2) The special taxes shall be levied for the first fiscal year following sale of the bonds for which they may be levied. Unless otherwise agreed to by the City, interest shall not be funded (capitalized) beyond the earliest interest payment date for which sufficient special tax revenues will be available for payment of interest.

(3) Beginning with the commencement of the repayment of principal, annual debt service may be level or may escalate up to a maximum of two (2%) percent per year.

(4) The maximum special tax shall be established to assure that the annual revenue produced by levy of the maximum special tax shall be equal to at least one hundred ten (110%) percent of the average annual debt service.

(5) Prior to the issuance of bonds, the City shall authorize its Bond Counsel to
commence and process to final judgment an action establishing the validity of the proceedings, special tax and issuance of bonds, unless advised to the contrary by such Bond Counsel.

(6) In instances where multiple series of bonds are to be issued, the City shall make a final determination as to which public facilities are of the highest priority and those public facilities which will be financed first, pursuant to funding availability and the proposed timing of facilities development, and will be subject to the earliest or most senior lien except, when concerning land-secured financings if the City and applicant agree separately.

(7) The City may require that each new CFD bond issue refund any prior issues, if they exist on properties included in the CFD, in order to avoid subordinated liens. Instances where prior issues may not require refunding are:

(a) Where refunding of prior issues will result in higher interest costs;

(b) Where there can be assurance that prior liens may pose no marketing problems for the new CFD bonds; or

(c) Where refunding of prior issues may present future administrative difficulties to the City or other affected public entities.

b. Security and Credit Enhancement.

(1) Financial Plan. Prior to City Council approval of the CFD, the applicant must submit a financial plan which demonstrates to the City's satisfaction the applicant's ability to pay all assessments and/or special taxes through build out of the project.

(2) Credit Enhancement. In general, where credit enhancement is required for the bond issue as a whole, in the opinion of the City, the applicant shall provide such enhancement in such form as is approved by the City and the underwriters. Such enhancement may, for example, be required in cases where the value-to-lien ratio for property within the CFD is sufficient, and may take the form of letter of credit, policies of insurance, or other vehicles.

(3) Letter of Credit Requirements. In general, the following requirements apply to letters of credit.
(a) The term shall be at least one (1) year, with automatic renewal unless canceled in writing by City.

(b) The amount the applicant is required to post shall be determined by the City.

(c) The letter of credit must be posted with the City in final form, properly authorized and executed, prior to Council authorization to issue bonds for the CFD. Irrevocable credit commitments, commitment letters, in-lieu letter of credit guarantee forms, or other similar instruments, will not be accepted.

(d) The letter of credit shall be irrevocable, and issued for the benefit of the City.

(e) The issuer of any Letter of Credit or other credit enhancement shall be a bank legally operating within the State of California, and which has a Thompson Bank Watch rating of “C” or higher, or an equivalent rating by any other nationally recognized financial institution rating agency, and whose letters of credit are deemed marketable by the City for public financing purposes.

(f) The City reserves the right to consider other forms of credit enhancement or bond guarantee which are determined by the City, in its sole discretion, to be a lawful and adequate substitute for a letter of credit.

c. **Value-to-Lien Ratios.**

(1) If the value-to-lien ratio is 3:1 or greater for the entire CFD and if there is a value-to-lien ratio of 3:1 on at least ninety (90%) percent of vacant land in the CFD, the City may not require letters of credit or other security to secure payment of the special taxes to be levied annually on properties within the CFD.

(2) If the value-to-lien ratio is less than 3:1 for the CFD as a whole or on at least ninety (90%) percent of vacant land in the CFD, the City may require either letters of credit or other security (assigned deposits, deposits to escrow) to secure payment of the special taxes/special assessments on properties within the CFD or may elect to abandon the CFD.

d. **Market Absorption Study.** The City in its discretion may require and may
employ a consultant for the purpose of conducting a market absorption study. The study, if required, shall include and estimate the total number of units, land uses and rate of absorption, and will be used as a basis for verification that sufficient revenues can be generated, and to determine if the financing of the infrastructure and public facilities is appropriate given the projected level and pace of development.

e. Disclosure Requirements. The applicant shall be responsible for compliance with all applicable federal and state statutory disclosure requirements, as well as any additional City requirements, in transactions with purchasers of properties with the CFD.

f. Continuing Disclosure. The developer will comply with federal and State securities laws and SEC Rule 15c 2-12 requirements concerning secondary market disclosure as those requirements are interpreted by the City and its counsel.

g. Refunding. The City will analyze outstanding bond issues for refunding opportunities. In addition, the City will accept refunding proposals from underwriting firms and financial advisors which the City will then analyze and verify. The City will refund outstanding bond issues if:

(1) The refunding will generate at least five (5%) percent net present value savings; or

(2) There is another reason the City determines is compelling enough to complete a refunding (e.g. for the purpose of changing onerous legal requirements in a previous bond indenture or resolution).

h. Credit Quality to be Required of Bond Issues.

(1) Debt Service. Except for commercial or industrial property financings with no residential components, debt service shall be substantially level throughout the life of the bond issue. Phased bond issuance shall not result in increased debt service to existing residential homeowners. Unless determined to be specifically required, debt service shall not exceed twenty-five (25 years) from the date of bond issuance.

(2) Bond Redemptions. Maximum redemption premiums shall not exceed three percent (3%). Call protection provisions shall not exceed ten (10) years and no provision shall be made to restrict the ability of the City to refund any bond issue. Consideration shall be given to allowing redemption of bonds at par (without premium) with surplus construction funds, or from the prepayment of the special tax. Provision shall be made to allow the City to purchase bonds on the open market at par plus accrued interest, in lieu of redemption of bonds.
(3) Reserve Funds. A reserve fund shall be required (unless specifically exempted for cause) for every land-secured financing. The City will consider the substitution of other security, such as a letter of credit, for monies in the reserve fund. The reserve fund will be sized by the City with the advice of the financing team, and, for tax-exempt financings, will not exceed the maximum prescribed by applicable federal tax law. Reserve fund earnings beyond maximum reserve fund size should be used to credit debt service and may be used to pay applicable rebate obligations under federal tax law. (The City may also determine to permit such reserve fund earnings to be transferred to the construction fund until the project is completed.)

(4) Capitalized Interest. The City, with the advice of the financing team, will determine, on a case by case basis, the amount of capitalized interest for a particular financing. The amount of such interest will be determined based on factors such as the length of the construction period, the earliest date upon which tax roll collection may commence and the amount such interest will add to the total amount of the financing, taking into account the restrictions on value to lien expressed herein, the ability of the owner(s) to defray the debt service, and applicable provisions of the Act.

(5) Foreclosure Covenants. Every land-secured financing bond issuance document shall provide for the judicial foreclosure of delinquent payments of assessments or special taxes. Such covenants may vary with the particular financings, but shall at the minimum generally provide for the institution of foreclosure not more than 150 days from April 10 of a calendar year and shall authorize the City Attorney or delegate thereof to commence foreclosure without further Council action upon notification of a delinquency. Provision may be made to allow deferral of foreclosure in the event the City advances funds to the reserve fund to maintain any specific reserve requirement.

(6) Discounts. In competitive bond sales, the amount of discount shall be determined by the City with the advice of its financial advisor. In negotiated sales, it shall be the burden on the underwriter to justify its discount as competitive and such justification must take into account any other compensation being paid to the underwriter. Original issue discount will be allowed if it results in a lower true interest cost and will not adversely affect the ability to construct the public improvements.

i. Information to Property Owners.

(1) Prospective Purchasers. The Director of Finance shall be responsible for
providing notice of special tax to prospective property owners pursuant to Section 53340.2 of the Act and, upon request of an applicant, or its agent or representative, information in order for such applicant, agent or representative to comply with Section 53341.5 of the Act.

(2) **Existing Lenders.** The City may require the consent of the existing deed of trust holders in any CFD to be formed by landowner (rather than registered voter) approval.

**j. Criteria for Evaluating the Equity of the Special Tax Formula.**

The proposed rate and method of apportionment shall comply with the following criteria:

(1) The rate and method of apportionment generally shall not provide for an annual increase in the maximum special tax for any classification. However, under limited circumstances an increase in the maximum special tax will be permitted, not to exceed two percent (2%) annually. As a general rule, escalation of the maximum annual special tax will be allowed when bonds are to be sold in several series over an extended period of time.

(2) The total projected annual special tax revenues, less estimated annual administrative expenses, must exceed the projected annual gross debt service on the bonds by ten percent (10%). In structuring the special tax, projected annual interest earnings at current passbook savings rates on bond reserve funds may also be included as revenue for the purpose of this calculation. Reserve fund interest earnings credit in excess of the foregoing will only be permitted if an investment agreement, satisfactory to the City, is secured at the time any bonds are sold and delivered.

(3) The projected annual tax revenues shall include reasonable annual administrative expenses and other direct costs to the CFD.

(4) All property not otherwise statutorily exempted or owned (or to be owned) by a public entity shall bear its appropriate share of the special tax liability.

(5) The special tax shall be allocated and apportioned on the basis of reasonableness to all categories and classes of property receiving general or specific benefit within the CFD.

(6) A formula to prepay the special tax shall be considered.
(7) The projected ad valorem property tax and other direct and overlapping debt for the proposed CFD (including estimated CFD charges, projected benefit assessments, levies for authorized but unissued debt and any other anticipated municipal charges which may be included on a property owner's annual tax bill), including the proposed maximum special tax, should not exceed two percent (2%) of the anticipated assessed value of each improved parcel upon completion of the public and private improvements. Any deviations from the foregoing will not be permitted unless specifically recommended by the CFD Formation Group and approved by the City Council.

(8) The special tax formula shall be structured to produce sufficient annual special tax revenue to pay annual debt service, administrative expenses, and "pay as you go" programs funded by the CFD special tax. To the extent a special tax is to be levied to pay for services, it should be separate from the special tax to pay for facilities.

(9) The special tax formula shall be such that once the total special tax need is known, and the status of all properties within the CFD relative to that formula are known, the special tax on each parcel is determined purely by the application of the formula without the exercise of discretion on the part of any person.


In order to ensure the long-term security of any bonds sold as the result of the formation of a CFD, the following policies shall be followed:

(1) The ratio of the appraised value of the land to the value of the proposed bond issue, and any other overlapping debt, shall not be lower than 3-to-1 unless authorized by the City Council with specific findings in accordance with the Act.

(2) Market absorption studies may be required at the City's discretion to determine if the financing of the infrastructure and public facilities is appropriate given the projected level and pace of development. The study may also be required by the appraiser for use in the appraisal process. The City will employ any market-absorption consultant.

(3) All terms and conditions for the sale of bonds shall be established by the City.

l. Continuing Disclosure.
By being allowed to participate for a Mello-Roos proceeding, each owner of land therein must be willing to provide information deemed by the City and its financing team to be needed in order for the City and the underwriter to comply with applicable Federal and State securities laws, including continuing disclosure requirements imposed by S.E.C. Rule 15c 2-12.

m. **The Appraisal Process.**

Appraisals undertaken to establish value-to-lien ratios for land-secured financings can be complex, requiring the appraiser to interpret the significance of various financial and demographic data. Because an appraisal essentially is an appraiser’s opinion of value, the City requires that the appraiser be qualified to render this opinion.

1. **Credentials.** The appraiser will be credentialed by the State of California Office of Real Estate Appraisers and be a member of the Appraisal Institute (MAI) or have similar training, experience and qualifications.

2. **Independence.** The appraiser will be an independent contractor retained by the public agency, rather than a land owner/developer.

n. **The Appraisal Problem.**

The appraiser will begin each assignment by defining the appraisal problem - that is, succinctly stating the objective of the appraisal. The statement of the appraisal problem will identify (1) the property rights to be valued, (2) the operative definition of value, and (3) the date of the value estimate.

1. **Property Rights to be Valued.** Appraisals undertaken to establish value-to-lien ratios in CFDs and assessment districts will value the fee simple estate within the established district and subject to the special tax or assessment lien.

2. **Definition of Value.** Appraisal undertaken to establish value-to-lien ratios in CFDs and assessment districts will estimate the market value of the subject property. The market value estimate will be the bulk sale value for all vacant properties - both unimproved properties and improved or partially improved but unoccupied properties. The bulk land value will include the property within the district as it is currently entitled with all appropriate zoning and in its current state of development, the value of the improvements to be financed with the proposed bond issue, if any, and the value of other improvements to be financed with any other cash escrow or security whose cash value is entirely controlled by the City. Paragraph 0, which follows, provides those valuation methods the City will allow an
appraiser to use to estimate the bulk sale value.

(3) **Date of the Value Estimate.** The date of the value estimate should clearly be identified in the appraisal report. The period between the date of the appraisal and the financing should be no more than four months, to accurately represent land values to prospective investors.

**Valuation Methods.** The first three valuation methods discussed below - the Sales Comparison Approach to Value, the Cost Approach to Value, and the Income Capitalization Approach to Value - form the core of modern real estate appraisal practices. These valuation methods are appropriate for conventional appraisal assignments involving improved real property, but are less well-suited to the valuation of unimproved land. Appraisals of unimproved CFDs and assessment districts will additionally employ a Discounted Cash Flow (DCF) analysis based upon the bulk land value of the property appraised, the fourth valuation method discussed in this section. This section concludes with a brief discussion of Mass Appraisal techniques and an assessed value approach alternative. An appraisal may include more than one appraisal method, depending on the status of the project.

(1) **Sales Comparison Approach to Value.** The Sales Comparison Approach to Value offers the best indication of the market value of the subject property, because it is based on actual sales data. This methodology is appropriate for most improved properties, but the absence of comparable sales data usually constrains its application to appraisals of unimproved CFDs and assessment districts. The Sales Comparison approach, however, provides the analytical basis for estimating a future retail value of presently unimproved properties which may be incorporated into a Discounted Cash Flow analysis.

(2) **Cost Approach to Value.** The Cost Approach to Value is not appropriate for appraisals undertaken to establish value-to-lien ratios in CFDs and assessment districts. Cost does not create value. The Cost Approach may be useful, however, for adjusting for physical differences between properties under the Sales Comparison Approach. Sales Comparison appraisals can be adjusted to reflect infrastructure differences between different projects.

(3) **Income Capitalization Approach to Value.** The Income Capitalization Approach to Value is appropriate for retail value calculations of income-producing properties. It also may be appropriate for estimating the future retail values of income-producing properties for use in a Discounted Cash Flow analysis.
(4) **Discounted Cash Flow Analysis.** Discounted Cash Flow Analysis is appropriate for bulk sale valuations of unimproved properties and improved or partially improved but unoccupied properties. Discounted Cash Flow valuations should rely on an absorption study to estimate how quickly properties can be developed and sold or leased to end users. The expense of converting raw land to finished product or improved lots must be deducted from gross cash flow to derive net cash flow prior to discounting. The value of the public facilities to be financed with the contemplated bond financing will be included in the appraisal. The discount rate should reflect the rates of return needed to attract debt and equity participation in the project.

(5) **Mass Appraisal Techniques.** When an entire tract or project has been built and fully absorbed, the appraiser may employ mass appraisal techniques, utilizing conservative per dwelling unit estimates.

(6) **Assessed Value.** If, based upon assessed value, the value-to-lien ratio of the project and ninety (90%) percent of the undeveloped parcels is greater than 3:1, then a separate appraisal may not be required. If the assessed value of ninety (90%) percent of the undeveloped parcels is not greater than three times the amount of the lien then the City can require an appraisal to be completed on the undeveloped portion of the project while it uses the assessed value for the developed portion.

### Contents of Appraisal

The appropriate format and level of appraisal documentation can vary according to its complexity. A detailed appraisal will reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards of Professional Appraisal Practice. Appraisal methodology and presentation of the results of the appraisal shall be presented in writing in either form report or narrative report, as required, by the CFD Formation Group.

Appraisals should conform to the following specific criteria:

1. Appraisals must be selected from a “pre-qualified” list of appraisers determined by the City.
2. Appraisals must be in writing, using either a “form report” (Uniform Commercial and Industrial Appraisal Report - Existing Property) or a “narrative report”.
3. Each appraisal shall clearly state the purpose of the report; a definition of the estate being appraised (i.e. fee, leasehold, etc.); and a description of the
limiting conditions and assumptions underlying the appraisal.

(4) Valuation dates shall be as determined by the City, but in no event earlier than 120 days prior to the sale of the bonds. To the extent practical, valuation dates on all properties shall be synchronized to a specific date, such as “October 1, 1999.”

(5) A physical description of the property being appraised, along with a discussion of its “highest and best use,” land use regulations, present use and location.

(6) An opinion of value which specifically considers the value of the property (including individual parcels) with the completed public facilities (bond proceeds and other financial guarantees).

(7) A certificate of the appraiser stating the absence of any direct or indirect interests in the property, along with a brief description of the appraiser’s qualifications.

(8) Improvement description (to the extent information is practically available).

(a) Land parcels which have been developed and subsequently sold should at a minimum indicate land parcel size, number of lots, density, number of plans, square footage, year construction was initiated, year of completion, and when sales were initiated.

(b) Land parcels with product under construction or with standing inventory, should be described as in (5) above and include a summary of the stage of development including: number of residential units or buildings completed, number of buildings, status of buildings under construction, finished lots and mass-graded or raw lots. In addition, a comment on the marketability of the building (architecture, size, etc.) is appropriate.

(c) Land parcels which have been developed with income-producing (or owner-occupied) commercial, industrial, offices, etc., should be described as follows:

(i) Commercial Retail. Land parcel size; basic construction type; typical tenant improvements (and who is responsible for their construction); leasable area, when construction
was initiated; and date of completion.

(ii) **Industrial.** Land parcel size; basic construction type, whether single or multi-tenant typical office build-out as percentage of total area, when construction was initiated; and date of completion.

(iii) **Office.** Land parcel size; basic construction type; typical tenant improvements/allowance; net rentable area, when construction was initiated; and date of completion.

(iv) **Residential.** Land parcel size; basic construction type; whether single or multi-family; when construction was initiated; and date of completion.

5. **District Administrator.**

Upon completion of the formation of or annexation to a CFD, the District Administrator shall oversee all post-formation/post-annexation administrative duties. Examples of said duties include but are not limited to the following:

a. Establish through the Finance Department of the City of Modesto the financing mechanism to receive, dispense and administer all monies received post-formation/post-annexation.

b. Establish and administer a reserve fund.

c. File all appropriate notices.

d. Take any and all actions necessary for prudent administration of all post-formation/post-annexation CFDs, including but not limited to the expenditure or allocation of District funds, in strict accordance with Section 53343 of the Mello-Roos Act of 1982 as it may be amended, so that any such funds shall only be allocated or expended for facilities and services authorized by the Act.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-165

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF LATHROP FOR THE USE OF THE CITY OF MODESTO'S PROPERTY AGENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Lathrop for use of the City of Modesto's Property Agent be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: ____________________________
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $70,000 TO FULLY FUND THE PROJECT TITLED "SANITARY SEWER SUBTRUNK AND SEWER LIFT STATION NORTH BEYER PARK NEIGHBORHOOD"

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

FROM: 621 480 H016; $70,000
TO: 621 480 H818; $70,000

Completion of the project is needed to allow the removal of the temporary pumping and to assure a permanent and reliable sewer system for the homes already occupied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-167

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $34,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO ACCOUNT #O10-370-3715-1060

WHEREAS, the current allocation for the Youth/Senior Financial Assistance Program is $50,000, which is not enough to provide for program use for the upcoming summer class registration or for sports organizations with spring registration; and

WHEREAS, $34,000 additional funds will be needed through the end of this fiscal year; and

WHEREAS, this action amends the Accountability Budgeting System (ABS) target for Community Services & Neighborhood Connections Department by $34,000 for Fiscal Year 1998-99; and authorizing allocation of $7,500 for disabled persons.

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 $(34,000)
#010-370-3715-1060 $34,000

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 24th day of March 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 votes:

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 SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-168

A RESOLUTION AMENDING THE YOUTH/SENIOR FINANCIAL ASSISTANCE PROGRAM ELIGIBILITY GUIDELINES TO INCLUDE DISABLED ADULTS.

WHEREAS, the Youth/Senior Financial Assistance Program was implemented in Fiscal Year 1993-94, for the purpose of providing a ninety (90) percent subsidy to low income, qualifying youth and seniors, through the issuance of "leisure bucks" cards, and

WHEREAS, by Resolution No. 97-171 adopted by the Council on April 1, 1997, the Council approved a revision to the Youth/Senior Financial Assistance Program qualifying criteria for the Low Income Facility Usage Fee for groups using the Modesto Centre Plaza, and

WHEREAS, the Youth/Senior Financial Assistance Program currently includes disabled youth and seniors 18 years of age or under, and 62 years of age or older, and

WHEREAS, City Staff is recommending that the Youth/Senior Financial Assistance Program's eligibility guidelines be expanded to include disabled adults between the ages of 18 and 61 and that proof of SSI or SSDI income must be submitted to the City program staff, and

WHEREAS, staff from the Modesto Independent Living Center will assist with screening for eligibility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Youth/Senior Financial Assistance Program Eligibility Guidelines to include disabled adults.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 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: 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. 98-169

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 34 AND FOR CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF MERLE AVENUE WEST OF CLAUS ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA. (WES BRENDLER)

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

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

WHEREAS, an application has been filed by Wes Brendler for a Precise Plan for Area No. 34, property located on the south side of Merle Avenue west of Claus Road, for a gated community, and

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

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. 98-08, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-21, adopted on March 2, 1998, and City staff, by a report dated March 12, 1998, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 34 of the Village One Specific Plan as set forth in said Resolution No. 98-21, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from a Specific Plan-Holding Zone, SP-H to a Specific Plan-Overlay Zone, SP-O, Precise Plan Area 34, property located on the south side Merle Avenue, west of Claus Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 7, 1998, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-08, entitled "City of Modesto Initial Study Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone", for the proposed project, and the Council hereby makes the following findings:
1. There are no substantial changes in the proposed Precise Plan and rezoning which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the Precise Plan and rezoning are being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. 98-08, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. 98-08, entitled "City of Modesto Initial Study Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone", is attached hereto as Exhibit "A", and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 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
City of Modesto
Initial Study

Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone
E.A. No. 98-08
February 12, 1998

I. PURPOSE

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

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

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, if the following findings can be made:

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

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

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

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

II. PROJECT DESCRIPTION

A. Project title:

Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone
B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

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

D. Project Location:
The south side of Merle Avenue west of Claus Road.

E. Project Sponsor:
Wes Brendler, 2021 Woodland Ave., Modesto, CA 95358

F. General Plan Designation: Village Residential (VR)

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

H. Description of Proposed Project:
The Precise Plan and rezoning are to allow development for development of 36 acres with single-family residential development, with an expected dwelling-unit yield of 135 dwelling units.

I. Surrounding land uses:
The project is adjoined on the north by a series of ranchette parcels, designated in the Village One Specific Plan for residential development; to the east by Claus Road, and parcels designated for business park development in the Specific Plan; to the south by MID Lateral No. 3, Briggsmore Avenue, and a psychiatric hospital and single-family subdivision; and on the west by agricultural land designated for residential development in the Specific Plan, with an approved Precise Plan for residential development.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report
Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. **Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity (135 dwelling units), and provides a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. **Degradation of Air Quality**

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

3. **Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The proposed Precise Plan and rezoning are accompanied by a noise analysis that provides for alternate mitigation measures that achieve the same exterior noise levels prescribed in the Village One EIR. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. **Vegetation and Wildlife**

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

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

6. Population, Employment and Housing

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

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

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

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by Precise Plan and
rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

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

11. Fiscal Impacts

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

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.
B. **No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.**

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

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

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

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell,  
Associate Planner

EA RESOLUTION

1 Attorney

1 CDD - Construction Administration

1 Initiating Department - Attention: Steve Mitchell

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-170

A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE
KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW
INDOOR THEATERS IN THE REGIONAL COMMERCIAL
DESIGNATION WITH A PLANNED DEVELOPMENT ZONE
(COSTA LIMITED PARTNERS).

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
the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159
adopted the Kiernan Business Park Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific
Plans as often as deemed necessary by the legislative body, and

WHEREAS, on November 4, 1997, the Council adopted Resolution No. 97-630
approving Amendment No. 1 to the Kiernan Business Park Specific Plan to add text to Chapter
V, page 34, of the Plan’s Public Facilities section to allow for future changes in Public Service
Providers, and

WHEREAS, Costa Limited Partners has proposed Amendment No. 2 to the
Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a
Planned Development Zone in the Regional Commercial designation, and

WHEREAS, the Planning Commission held a duly noticed public hearing on
March 16, 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 regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on March 16, 1998, the Planning Commission adopted Resolution No. 98-25, recommending to the City Council Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional Commercial designation, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 7, 1998, at 4:00 p.m., 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 by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional Commercial designation, as recommended by the Planning Commission in its Resolution No. 98-25, is consistent with the City of Modesto Urban Area General Plan for the following reason:

Theaters do not conflict with the Regional Commercial designation of the General Plan, which provides for commercial that meets the needs of the region as well as the community.

BE IT FURTHER RESOLVED that said Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional commercial designation, as recommended by the Planning Commission, is hereby approved as set forth in Exhibit "A", a copy of which is attached hereto.
and incorporated herein by reference, and 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 7th day of April, 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
EXHIBIT "A"

AMENDMENT NO. 2 TO KIERNAN BUSINESS PARK SPECIFIC PLAN
PROPOSED SPECIFIC PLAN AMENDMENT NO. 2

allow in commercial zones adjacent to residential areas. Compatibility is ensured through development standards which are noncommercial in nature.

b. **Allowable Uses.** The land uses allowed in Area B shall be those allowed in the P-O Zone, with the exception that no residential uses shall be allowed. Examples of allowed uses include:
   - Business offices, such as real estate, insurance, and stock broker.
   - Medical and dental offices.
   - Professional offices such as accountants, attorneys, architects and engineers.

3. **Area C - Regional Commercial**

*Policy LU-7: All development in Area C, as shown in Figure III-1, designated Regional Commercial, shall be required to conform with the uses and regulations of the Highway Commercial (C-3) Zone (Sec. 10-2.1201 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.*

a. **Purpose.** The Regional Commercial designation is intended to accommodate limited retail uses that are generally dependent on a regional rather than a local population for their support.

b. **Allowable Uses.** The land uses allowed in Area C shall be those allowed in the C-3 Zone, except where noted below. Examples include:
   - Department stores
   - Volume discount department stores
   - Home improvement, hardware stores (not stores devoted exclusively to lumber or any other building material)
   - Automobile dealers

c. **Modifications to Allowable Uses.**

   1. No residential uses are allowed in Area C.
   2. No radio/TV transmitters are allowed in Area C.
   3. Indoor theaters are allowed with a Planned Development Zone, as specified in Section 10-2.1703 of the Municipal Code.

E. **Development Criteria**

This section provides the standards and criteria by which development in the Kierman Business Park will proceed including performance, development and supplemental development standards in compliance with Section 65451 (a) (3) of the California Government Code. These development standards are intended to create an integrated development pattern and encourage complementary development while allowing flexibility.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-171

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 94082005) RELATING TO THE APPROVAL OF THE KIERNAN BUSINESS PARK SPECIFIC PLAN:
APPROVING AMENDMENT NO. 2 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CHANGE SECTION III-D(3)(C) OF THE SPECIFIC PLAN WHICH SPECIFIES MODIFICATIONS TO THE ALLOWABLE USES IN THE REGIONAL COMMERCIAL DESIGNATION.

WHEREAS, on April 1, 1997, by Resolution No. 97-160, the City Council of the City of Modesto certified the Final Environmental Impact Report ("EIR") (SCH 94082005) for the Kiernan Business Park Specific Plan, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 98-11 reviewed a proposed Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional Commercial designation, 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 April 7, 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 project,
a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and
based on the substantial evidence included in said Initial Study, makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused 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. 98-11, provides substantial evidence to support findings 1, 2, and 3 above.

5. As per Section 2166 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

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 7th day of April, 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
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

Initial Study

E.A. No. 98-11
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:
Kiernan Business Park Specific Plan Amendment No. 2

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 an amendment to the Kiernan Business Park Specific Plan to allow theaters with a Planned Development zone.

I. **Surrounding land uses:**

The amendment 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. The EIR included an analysis of the traffic impacts of including theaters in the Regional Commercial area of the Business Park. Therefore, the proposed
amendment is consistent with analysis of this 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 EIR already analyzed the impacts of theaters in the Regional Commercial area, the air quality impacts of the proposed amendment are consistent with those analyzed in the EIR.

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. Since this project proposes development consistent in type and intensity with those analyzed in the EIR, this conclusion remains 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, 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, 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, this conclusion does not change.

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, this conclusion would not change.


Generation of hazardous materials was analyzed by the General Plan Master EIR on pages IV-16-1 through IV-16-15. The EIR concluded that there would be no significant impacts to the generation of hazardous materials that were not mitigable. Since this project is consistent with the Regional Commercial designation of the General Plan in terms of type, location and intensity, this conclusion would remain valid.

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.

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.

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 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 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-172


WHEREAS, by Council Resolution No. 97-453 adopted on August 5, 1997, the City Council ordered the demolition of the buildings and structures located at the corner of Sixth and "I" Streets (commonly referred to as 601 and 607 "I" Street and 908 Sixth Street, and

WHEREAS, item number 7 on page 6 of said Resolution No. 97-453 directed City staff to keep an itemized account of the expenses incurred in the razing and removing of such buildings and structures, and

WHEREAS, the Community Development Department submitted an Agenda Report dated March 25, 1998, to the City Council which contained the Statement of Expenses associated with the abatement of the nuisance of the subject demolition project, and

WHEREAS, following is a brief summary of the Statement of Expenses:

| Staff    | $1,944.97 |
| Materials| $132.10   |
| Demolition| $54,648.00 |

**TOTAL** $56,725.07

WHEREAS, at its meeting of April 7, 1998, the City Council considered said Agenda Report, a copy of which is attached hereto and incorporated herein by reference, which contains a full explanation of expenses, and which requested the Council to confirm the
Statement of Expenses for the demolition of the buildings and structures located at the corner of Sixth and "I" Streets (commonly referred to as 601 and 607 "I" Street and 908 Sixth Street),

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

1. That on March 27, 1998, the Chief Building Official posted conspicuously on the premises located at the corner of Sixth and "I" Streets (601, 607 "I" Street and 908 Sixth Street) copies of the Statement of Expenses of razing and removing the buildings and structures, together with a Notice of time and place and when and where said Statement would be submitted to the Council for approval and confirmation.

2. That a copy of the Statement of Expenses and Notice were mailed on March 27, 1998, by certified mail, postage prepaid, return receipt requested, to the record owner(s), and an affidavit of posting and mailing was filed with the City Clerk.

3. That the expenses of abating the nuisance are hereby confirmed.

4. That in the event the City is not reimbursed within five (5) days after the resolution confirming the Statement of Expenses, the expense of abating the nuisance shall constitute a lien on the premises and City staff is hereby authorized and directed to file and record with the Stanislaus County Recorder a Notice of Lien pursuant to and in compliance with 25 California Code of Regulations, Section 70.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of April, 1998, by
Councilmember Serpa, 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
TO: Mayor and City Council
FROM: Community Development Department
SUBJECT: Consider Adopting a Resolution Confirming the Statement of Expenses for the Demolition of the Apartments Located at the Corner of Sixth and "I" Streets (601, 607 "I" Street, 908 Sixth Street)

RECOMMENDED COUNCIL ACTION:

A resolution declaring the following:

1. That on March 27, 1998, the Chief Building Official has posted conspicuously on the premises a verified statement showing the expense of razing and removing the buildings and structures, together with a notice of time and place, when and where said statement shall be submitted to the Council for approval and confirmation.

2. That a copy of the statement of expenses and notice were mailed on March 27, 1998, by certified mail, postage prepaid, return receipt requested, to the record owner(s) and an affidavit of posting and mailing was filed with the City Clerk.

3. That the expenses of abating the nuisance are confirmed.

4. That in the event the City is not reimbursed within five (5) days after the resolution confirming the statement of expenses, the expense of abating the nuisance shall constitute a lien on the premises and City staff is authorized and directed to file and record with the Stanislaus County Recorder a Notice of Lien pursuant to and in compliance with 25 California Code of Regulations, Section 70.

BACKGROUND:

The premises at Sixth and "I" Streets consisted of three separate buildings and a total of 14 individual apartment units.

After a public hearing on June 10, 1997, the Council determined that the property was a nuisance and allowed the owners of the property 30 days from the date of posting as a nuisance to repair or demolish the building. The property was posted on June 13, 1997. On July 14, 1997, the owner had not repaired or demolished the buildings and the City took jurisdiction over the property for the purpose of determining the future of the buildings. On
July 22, 1997, an asbestos removal company inspected the property to determine if there was any asbestos present in the buildings. The report was completed on July 30, 1997, stating that asbestos was present and gave an estimate of the cost of removal. On August 5, 1997, the Council by resolution ordered the demolition of the substandard buildings and to keep an itemized account of the expenses incurred in the razing and removal of the buildings and structures. On August 6, 1997, a contract was signed with Modesto Sand and Gravel for demolition of the structures. However, demolition could not begin until an asbestos removal permit was obtained from the Air Pollution Control District and the asbestos removed. On August 26, 1997, a contract was signed with E.T. Abatement to remove the asbestos from the site. On November 5, 1997, the buildings were completely removed and the site cleared.

All of the expenses associated with the abatement of the nuisance of Sixth & "T" are listed below and were posted on the property and sent to the owner.

**STATEMENT OF EXPENSES**

**STAFF EXPENSES**

**Building Inspector**

Initial Title Search 1.0
Meetings with City Attorney's Office 4.0
On-site Inspections 10.0
Preparation of Notice and Order 8.0
City Council Meeting .5

Total Hours/Cost 23.5 @ $34.58 = $812.63

**Administrative Clerk**

Preparation of Notice and Order 6.0
Preparation of Agenda Report to Set Council Hearing (Pink Sheet) - June 10, 1997, Meeting 3.0
Preparation of Agenda Report for Council Hearing (Blue Sheet) - August 5, 1997, Meeting 3.0
Preparation of Staff Report of Expenses Incurred to Abate the Nuisance 3.0

Total Hours/Cost 15.0 @ $19.50 = $292.50
Memo: Mayor and City Council
Page 3
March 25, 1998

Chief Building Official

<table>
<thead>
<tr>
<th>Description</th>
<th>Hours</th>
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<tr>
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<td>3.0</td>
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<tr>
<td>Preparation of Agenda Item and Staff Report for Council Hearing to Declare Property a Nuisance (Blue Sheet) - August 5, 1997, Meeting</td>
<td>3.0</td>
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<tr>
<td>Preparation of Staff Report of Expenses Incurred to Abate the Nuisance</td>
<td>2.0</td>
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<tr>
<td>Preparation of Council Agenda Item and Staff Report (Blue Sheet) - April 7, 1998, Meeting</td>
<td>2.0</td>
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<tr>
<td>Meetings with City Attorney’s Office</td>
<td>4.0</td>
</tr>
<tr>
<td>City Council Meetings</td>
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<tr>
<td><strong>Total Hours/Cost</strong></td>
<td>16.0 @ $52.49 = $839.84</td>
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**TOTAL STAFF EXPENSES = $1,944.97**

**MATERIAL EXPENSES**

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<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>PIRT Report</td>
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<td>Certified Mailings</td>
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<td><strong>TOTAL MATERIAL EXPENSES = $132.10</strong></td>
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**DEMOLITION AND ASBESTOS REMOVAL EXPENSES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Freeman Environmental - Asbestos Sampling and Analysis</td>
<td>$950.00</td>
</tr>
<tr>
<td>E.T. Asbestos Removal - Asbestos Abatement</td>
<td>$15,848.00</td>
</tr>
<tr>
<td>Modesto Sand and Gravel - Demolition</td>
<td>$37,850.00</td>
</tr>
<tr>
<td><strong>TOTAL DEMOLITION AND ASBESTOS REMOVAL EXPENSES = $54,648.00</strong></td>
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**SUMMARY OF ALL EXPENSES:**

<table>
<thead>
<tr>
<th>Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>$1,944.97</td>
</tr>
<tr>
<td>Materials</td>
<td>$132.10</td>
</tr>
<tr>
<td>Demolition</td>
<td>$54,648.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$56,725.07</strong></td>
</tr>
</tbody>
</table>
Reason For Recommended Action:

California Law provides for the abatement of private property found to be substandard as defined by Section 17920.3, Health and Safety Code. The Law further provides for the confirmation of expenses in abating the nuisance and filing and recording a lien if not reimbursed within five (5) days of a resolution confirming the expenses.

The Council can confirm the statement of expenses and direct staff to file and record a lien if the owners do not reimburse the City as described above.

Issues:

The buildings on the premises have been demolished and the site cleared. The owners have been notified of the expenses and have five (5) days following the resolution confirming the costs to reimburse the City or a lien will be filed and recorded.

Steps Following Approval:

1. Resolution prepared confirming expenses to abate nuisance of substandard apartments at corner of Sixth and "I" Streets.

2. Owner reimburses the City for Cost of Abatement within five (5) days of resolution confirming expenses or City files and records with the Stanislaus County Recorder a Notice of Lien pursuant to and in compliance with 25 California Code of Regulations, Section 70.

Prepared By: Daryl Willey, Chief Building Official

Recommended By: Philip A. Testa, Community Development Director

Submitted By: J. Edward Tewes, City Manager

Attachment: Statement of Expenses Letter dated March 27, 1998

CC: Finance Manager
    City Attorney
    City Clerk (18)
    Deputy City Manager
March 27, 1998

Robbon Properties, A General Partnership  
c/o Robert Pack, General Partner  
Robert Pack  
Bonnie Sue Mandel  
Susanna N. Grossman  
5283 Vista Grande Drive  
Santa Rosa, CA 95403

RE: NOTICE OF HEARING TO CONSIDER ADOPTING A RESOLUTION CONFIRMING THE STATEMENT OF EXPENSES IN ABATING THE NUISANCE, INCLUDING RAZING AND REMOVAL OF THE APARTMENTS/STRUCTURES LOCATED AT SIXTH AND "I" STREET AND 908 SIXTH STREET, MODESTO, CALIFORNIA

To Whom it May Concern:

As directed by City Council Resolution No. 97-453, Item 7, the City of Modesto staff has itemized the expenses incurred in abating the nuisance, including the razing and removal of the apartments/structures described above at 6th and "I" Streets. This itemization has been posted on the property on the date of this letter and has been submitted to the City Council for approval and confirmation.

The City Council will conduct a hearing on APRIL 7, 1998, AT 7 P.M., to consider the statement of expenses together with any objections that might be raised. If the expenses are deemed just, the City Council, by Resolution, will order that the statement of expenses be confirmed. In the event that the City is not reimbursed for expenses incurred to abate the nuisance within five (5) days after the resolution confirming the expenses, a Notice of Lien will be filed and recorded with the Stanislaus County Recorder.
## STAFF EXPENSES

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<thead>
<tr>
<th>Role</th>
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<th>Cost</th>
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<tr>
<td><strong>Building Inspector</strong></td>
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<td>Initial Title Search</td>
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<tr>
<td>Meetings with City Attorney’s Office</td>
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<td>On-site Inspections</td>
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<td>City Council Meeting</td>
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<td><strong>Total Hours/Cost</strong></td>
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<tr>
<td><strong>Administrative Clerk</strong></td>
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<td>Preparation of Staff Report of Expenses Incurred to Abate the Nuisance</td>
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<tr>
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<tr>
<td><strong>Total Hours/Cost</strong></td>
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<td>$839.84</td>
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**TOTAL STAFF EXPENSES** = **$1,944.97**
Robbon Properties, A General Partnership  
Page 3  
March 27, 1998

MATERIAL EXPENSES
PIRT Report $100.00
Certified Mailings $32.10
TOTAL MATERIAL EXPENSES = $132.10

DEMOLITION AND ASBESTOS REMOVAL EXPENSES
Freeman Environmental - Asbestos Sampling and Analysis $950.00
E.T. Asbestos Removal - Asbestos Abatement $15,848.00
Modesto Sand and Gravel - Demolition $37,850.00
TOTAL DEMOLITION AND ASBESTOS REMOVAL EXPENSES = $54,648.00

SUMMARY OF ALL EXPENSES:
Staff - $1,944.97
Materials - $132.10
Demolition - $54,648.00
TOTAL - $56,725.07


Sincerely,

/DARYL WILLEY
Daryl Willey, Chief Building Official  
BUILDING INSPECTION SECTION  
Development Services Division

DW:lr
A RESOLUTION ACCEPTING THE PROJECT TITLED "COLLEGE AVENUE OVERLAY BETWEEN WEST BRIGGSMORE AVENUE AND CECIL WAY" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled College Avenue Overlay between West Briggsmore Avenue and Cecil Way, has been completed by George Reed Inc., in accordance with the contract agreement dated August 5, 1997.

NOW, THEREFORE, BE IT RESOLVED that the College Avenue Overlay between West Briggsmore Avenue and Cecil Way be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $389,283.61 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 April, 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: 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. 98-174

A RESOLUTION ACCEPTING THE PROJECT TITLED "PRESCOTT ROAD - ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Prescott Road - Road Construction and Drainage Improvements, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Prescott Road - Road Construction and Drainage Improvements be accepted from said contractor, Ross F. Carroll Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $542,469.92 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 April, 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 ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-175

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND COLE-YEE-SCHUBERT, STRUCTURAL ENGINEERS, INC. FOR THE STRUCTURAL PLAN CHECK OF THE JPA BUILDING AND PARKING STRUCTURE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreements between the City of Modesto and Cole-Yee-Schubert for the structural plan check for the JPA building and the parking structure 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 April, 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
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-176

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE

WHEREAS, the JPA Building and Parking Structure requires an expedited structural plan check which staff cannot meet due to current workload; and

WHEREAS, due to the increase in construction activity that was not anticipated, additional funds need to be transferred into the Professional Services account.

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:

Revenue: #010-140-1401-4007 $41,900
Appropriation: #010-140-1401-0235 $41,900

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 April 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JBAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
AUTHORIZING THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT
OF NOT TO EXCEED $5,000,000 MULTIFAMILY HOUSING REVENUE
REFUNDING BONDS, 1998 SERIES A (VALLEY OAK PROJECT) AND NOT
TO EXCEED $1,000,000 FEDERALLY TAXABLE MULTIFAMILY HOUSING
REVENUE REFUNDING BONDS, 1998 SERIES B (VALLEY OAK PROJECT)
FOR THE PURPOSE OF REFINANCING THE VALLEY OAK PROJECT AND
DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Modesto (the "City") is a charter city and municipal corporation
organized and existing under the Constitution and laws of the State of California, and

WHEREAS, pursuant to the provisions of Chapter 7 of Part 5 of Division 31 of the Health
and Safety Code of the State of California, as amended (the "Law"), the City is authorized (I) to
engage in certain activities related to the provision of decent, safe and adequate housing for persons
residing in the City, including the financing of multifamily housing, and (ii) to issue bonds for the
purpose of making loans to finance such residential construction, and

WHEREAS, pursuant to the Law, the City has implemented a residential construction
financing program and in furtherance of such program, on January 11, 1985, issued its Residential
Rental Housing Revenue Bonds (Valley Oak Project) in the aggregate principal amount of
$6,055,000 (the "Original Bonds"), under and pursuant to that certain Trust Indenture, dated as of
October 15, 1984 (the "Original Indenture"), by and between the City and BNY Western Trust
Company, as successor trustee thereunder (the "Original Bonds Trustee"), for the purpose of
financing the construction of a 208-unit multifamily housing development known as the Valley Oak
Apartments located in the City of Modesto, California (the "Project"), occupied partially (at least 20%) by individuals of low and moderate income within the meaning of Section 103(b)(12)(C) of the Internal Revenue Code of 1954, as amended (the "1954 Code"), and

WHEREAS, in order to finance the Project, the Original Bonds Trustee made a loan (the "Mortgage Loan") to V O Associates, a California limited partnership (the "Owner"), secured by a series of non-recourse mortgage loans evidence by mortgage notes which were secured by related deeds of trust with respect to each rental unit comprising the Project, and

WHEREAS, pursuant to that certain Regulatory Agreement, dated as of October 15, 1984, by and between the City and the Owner, the Owner agreed to set aside certain units in the Project for Qualifying Tenants (as such term is defined in the Regulatory Agreement), and

WHEREAS, the Owner has determined that it would be financially advantageous to refinance the Project and redeem the Original Bonds and has requested the City's assistance in carrying out the plan of refinance, and

WHEREAS, the Owner has applied to Washington Capital DUS, Inc., a Delaware corporation, as lender (the "Lender"), for credit enhancement and liquidity support for the Bonds (as defined below) through the issuance of a Guaranteed Mortgage Pass-through Certificate by the Federal National Mortgage Association ("Fannie Mae"), and

WHEREAS, the City has determined to assist in the refinancing of the Project through the issuance, pursuant to Section 53570 et seq. of the Government Code of the State of California (the "Act") and pursuant to an Indenture of Trust, dated as of April 1, 1998 (the "Trust Indenture"), by and between the City and BNY Western Trust Company, as trustee (the "Trustee"), of not to exceed $5,000,000 of its Multifamily Housing Revenue Refunding Bonds, 1998 Series A (Valley Oak Project) (the "1998 Series A Bonds"), and not to exceed $1,000,000 of its Federally Taxable
Multifamily Housing Revenue Refunding Bonds, 1998 Series B (Valley Oak Project) (the "1998 Series B Bonds" and, together with the 1998 Series A Bonds, the "Bonds"), and

WHEREAS, pursuant to an Amended and Restated Tax and Regulatory Agreement, dated as of April 1, 1998 (the "Tax Regulatory Agreement") by and among the Owner, the City and the Trustee, the Owner covenants that it will comply with all requirements of Section 103(b)(12)(C) of the 1954 Code and the Internal Revenue Code of 1986, as amended (the "1986 Code"), and the regulations and ruling promulgated thereunder, and with all other requirements of the Act and any and all rules and regulations of the City, and

WHEREAS, upon the issuance and delivery of the Bonds, the Trustee will fund or cause to be funded the Mortgage Loan (as defined below), the proceeds of which will be deposited with the Original Bonds Trustee to be applied, together with other moneys available for such purpose, to the redemption of the Original Bonds on May 1, 1998, and

WHEREAS, pursuant to the terms of the Financing Agreement (the "Financing Agreement"), dated as of April 1, 1998, by and among the City, the Owner, the Lender and the Trustee, upon delivery of the Bonds, the Lender shall fund a loan to the Owner in a principal amount not to exceed $6,000,000 (the "Mortgage Loan"), evidenced by a Multifamily Note (the "Mortgage Note") in such amount from the Owner and secured by a Multifamily Deed of Trust, Assignment of Rents and Security Agreement (the "Mortgage") with respect to the Project, and

WHEREAS, upon the satisfaction of certain terms and conditions of Fannie Mae, Fannie Mae will acquire the Mortgage Loan from the Lender and issue in exchange therefor a Guaranteed Mortgage Pass-through Certificate (the "Pass-through Certificate") representing an undivided interest in the Mortgage Loan under the terms of which timely payment of principal and interest on the Pass-
through Certificate is guaranteed by Fannie Mae regardless of whether corresponding payments on
the Mortgage Loan are paid when due, and

WHEREAS, the Bonds are proposed to be issued and sold to PaineWebber Incorporated (the
"Underwriter") pursuant to the terms of a Bond Purchase Contract, to be dated on or about April 1,
1998 among the City, the Owner and the Underwriter (the "Bond Purchase Contract"), and

WHEREAS, the City has caused to be prepared and lodged with the City Clerk, the following
instruments:

(1) the form of Trust Indenture,
(2) the form of Financing Agreement,
(3) the form of Tax Regulatory Agreement,
(4) the form of Preliminary Official Statement to be dated on or about March 27, 1998 and to be used in connection with the offer and sale of the Bonds, and
(5) the form of Bond Purchase Contract.

WHEREAS, pursuant to the requirements of Section 147(f) of the 1986 Code, the City is
required to obtain the approval of the City Council of the City or the Mayor of the City prior to
issuing the 1998 Series A Bonds, which approval is to be preceded by a duly noticed public hearing,
and

WHEREAS, the City has given notice of the required public hearing pursuant to the 1986
Code, and the issuance of the 1998 Series A Bonds is contingent upon the approval by the City
Council of the City or the Mayor of the City, and

WHEREAS, the City is now duly authorized and empowered, pursuant to each and every
requirement of law, to issue the Bonds for the purpose and in the manner herein provided, and
WHEREAS, the City now wishes to provide for the issuance of the Bonds,

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

Section 1. Findings. The City Council hereby specifically finds and declares that the actions authorized hereby constitute, and are in furtherance of, the municipal affairs of the City and that the statements, findings and determinations of the City Council set forth in the preambles of the documents approved herein are true and correct.

Section 2. Authorization of Issuance of Bonds; Special Obligations of City. In order to provide funds to refund the Original Bonds and to provide funds to pay the costs of issuance associated therewith, the City Council hereby authorizes and approves the issuance of an aggregate principal amount of not to exceed $5,000,000 of its Multifamily Housing Revenue Refunding Bonds, 1998 Series A (Valley Oak Project) (the "1998 Series A Bonds"), and an aggregate principal amount of not to exceed $1,000,000 of its Federally Taxable Multifamily Housing Revenue Refunding Bonds, 1998 Series B (Valley Oak Project) (the "1998 Series B Bonds," and, together with the 1998 Series A Bonds, the "Bonds"), maturing and bearing interest at the rates provided and subject to all of the terms provided in the Trust Indenture hereinafter approved; provided, however, that the interest rate on the 1998 Series A Bonds shall not exceed 6.50% and the interest rate on the 1998 Series B Bonds shall not exceed 7.50%.

The Bonds shall be special, limited obligations of the City and shall be payable as to principal, premium and interest, and the obligations of the City under the Trust Indenture shall be paid and satisfied, solely from the revenues, receipts and other moneys pledged therefor under the Trust Indenture. The Bonds shall not constitute a debt of the City, the State of California (the "State") or any political subdivisions thereof (except the City as aforesaid), and neither the City, the
State nor any of its political subdivisions (except the City as aforesaid) is liable thereon, nor in any event shall the Bonds or interest thereon be payable out of any funds or properties other than funds as set forth in the Trust Indenture. The Bonds shall not be a debt of the United States of America, Fannie Mae or any other governmental agency, and are not guaranteed by the full faith and credit of the United States of America, Fannie Mae or any other governmental agency.

Section 3. Approval of Trust Indenture. The City Council hereby approves the form of a Trust Indenture, to be dated as of April 1, 1998, by and between the City and the Trustee, substantially in the form lodged with the City Clerk, and the City Manager or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute the Trust Indenture, but with such changes therein, deletions therefrom and modifications thereto as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Approval of Tax Regulatory Agreement. The City Council hereby approves the form of Tax Regulatory Agreement, to be dated as of April 1, 1998, by and among the City, the Owner and the Trustee substantially in the form lodged with the City Clerk, and the City Manager or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Tax Regulatory Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 5. Approval of Financing Agreement. The City Council hereby approves the form of Financing Agreement, to be dated as of April 1, 1998, by and among the City, the Owner, the Lender and the Trustee substantially in the form lodged with the City Clerk, and the City Manager
or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Financing Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 6. Approval of Preliminary Official Statement and Official Statement. The City Council hereby approves the form of the Preliminary 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 Preliminary Official Statement, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve in connection with the preparation of the Preliminary Official Statement and the preparation of a final Official Statement to be dated on or about the date of sale of the Bonds (the "Official Statement"), 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 Preliminary 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 Preliminary Official Statement and the Official Statement by the Underwriter in connection with the offering, marketing and sale of the Bonds.
Section 7. Approval of Bond Purchase Contract; Award of Bonds. The City Council hereby approves the form of Bond Purchase Contract by and among the City, the Owner and the Underwriter substantially in the form lodged with the City Clerk, and the City Manager or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Bond Purchase Contract, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof. The City Manager or the Interim Finance Director is hereby authorized to award the Bonds on the terms as provided in the Bond Purchase Contract and in this Resolution.

Section 8. Further Action Authorized. The City Manager, the Mayor, the City Clerk, the City Attorney, the Interim Finance Director and the other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable in order to consummate the offer of sale of the Bonds and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved. It is hereby covenanted that all conditions, acts and things required by the Act or this Resolution to exist, to have happened, and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened and have been performed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 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: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION EXTENDING THE CURRENT PARK DESIGN CONSULTANT LIST THROUGH JUNE 30, 1999, AND APPROVING A POLICY AUTHORIZING CITY STAFF TO ESTABLISH PARK DESIGN CONSULTANT LISTS WHICH WILL BE VALID FOR THREE YEARS, COMMENCING JULY 1, 1999.

WHEREAS, the process of selecting qualified consultant firms for park design is lengthy and time consuming and often delays the commencement of park development, and

WHEREAS, currently, when a consultant is needed to prepare preliminary documents relating to park development, staff must conduct an RFQ/RFP for each project, and

WHEREAS, staff has recently interviewed and selected three firms who are qualified to serve as consultants for park design, and

WHEREAS, in order to proceed with park development in a timely manner, staff is requesting that the current list of consultants, RRM Design Group, Purkiss-Rose RSI and Callander & Associates, be extended for a one year period, and

WHEREAS, during the 1998-1999 fiscal year, staff will prepare an RFP for professional services, select qualified consultants and establish an eligibility list which will be valid for three years, with the first list becoming effective July 1, 1999, and

WHEREAS, thereafter, consultant firms will be able to submit proposals for consideration of their consultant services every three years, and

WHEREAS, consultant services range from $5,000 to $60,000 per project, depending on the project’s complexity and scope, and staff will continue to request City Council
approval for all projects over $50,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, in order to facilitate park development, it hereby approves extension of the current list of park design consultants, RRM Design Group, Purkiss-Rose RSI and Callander & Associates, for a one-year period.

BE IT FURTHER RESOLVED that the Council hereby approves a policy for the 1998-1999 fiscal year, authorizing CITY staff to prepare an RFP for professional services, select qualified consultants and establish an eligibility list which will be valid for three years, with the first list becoming effective July 1, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 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: Dobbs, Friedman, Serpa, Mayor Lang
NOES: Councilmembers: Conrad, Fisher, Smith
ABSENT: Councilmembers: None

ATTEST: ______________
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ______________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-179

A RESOLUTION APPROVING SUBMISSION OF A REVISED ANNUAL TRANSPORTATION CLAIM, TO INCLUDE A SUPPLEMENTAL APPORTIONMENT, TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, on June 10, 1997, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development funds, and

WHEREAS, SAAG has informed the City of an additional $520,179 of Local Transportation funding, of which $57,348 is designated for non-motorized projects, and

WHEREAS, the portion of the funding for non-motorized projects will be divided between the Dry Creek Trail Project and the Tuolumne River Trail Project, and

WHEREAS, the remaining $462,831 will be apportioned to: (1) the Modesto Amtrack Station - $310,391; (2) Pothole Repair - $75,000; and (3) Sidewalks - $77,440,

and

WHEREAS, Council action authorizing the supplemental claim is required by SAAG prior to the funds being released,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the claim for supplemental apportionment of Transportation Development funds 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 $520,179 for fiscal year 1997-98 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 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: 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. 98-180

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE ADDITIONAL REVENUE

WHEREAS, on June 10, 1997, the City submitted its annual claim to the Stanislaus Area Association of Governments for apportionment of Transportation Development Funds; and

WHEREAS, SAAG has informed the City of an additional $520,179 of Local Transportation funding of which $57,348 is designated for non-motorized projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ADAMS, City Clerk

(seal)

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By: STAN FEATHERS, Budget Officer
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MODESTO CITY COUNCIL
RESOLUTION NO. 98-181

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GLADYS WALLIS FOR THE PURCHASE OF RIGHT-OF-WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gladys Wallis for the purchase of right-of-way needed for the Carpenter Road widening 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 April, 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: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: 
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-182

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARKER PLACE NO. 1 SUBDIVISION AND IN PARKER PLACE NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF SECURITY AGREEMENT

WHEREAS, Redev, Inc., Richard Hagerty, A. E. Carrade, and Mark J. Van Overbeek, subdividers of Parker Place No. 1 subdivision and Parker Place No. 2 subdivision, have caused to be filed a Security Agreement, dated December 12, 1995, to serve as a performance bond to guarantee improvements and to guarantee payment for labor and materials for Parker Place No. 1 and Parker Place No. 2 subdivision and;

WHEREAS, the Director of Community Development, in a memorandum dated March 26, 1998, indicates that all work required by the subdivision agreements has been completed to the satisfaction of the Community Development Department; and

WHEREAS, the Director of Community Development has indicated that it would be in order for the City Council to accept the improvements in said subdivisions as complete and authorize the City Clerk to file notices of completion and release the Security Agreement.

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

1. The improvements in Parker Place No. 1 and Parker Place No. 2 Subdivisions are hereby accepted.

2. The City Clerk is hereby authorized to provide Redev, Inc., Hagerty, Carrade and Overbeek with written notice of the determination that the City is no longer subject to exposure or financial loss of any type arising from the obligations contemplated in Paragraph 3 of Exhibit "A" and Paragraph 3 of Exhibit "B" of the Security Agreement dated December 12, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-183

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PRESCOTT ROAD AT MID LATERAL 6 CANAL CROSSING FOR THE CONSTRUCTION OF THE PELANDALE EXPRESSWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Prescott Road @ MID Lateral 6 canal crossing for the construction of the Pelandale Expressway 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 April, 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, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-184

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PELANDALE AT MID LATERAL 6 CANAL CROSSING FOR THE CONSTRUCTION OF THE PELANDALE EXPRESSWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Pelandale @ MID Lateral 6 canal crossing for the construction of the Pelandale Expressway 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 April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-185

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PELANDALE AT McHENRY AVENUE MID LATERAL 6 CANAL CROSSING FOR THE CONSTRUCTION OF THE PELANDALE EXPRESSWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Pelandale at McHenry Avenue MID Lateral 6 canal crossing for the construction of the Pelandale Expressway 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 April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-186

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, 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:

-1-
A. Paragraph 3.d. on page five of the Policies and Procedures is hereby amended to read as follows:

"Costs Incurred By The City Prior To Formation. All costs incurred by the City prior to formation of the CFD, including but not limited to consultant costs (e.g. legal counsel, engineer firms, appraisers, special tax consultants, financial advisors), City staff and administrative costs and related expenses, cost of providing notices, printing and publication costs, and all expenses directly or indirectly relating to these items, shall be reimbursed to the City by the applicant prior to the completion of formation. The CFD Formation Group shall utilize timekeeping computer software, as such may be updated from time to time, to track billable hours in 1/10 hour increments attributable to CFD formation, amendment, annexation or other modification, and CFD administration. The timekeeping process will be used both to audit time spent as appropriate, and to generate bills to applicants for formation costs. Such bills shall also contain, in so far as practicable, costs or estimates of costs incurred by CFD group members in connection with CFD formation and/or CFD administration.

From time to time the CFD Formation Group will review and re-evaluate the City’s fee/deposit requirements in light of the cost results of recent CFD formations for the purpose of recommending modifications of excessively high or low fee/deposit charges as required. The initial such review shall occur in September, 1998."

B. Paragraph 3.g.(2) on pages five and six of the Policies and Procedures is hereby amended to read as follows:

"Where CFD is formed and bonds are issued. If the CFD is formed and bond are issued, the applicant shall be entitled to reimbursement from bond proceeds for all reasonable costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the City Attorney 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.

With respect to advance formation fees paid pursuant to paragraph 3.u. on page ten of the 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, shall be returned to the applicant within five (5) business days after the filing of the appropriate liens by the City Clerk following an affirmative vote by the City Council on the resolution of formation of the subject CFD.”

C. Paragraph 3.g.(3) is hereby incorporated in the Policies and Procedures and shall read as follows:

Pursuant to Government Code Section 53314.9, the City Council may enter into an agreement, by resolution, with a person or entity advancing funds or work-in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating a CFD, without interest, under all of the following conditions:

a. The reimbursement proposal is included in the resolution of intention to establish the CFD and in the resolution of formation to establish the CFD, or in the resolution of consideration adopted pursuant to Government Code Section 53334.

b. The proposed special tax or change in a special tax is approved by the qualified electors of the CFD, or in the event that the electors do not approve the proposed special tax or change in a special tax, the City shall return any funds which have not been committed for any authorized purpose at the time of the election.

c. Any work-in-kind accepted pursuant to this paragraph shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority of, the City.
d. Any reimbursement agreement entered into pursuant to this paragraph and Government Code Section 53314.9, shall not constitute a debt or liability of the City.

The reimbursement procedure specified in Government Code Section 53314.9 and incorporated in this paragraph may be utilized both in the case where the requesting person or entity owns all of the land within a proposed CFD, and in the case in which the requesting person or entity owns less than all of the land within the proposed CFD. In the later event, consideration will be given to setting forth two (2) or more tax districts with the CFD in order to facilitate reimbursement of the person or entity which paid more than its prorata share of the formation costs from the proceeds of one time special facilities taxes paid by landowners in the tax district or districts that does/do not include the land owned by the person or entity that paid more than its prorata share of the CFD formation costs.”

D. Paragraph 3.b on page five of the Policies and Procedures is hereby amended to read as follows:

“Project Review. Applicant and the CFD Formation Group may discuss the application including but not limited to further information that might be required and other issues as necessary. If necessary, the applicant may be required to submit a revised application. Once the application is accepted by the CFD Formation Group, it may be reviewed by City Finance personnel or City consultants to determine the adequacy of the proposed financing. CFD Formation Group may also forward the application to the City’s engineering staff for determination that the application package is in fact both complete and practicable. Applicant and the CFD Formation Group may also conduct a face to face meeting between the applicant and the CFD Formation Group to “scope” the consultant work necessary to the formation of the CFD. However, the final authority to approve the scope of the consultant work to be performed in connection with the formation of any CFD and for the compensation of such services shall be solely within the authority of the CFD Formation Group.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 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: Mickey Milich
MICHAEL D. MILICH, City Attorney
DISTRIBUTION LIST FOR CFD RESOLUTIONS:

2 - City Clerk
1 - City Attorney’s Office
1 - CDD
1 - Finance
1 - Rolly Stevens
1 - Jean Adams
1 - Brian Smith
1 - Tina Rodriguez
A RESOLUTION APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND KPMG PEAT MARWICK TO ASSIST THE CITY’S BLUE RIBBON CITIZENS’ COMMITTEE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and KPMG Peat Marwick to assist the City’s Blue Ribbon Citizens’ Committee 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 April, 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: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-188

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(527).
(GREGORY DEVELOPMENT COMPANY)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Gregory Development Company on December 8, 1997, to reclassify from Medium-High Residential Zone, R-3, and Professional Office Zone, P-O, to Planned Development Zone, P-D(527), to allow a mini-warehouse storage facility, property located on the west side of Tully Road north of Standiford Avenue, described as follows:

R-3 to P-D(527)

ALL that certain real property being a portion of the southeast Quarter of the Northeast Quarter of Section 7, 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:

COMMENCING for reference at the East Quarter corner of the above mentioned Section 7, with said point lying at the intersection of the centerlines of Standiford Avenue and Tully Road; thence North 01° 14' 15" West along the East line of said Section 7 and along the centerline of said Tully Road, a distance of 1024.00 feet to the TRUE POINT OF BEGINNING; thence leaving last said lines and proceeding South 88° 45' 45" West, a distance of 500.96 feet to a point on the West line of PARCEL 2 as shown on that certain map filed for record on October 17, 1978 in Book 28 of Parcel Maps at Page 6, Stanislaus County Records; thence North 00° 24' 59" West along last said line and along the West line of PARCEL 3 as shown on said Parcel Map, a distance of 252.05 feet to the Northwest corner of said PARCEL 3, with said point lying on the Southeasterly right-of-way line of the Hetch Hetchy Aqueduct; thence North 69° 19' 52" East along the line common to said PARCEL 3 and the Hetch Hetchy Aqueduct, a distance of 157.06 feet; thence South 89° 24' 23" East along the North line of said PARCEL 3, a distance of 60.00 feet; thence leaving last said line and proceeding South 00° 24' 50" East, a distance of 269.68 feet to a point on the South line of said PARCEL 3; thence North 88° 45' 45" East along last said line and its Easterly prolongation, a distance of 293.14 feet to a point on the above mentioned East line of Section 7 and the centerline of Tully Road;
thence South 01° 14' 15" East along last said line, a distance of 32.70 feet to the POINT OF BEGINNING.

Containing 1.58 acres gross, more or less.

P-O to P-D(527)

ALL that certain real property being a portion of the Southeast Quarter of the Northeast Quarter of Section 7, 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:

COMMENCING for reference at the East Quarter corner of the above mentioned Section 7, with said point lying at the intersection of the centerlines of Standiford Avenue and Tully Road; thence North 01° 14' 15" West along the East line of said Section 7 and along the centerline of said Tully Road, a distance of 1056.70 feet to the Easterly prolongation of the South line of PARCEL 3 as shown on that certain map filed for record on October 17, 1978, in Book 28 of Parcel Maps at Page 6, Stanislaus County Records, and the TRUE POINT OF BEGINNING; thence South 88° 45' 45" West along said prolongation and along said South line of PARCEL 3, a distance of 293.14 feet; thence leaving last said line and proceeding North 00° 24' 50" West, a distance of 269.68 feet to a point on the North line of said PARCEL 3; thence South 89° 24' 23" East along said North line, a distance of 86.13 feet; thence leaving last said line and proceeding South 01° 14' 15" East, a distance of 122.60 feet; thence North 88° 45' 45" East, a distance of 203.18 feet to a point on the above mentioned East line of Section 7 and the centerline of Tully Road; thence South 01° 14' 15" East along last said lines, a distance of 144.30 feet to the POINT OF BEGINNING.

Containing 1.22 acres gross, more or less.

and

WHEREAS, after a public hearing held on February 23, 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. 98-18, 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 is compatible with existing and potential surrounding development.

2. That the requested planned development zone for a mini-storage facility is within an area designated by the General Plan for (MU) Mixed Uses.

WHEREAS, said matter was set for a public hearing of the City Council to be held on _____April 14, 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 Gregory Development Company 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. 98-18 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. _____3084___ -C.S. on the __14th__ day of __April__, 1998, reclassifying the above-described property from Medium-High Residential Zone, R-3, and Professional Office Zone, P-O, to Planned Development Zone, P-D(527).

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(527), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan, Tully Mini-Storage" as amended in red, stamped approved by the City Council on March 24, 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. Screen landscaping shall be installed along the south side of the chain link fence which extends along the south property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-foot-high chain link fence with slats along the north property line adjacent to the Hetch Hetchy and Modesto Irrigation District properties and along the south line of the mini-storage facility.
   b. Eight-foot-high decorative masonry wall along the west property line of the mini-storage facility.
   c. Eight-foot-high, wrought iron fence with decorative masonry pilasters at 16 foot on centers along the Tully Road frontage, set back 67 feet from the center line of Tully Road and along the property lines contiguous to the adjacent office development.

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

5. Street dedication to provide 57 feet west of the center line of Tully Road consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

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

9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection the fire access lanes and electronic security gates at both accessway entrances in accordance with Modesto
10. The mini-storage facility may be open to the public only between the hours of 7 a.m. and 10 p.m., seven days a week, unless a use permit seeking additional hours is obtained from the Board of Zoning Adjustment.

11. 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.

12. All signs shall comply with the sign requirements of the C-3 Zone.

13. Prior to the issuance of a building permit for any structure, a final parcel map and lot line adjustment shall be recorded.

14. 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 planned 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(527):

The entire construction program be accomplished in one phase, construction to begin on or before February 23, 2000, and completion to be not later than February 23, 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(527), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 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, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-189

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 7-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, AND PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(527), PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD NORTH OF STANDIFORD AVENUE TO ALLOW A MINI-WAREHOUSE STORAGE FACILITY. (GREGORY DEVELOPMENT COMPANY)

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, Gregory Development Company has proposed that the zoning designation for the property located on the west side of Tully Road north of Standiford Avenue be amended to rezone from Medium-High Density Residential Zone, R-3, and Professional Office Zone, P-O, to Planned Development Zone, P-D(527), property located on the west side of Tully Road north of Standiford Avenue, in the City of Modesto ("the project"), to allow 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, on February 2, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-6 reviewed the proposed amendment to the Zoning Map and rezone to P-D(527) 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(527) 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 14th day of April, 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, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
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 R-3, Medium High Density Residential Zone and P-O, Professional Office Zone to P-D. 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 Gregory Development Co. to rezone from R-3 and P-O to P-D for a mini-warehouse storage facility property located on the west side of Tully Road north of Standiford Avenue at 3917 Tully Road

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

C. Contact person, address and phone number: Roy A. Galli Mid Valley Engineering 900 "H" Street, Suite G Modesto, CA. 95354 phone (209) 526-4214

D. Project Location: Property located on the west side of Tully Road north of Standiford Avenue.

E. Project sponsor: Gregory Development Co.

F. General Plan Designation: Mixed Use (MU)

G. Zoning: P-O, Professional Office and R-3, Medium High Density Residential
H. Description of Proposed Project:
This is an application to rezone 1.58 gross acres of R-3 and 1.22 gross acres of P-O to P-D to allow development of an approximate 55,000 square foot, one-story mini-storage warehouse facility. The proposed development is located on the west side of Tully Road north of Standiford Avenue. Zoning and land uses immediately surrounding the proposed storage facility include: P-O, developed with an office building and R-1, with frontage along the Hetch Hetchy right-of-way to the north; undeveloped R-3 to the south; R-2 and P-D, with medium density residential units to the east; and R-3 to the west, developed with a mobile home park. This planned development application is accompanied by a tentative parcel map application which will divide property for the benefit of this proposed storage facility.

I. Surrounding land uses:
North - R-1 Zone, Hetch Hetchy right-of-way and P-O Zone, office building
East - R-2 and P-D developed with medium density residential uses
South - R-3, undeveloped
West - R-3, developed with mobile home park

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 mini-warehouse storage facility 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 conditional use permit. Development of the proposed 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 storage facility is within the urban developed area of the City of Modesto. This building addition 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
This mini-warehouse storage facility is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of low to medium high density residential units and commercial/office uses. Because
of building walls, 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 storage facility 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 storage facility is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for P-O and R-3 uses. The requested P-D Zone will allow a mini-warehouse storage facility, subject to conditions of approval. This property is also within a Mixed Use (MU) 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 storage facility will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services
The proposed storage facility will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat
The proposed storage facility is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites
This proposed storage facility will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.
I. Drainage, Flooding and Water Quality
The proposed storage facility 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 storage facility 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 storage facility will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

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

N. Increased Demand for Fire Services
This proposed facility will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 6 is located approximately two miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

O. Generation of Solid Waste
This proposed storage facility will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.
P. **Generation of Hazardous Materials**
   The storage facility will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore still valid.

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

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

IV **CONCLUSIONS / DETERMINATIONS OF FINDINGS**

A. The proposed rezoning from R-3 and P-O to P-D, for a mini-storage facility 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]  Date: 2/2/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-190

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(528).
(CALIFORNIA EQUITY MANAGEMENT GROUP, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the
Zoning Map was filed by California Equity Management Group, Inc. on January 20, 1998, to
reclassify from Low Residential Zone, R-1, to Planned Development Zone, P-D(528), to allow
conversion of a dwelling for a medical/dental office and addition of an off-street parking area,
property located on the northwest corner of East Orangeburg Avenue and Sunrise Avenue,
1407 Sunrise Avenue, described as follows:

R-1 to P-D(528)

All that certain real property situate in a portion of the Southeast Quarter, of the
Northeast 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:

Commencing at the Southeast corner of the Southeast Quarter of the northwest
Quarter of said Section 21, being the intersection of the centerlines of 80.00 foot
wide East Orangeburg and 60.00 foot wide Sunrise Avenues; thence West,
along the centerline of East Orangeburg Avenue and the north quarter quarter
line of said Section 21, 165.00 feet to the East line of P-D(473) thence leaving
said centerline North along the east line of P-D(473) 100.00 feet; thence leaving
said east line, East a distance of 165.00 feet to the centerline of said Sunrise
Avenue; thence South along said centerline, South a distance of 100.00 feet to
the point of beginning.

and

WHEREAS, after a public hearing held on March 16, 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. 98-23, 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 is compatible with existing and potential surrounding development.

2. That the requested planned development zone for offices uses is within an area designated by the General Plan for (MU) Mixed Uses.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 14, 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 California Equity Management Group, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3085-C.S. on the 14th day of April, 1998, reclassifying the above-described property from Low Residential Zone, R-1, to Planned Development Zone, P-D(528).

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(528), is hereby approved subject to the following conditions:
1. All development shall conform to the plot plan and floor plans titled "Plot Plan 1407 Sunrise Avenue" as amended in red, stamped approved by the City Council on April 14, 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:
   a. Six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers. Along the north property line adjacent to the office structure.
   b. 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 north property line adjacent to the parking lot area.

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

5. Street dedication consistent with Standard Specifications including a five-foot dedication along Sunrise Avenue and a 20-foot corner radius at the intersection of East Orangeburg and Sunrise Avenues shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

8. Trash cans shall be screened from view from any public street.
9. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.

10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

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

12. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a planned development plot plan, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. 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(528):

The entire construction program be accomplished in one phase, construction to begin on or before March 16, 2000, and completion to be not later than March 16, 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(528), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 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, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Serpa, Mayor Lang

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
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 LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(528), PROPERTY LOCATED ON THE NORTHWEST CORNER OF EAST ORANBEBURG AVENUE AND SUNRISE AVENUE, 1407 SUNRISE AVENUE TO ALLOW A MEDICAL/DENTAL OFFICE AND ADDITION OF AN OFF-STREET PARKING AREA. (CALIFORNIA EQUITY MANAGEMENT GROUP, INC.)

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

WHEREAS, California Equity Management Group, Inc. has proposed that the zoning designation for the property located on the northwest corner of East Orangeburg Avenue and Sunrise Avenue, 1407 Sunrise Avenue, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(528), in the City of Modesto ("the project"), to allow conversion of a dwelling for a medical/dental office and addition of an off-street parking area, 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, on February 25, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-10 reviewed the proposed amendment to the Zoning Map and rezone to P-D(528) 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(528) 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 14th day of April, 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, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
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 R-1, Low Density Residential Zone 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 California Equity Management Group, Inc. to Rezone From R-1 to P-D to Allow Conversion of a Dwelling for a Medical/Dental Office and Addition of an Off-Street Parking Area, Property Located on the Northwest Corner of East Orangeburg and Sunrise Avenues

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

C. Contact person, address and phone number:
Andrew Katakis
P.O. Box 1747
Modesto, CA. 95353
phone (209) 549-9249

D. Project Location:
Property located on the northwest corner of East Orangeburg and Sunrise Avenues

E. Project sponsor:
California Equity Management Group, Inc.

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
existing R-1

H. Description of Proposed Project:
The property proposed to be rezoned to planned development for office
In 1990 an amendment to the zoning and development policy for this neighborhood was recommended by Commission and adopted by Council. That amendment designated portions of this neighborhood, including the area to be rezoned, as having potential for professional office use. Subsequently, the General Plan was amended to also designate this area as (MU) for mixed use development. The rezoning from R-1 to P-D will allow conversion of a 1570 square foot, one-story dwelling for a medical/dental office use and addition of an 8-spaces parking area on a 8100 square foot lot located at the northwest corner of East Orangeburg and Sunrise Avenues. Immediately surrounding land uses include: residential dwellings to the north, school facilities to the east, professional office building to the west, and medical offices and residential dwellings to the south.

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 professional office use 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 rezoning. Development of the proposed office 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 rezoning and office 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.

C. Generation of Noise
The proposed planned development zone and office use is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential, professional office, and a commercial use. 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 office 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 planned development zone and office 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-1 uses. The requested P-D Zone will allow conversion of a residential structure for professional office use, subject to conditions of approval. This property is also within a Mixed Use (MU) area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed planned development zone and office 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 planned development zone and office 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 planned development zone and office 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 planned development zone and office 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 planned development zone and office 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 planned development zone and office 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 planned development zone and office 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 planned development zone and office 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 planned development zone and office 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
This proposed planned development zone and office use will have a less than
significant impact upon the need for additional fire services to this area. Fire
Station Number 5 is located approximately three quarters of a 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 proposed planned development zone and office 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 planned development zone and office 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 planned development zone and office 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-1-11) are, therefore still valid.

R. **Energy**
This planned development zone and office 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-1 to P-D for a professional office 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: 

Date: 2/25/98

5
A RESOLUTION ACCEPTING THE BID OF K & D ENTERPRISES, INC. FOR THE HIGHWAY VILLAGE SIDEWALKS PROJECT FOR $69,816

WHEREAS, bids received for the Highway Village sidewalks project were opened at 11:00 a.m. on March 11, 1998, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of K & D Enterprises, Inc. for $69,816 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 K & D Enterprises, 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 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-193

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $18,000.00 TO FULLY FUND THE HIGHWAY VILLAGE SIDEWALK PROJECT

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

FROM: CIP Street Paving                           $18,000
       (113 480 J239 6040)

TO:    Highway Village                           $18,000
       (628 480 E577 6040)

Additional funding is required because bids were higher than the Engineer’s Estimate. The higher bids are attributed to contractor uncertainty of the difficulty of installing root barriers behind the sidewalks and to inflating construction costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION REJECTING BIDS RECEIVED FOR THE BUILDING PERMIT/LAND USE SOFTWARE

WHEREAS, Resolution No. 97-573, adopted by the Council of the City of Modesto on October 14, 1997, authorized the call for bids for the purchase of Building Permit/Land Use Software; and

WHEREAS, the bids received for the purchase of one flap gate check valve were opened at 11:00 a.m. on November 10, 1997, and staff recommends rejecting the bids.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bids received for the purchase of the Building Permit/Land Use Software are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 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: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF BUILDING PERMIT/LAND USE SOFTWARE FROM TIDEMARK COMPUTER SYSTEMS FOR A TOTAL COST OF $144,813.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of Building Permit/Land Use Software are hereby waived.

BE IT FURTHER RESOLVED that the purchase and installation of an Building Permit/Land Use Software from Tidemark Computers Systems for $144,813.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 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: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams, City Clerk

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Storer Transit Systems to operate Modesto Area Dial-A-Ride commencing June 13, 1998, and terminating June 13, 2003, and extend the current contract through June 12, 1998, 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 14th day of April, 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, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH THOMAS E. AND SUE A. CHAFFEE FOR THE ACQUISITION OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Thomas E. and Sue A. Chaffee for the acquisition of right of way needed for the Carpenter Road widening 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 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-198

A RESOLUTION APPROVING AN AGREEMENT WITH THOMPSON FAMILY TRUST FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE NEW WOODLAND NEIGHBORHOOD PARK SITE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Thompson Family Trust for the acquisition of property needed for the new Woodland Neighborhood Park Site 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 April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-199

A RESOLUTION APPROVING AN AGREEMENT WITH JESSE F. AND ROSEMARIE YOUNG FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE NEW WOODLAND NEIGHBORHOOD PARK SITE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Jesse F. and Rosemarie Young for the acquisition of property needed for the new Woodland Neighborhood Park Site 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 April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING THE STANISLAUS COUNTY SHERIFF’S AERO SQUADRON’S REQUEST TO USE THE MODESTO CITY-COUNTY AIRPORT ON MAY 9, 1998, FOR THEIR FOURTH ANNUAL MODESTO AIRPORT DAY.

WHEREAS, the Stanislaus County Sheriff’s Aero Squadron has requested the City’s permission to host an Annual Airport Appreciation Day on May 9, 1998, and

WHEREAS, the format for the event consists of aircraft and classic car static displays, airplane rides, food, and informational booths, including aerial demonstrations as more specifically mentioned in a memo to the Council dated April 3, 1998, from the Engineering and Transportation Department, Airport Division, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Airport Advisory Committee and the Transportation Policy Committee support the promotion of the open house event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Stanislaus County Sheriff’s Aero Squadron’s request to use the Modesto City-County Airport on May 9, 1998, for their Fourth Annual Modesto Airport Day is hereby approved, subject to the following conditions:

1. That air shows shall be between airline flights scheduled on May 9, 1998.

2. That Modesto airspace shall be closed by issuance of a Notice to Airmen.

3. That a waiver from the FAA required for air shows shall be obtained.
4. That an insurance certificate in the amount of $1,000,000, naming the City of Modesto as an additional insured, shall be submitted to the City for approval by the City of Modesto's Risk Manager prior to the May 9, 1998, event.

5. That companies providing airplane rides are required to provide an insurance certificate in the amount of $1,000,000 each, and said certificates shall be submitted to the City for approval by the City of Modesto's Risk Manager prior to the May 9, 1998, event.

6. That an insurance certificate is required for the ground events and shall be submitted to the City for approval by the City of Modesto’s Risk Manager prior to the May 9, 1998, event, in an amount acceptable to the Risk Manager.

7. In the event that the FAA fails to approve and issue the required waiver, the Air Show shall be canceled and the Airport Manager shall be responsible for so advising the Sheriff’s Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams

SEAL

JEAN ADAMS, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
April 3, 1998

TO: City Council

FROM: Engineering and Transportation - Airport

SUBJECT: Stanislaus County Sheriff's Aero Squadron's Fourth Annual Modesto Airport Day

RECOMMENDED ACTION:

Approve by motion, the Stanislaus County Sheriff's Aero Squadron's request to use Modesto City-County Airport on May 9, 1998, for their fourth annual airport appreciation day.

BACKGROUND:
The Stanislaus County Sheriff's Aero Squadron is requesting the City's permission to host an annual airport appreciation day. The event was first held three years ago, and has become a popular fund raiser that provides operation funds for the unit. Squadron members are planning to host their annual event on May 9, 1998. The format for each of the previous year's events consisted of aircraft and classic car static displays, airplane rides, a breakfast and lunch served by members of the Aero Squadron, and informational booths. Unlike previous events, the Aero Squadron wishes to expand the schedule of events for the day, and plans to include a couple of short aerial demonstrations.

The squadron is arranging to have Steve Stavrakakis, a renowned air show performer, conduct the aerial performances. The air shows will be between airline flights scheduled that day, and the Modesto airspace will be closed by issuance of a Notice to Airmen (NOTAM). In a letter dated March 30, 1998, Herman Meyer, commander of the Aero Squadron, stated that Mr. Stavrakakis would obtain a waiver from the FAA required for air shows. He will be required to carry an insurance certificate in the amount of $1,000,000 naming the City of Modesto as an additional insured. Companies providing airplane rides will also be required to provide an insurance certificate in the amount of $1,000,000. The Aero Squadron has provided the City with an insurance certificate for the ground events.

This year's lineup includes an air show, airplane rides, radio controlled aircraft demonstrations, aircraft and classic car displays, information booths, and the popular breakfast and lunch. Security for the event will be provided by the Sheriff's Department Star Group and reserve officers, or the law enforcement explorer post.
The event has been discussed with the City's Risk Manager, and he is in agreement with the plans for the scheduled event.

REASON FOR RECOMMENDED ACTION:

Previous events have raised needed funds for the Sheriff's Aero Squadron. The Airport Advisory Committee and the Transportation Policy Committee support the promotion of the open house event.

IMPACT:

No financial impact to the City is anticipated.

STEPS FOLLOWING APPROVAL:

1. Airport Manager will notify the Sheriff's Aero Squadron of the Council's decision.

2. Airport Manager will forward copies of all air service providers' insurance certificates to the Risk Manager.

3. Airport Manager will inform the Sheriff's Department of the need to cancel the air show if the FAA fails to approve and issue the necessary waiver (permit).

4. Airport Manager will attend the event and monitor airfield operations.

Prepared By: Howard Cook, Airport Manager

Recommended By: Van Switzer, Deputy Director Engineering & Transportation

Submitted By: J. Edward Tewes, City Manager

Attachment
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO TRANSFER $21,000 FROM CONTINGENCY RESERVES AND ESTABLISH AN ACCOUNT TO PURCHASE HARDWARE AND SOFTWARE ITEMS

WHEREAS, the Quadrant Cashiering System was purchased in November 1994 and within the past three years, the City has continued to accept payments in additional locations to better serve customers; and

WHEREAS, at this time staff needs to purchase three additional copies of the system by transferring $21,000 from a variety of reserve funds to obtain this goal.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa and Mayor Lang

ATTEST: [Signature]

JBAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: [Signature]

STAN FEATHERS, Budget Officer
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<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Object/Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
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<td>7000</td>
<td>7010</td>
<td>61G</td>
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<td>1,497,740</td>
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<td>800</td>
<td>8000</td>
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<td>7010</td>
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<td>420</td>
<td>420</td>
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<td>7000</td>
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<td>1,864,732</td>
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<td>700</td>
<td>7000</td>
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<td>na</td>
<td>1,856,752</td>
<td>7,980</td>
<td>1,864,732</td>
</tr>
<tr>
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<td>800</td>
<td>8000</td>
<td>8003</td>
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<td>2,100</td>
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<td>7000</td>
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<td>5415</td>
<td>12J</td>
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</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 98-202

A RESOLUTION ESTABLISHING NEW CASH-ON-HAND ACCOUNTS AND AUTHORIZING AN INCREASE IN THE AMOUNTS OF THE CITY’S CASH ON HAND IN VARIOUS DEPARTMENTS.

WHEREAS, the Cash on Hand Account includes cash boxes used for the purpose of making change for customers making payments in various City Departments and for petty cash reimbursement to employees for spontaneous out-of-pocket business expenses, and

WHEREAS, City staff has reviewed the need to establish new Cash-on-Hand Accounts in various Departments and has proposed increasing the amounts in existing accounts, as set forth on Exhibit “A” attached hereto, due to customer needs, which results in a total increase of funds in the amount of $1,150.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the establishment of new Cash-on-Hand Accounts and increasing the amounts in existing accounts are hereby approved as set forth on Exhibit “A” attached hereto. Said action results in a total increase of funds in the amount of $1,150.00.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, and Dobbs, Mayor Pro Tempore

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
The following illustrates the present and proposed Petty Cash distribution:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AGENCY/AREA</th>
<th>PURPOSE</th>
<th>PRESENT</th>
<th>PROPOSED</th>
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<tr>
<td>General</td>
<td>Police Investigation</td>
<td>Investigations</td>
<td>$1,400</td>
<td>$1,400</td>
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<td>General</td>
<td>Police Cash Drawers</td>
<td>2 @ $100 ea</td>
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<td>200</td>
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<td>General</td>
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<td>General</td>
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<td>General</td>
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<td>Change reserve</td>
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<td>250</td>
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<td>General</td>
<td>Customer Svc Division</td>
<td>Petty cash</td>
<td>600</td>
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<tr>
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<td>200</td>
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<td>General</td>
<td>City Clerk</td>
<td>Change drawer</td>
<td>100</td>
<td>300</td>
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<tr>
<td>General</td>
<td>E &amp; T Admin.</td>
<td>Change drawer</td>
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<td>General</td>
<td>CSNC Kennedy Center</td>
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<td>CSNC Admin. Cash Drawers</td>
<td>2 @ $100 ea</td>
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<td>200</td>
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<td>Composting</td>
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<tr>
<td>Transit</td>
<td>E &amp; T/Transit</td>
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<td>152</td>
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<tr>
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<td>Ctr Plaza</td>
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<td>Plaza Parking garage</td>
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<td>**TOTALS</td>
<td></td>
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<td><strong>$4,762</strong></td>
<td><strong>$5,912</strong></td>
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A RESOLUTION AFFIRMING THE CITY’S CO-
SPONSORSHIP OF “EARTH DAY IN THE PARK 1998” AT
GRACEADA PARK AND ALLOWING THE SALE OF
MERCHANDISE IN THE PARK DURING THE EVENT.

WHEREAS, in 1970, Earth Day was established to make the public aware of
programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City
Council acknowledged “Earth Day in the Park” as an annual event, and

WHEREAS, the Citizens’ Advisory Committee on Recycling (CACOR)
sponsors the event, and the 9th Annual “Earth Day in the Park” will be held on Saturday,
April 25, 1998, at Graceada Park, and

WHEREAS, Earth Day in the Park 1997 drew over 40 vendors and an
estimated 2,500 residents, and

WHEREAS, because the CACOR is an advisory committee to the City Council,
the group’s ability to obtain event liability coverage is restricted, and City co-sponsorship of
the event will allow provision of automatic coverage under the umbrella of the City’s existing
insurance policy, and

WHEREAS, the City’s Risk Manager has assessed the scope of the event and
determined it to be of minimal exposure to the City, and

WHEREAS, as in prior year’s events, the Committee seeks Council approval
for the sale of merchandise in the Park during the event, and
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-204

A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND STANISLAUS COUNTY TO AUTHORIZE AN EXTENSION FOR DISBURSEMENT OF FUNDS HELD IN THE AB 939-SOURCE REDUCTION AND RECYCLING ACCOUNT.

WHEREAS, pursuant to a Memorandum of Understanding ("MOU") between the City of Modesto ("City") and the County of Stanislaus ("County"), which was executed on August 25, 1994, the City’s proportional share of funds from the AB 939-Source Reduction and Recycling Account are disbursed to the City on an ongoing, quarterly basis for waste diversion programs, and

WHEREAS, in June, 1997, the City executed an Amendment to the MOU with the County to allocate a portion of the fees to cover the cost of preparing quarterly "Disposal-based" reports for City, and

WHEREAS, said reports provide the basis for the City’s Annual Report to the State on attainment of the mandated reduction in disposal, and the City’s portion of the costs of preparing the quarterly reports is $7,500.00, and

WHEREAS, AB 939 Plans have been completed and are in the implementation phase, and the Public Resources Code allows the ongoing collection of solid waste fees for solid waste diversion program implementation,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to the Memorandum of Understanding ("MOU") between the City of Modesto and the County of Stanislaus is hereby approved to authorize an extension for disbursement of funds held in the AB 939-Source Reduction and Recycling Account, and the City Manager or his authorized designee is hereby authorized to execute said Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, and Dobbs, Mayor Pro Tempore

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-205

A RESOLUTION APPOINTING SCOTT HALLMON TO THE AFFIRMATIVE ACTION 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. Scott Hallmon is hereby appointed to the Affirmative Action Commission, terms 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 Affirmative Action 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 14th day of April, 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, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST:  
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-206

A RESOLUTION APPOINTING PATRICK PHILLIPS TO THE GOLF COURSE ADVISORY COMMITTEE TO FILL THE SEAT SPECIFIED FOR A HIGH SCHOOL STUDENT

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. Patrick Phillips is hereby appointed to the Golf Course Advisory Committee to fill the seat specified for a high school student, term to expire on January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Golf Course Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 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, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION APPOINTING THOM TORVEND TO THE LANDMARK PRESERVATION 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. Thom Thorvend is hereby appointed to the Landmark Preservation Commission, 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 Landmark Preservation Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 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, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-208

A RESOLUTION APPOINTING CAROL LANCASTER MINGUS TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. Carol Lancaster Mingus is hereby appointed to the Local Cable Programming Committee, 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 Local Cable Programming Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 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, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-209

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

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 twenty-six (26) vehicles, six (6) miscellaneous pieces of equipment, and four (4) motorcycles which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, July 4, 1998, at their facility located at 824 W. Kiernan Avenue, and

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

WHEREAS, a list of those items to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the twenty-six (26)
vehicles, six (6) miscellaneous pieces of equipment, and four (4) motorcycles, which are set forth on the list on file in the City Clerk’s office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-210

A RESOLUTION CERTIFYING FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE LAND APPLICATION OF CLASS A EXCEPTIONAL QUALITY BIOSOLIDS FOR REGIONAL WATER QUALITY CONTROL BOARD USE IN CONJUNCTION WITH THE ISSUANCE OF WASTE DISCHARGE REQUIREMENTS.

WHEREAS, the Final Master Environmental Impact Report for the land application of Class A exceptional quality biosolids, State Clearing House No. 97042059, dated March 19, 1998, (hereinafter "Report"), has been prepared as a Master Environmental Impact Report (MEIR), which may be prepared for a project that consists of smaller individual projects which will be carried out in phases or for other reasons specified in Public Resources Code section 21157(a), and

WHEREAS, consistent with Public Resources Code section 21126, it is the intent of the MEIR to "evaluate the cumulative impacts, growth-inducing impacts and irreversible significant effects on the environment of subsequent projects to the greatest extent feasible.", the MEIR is intended to provide for streamlined environmental review of "subjacent projects" consistent with the criteria for the proposed land application of Class A EQ biosolids to the extent that project impacts have been reviewed in the Report and appropriate mitigation measures set forth therein, and

WHEREAS, the City anticipates that as a Responsible Agency, the Central Valley Regional Water Quality Control Board (CVRWQCB) may use this MEIR in approving waste discharge requirements, or a waiver thereof, in appropriate cases, and
WHEREAS, the City believes that this MEIR provides useful information which could be used by local and state agencies both within and without the Central Valley, and in particular the jurisdiction of the Central Valley Regional Water Quality Control Board, in order to comply with CEQA, and

WHEREAS, such other local and state agencies, including the RWQCB may appropriately utilize this MEIR, where practical and consistent with CEQA and CEQA Guidelines, as part of their own CEQA documentation, and

WHEREAS, the City of Modesto anticipates applying for waste discharge requirements, or a waiver thereof, from the CVRWQCB to land apply biosolids, and

WHEREAS, the City will also make biosolids available for application in counties other than Stanislaus, and

WHEREAS, potential appliers of the Class A EQ biosolid material would be covered by the City of Modesto’s waste discharge requirements or waiver if they are located within the Central Valley region, and

WHEREAS, the CVRWQCB may wish to utilize this MEIR to meet the requirements of CEQA for waste discharge requirements, and to meet the concerns of the State Water Resources Control Board related to the land application of biosolids as described in its Order No. WQ96-08, and

WHEREAS, it is desirable to ensure an effective or coordinated approach to the safe management of biosolids generated within the state, and to guide the design and implementation of local integrated waste management plans, and
WHEREAS, it is desirable to ensure compliance with the biosolids management requirements identified in the City of Modesto Water Quality Control Facility National Pollutant Discharge Elimination System (NPDES Permit No. CA0079103) (WDR Order No. 94-129), and

WHEREAS, the City of Modesto intends to adopt all of the mitigation measures or conditions set forth below and known to mitigate or avoid environmental effects as part of its land application of Class A EQ biosolids program,

NOW, THEREFORE, the Council of the City of Modesto does hereby find as follows:

1. That the City of Modesto has been practicing land application of biosolids on its own and other privately held land safely and efficiently for forty (40) years.

2. That the management of biosolids from the City’s wastewater processing facilities was identified in Modesto’s Wastewater Master Plan as an integral component of an overall strategy to increase the capacity and efficiency of the existing wastewater treatment system.

3. That the Central Valley Regional Water Quality Control Board attempted to address the permitting requirements for biosolids applications on a statewide basis by a general order which would allow applications to comply with general conditions in lieu of an individual permit.

4. The Central Valley Regional Water Quality Control Board adopted and approved a resolution waiving waste discharge requirements for the reuse of Exceptional Quality Wastewater Treatment Plant biosolids as fertilizer and soil amendment. However, on review, the State Water Resources Control Board determined that the Regional Water Quality Control Board should have prepared an EIR in respect of the general order.

5. In light of the foregoing, the Central Valley Regional Water Quality Control Board cannot currently waive biosolids permitting requirements by general order, however, application of Class A Exceptional Quality biosolids may be waived from permitting requirements where supported by environmental analysis.
6. In recognition of the above-referenced facts, and to the extent that this MEIR addresses physical environmental conditions which exist in various parts of California, other public regulatory agencies may assume the role of a “Responsible Agency”, as defined in Section 15096 of the Public Resources Code. In these instances, the Responsible Agency would have responsibility for “mitigating or avoiding only the direct or indirect effects of those parts of the project which it decides to carry out, finance, or approve.”

7. The land application of Class A Exceptional Quality biosolids is regulated by federal laws enforced by the United States Environmental Protection Agency (Clean Water Act and Title 40, Part 503, et seq., of the Code of Federal Regulations), by state law and regulations enforced by the CVRWQCB (Porter-Cologne Act, waste discharge requirements), and sometimes by local ordinances.

8. The MEIR evaluates the potential environmental impacts of land application of Class A EQ biosolids from the City of Modesto Wastewater Treatment Plant. As provided in Section 21158(a) of the CEQA, the MEIR analyzes the significant environmental effects of the project not addressed in either the City’s General Plan MEIR or the City’s Wastewater Master Plan EIR.

9. The Notice Of Preparation (NOP) and Initial Study was circulated for public review for thirty (30) days, from April 18th to May 19, 1997. A previous NOP was circulated on July 31, 1996, and a previous Draft EIR was circulated November 25, 1996. Information received in response to the 1996 Draft has been included in the MEIR.

10. Based on the research conducted by the City and its consultants, and that provided by commentators to the NOP, the City has found substantial evidence to support the fact that land application of Class A Exceptional Quality biosolids presents no significant risk to human health or the environment. The MEIR concludes that implementation of this project would not cause significant environmental impacts for most disciplines.

11. Where necessary, the City has proposed monitoring and analysis to ensure that biosolids applied comply with the definitions of Class A Exceptional Quality, and therefore do not cause significant adverse effects on the environment.
12. Federal and state regulations, in particular those promulgated under Title 40, Part 503 of the Code of Federal Regulations, establish requirements that land application of biosolids which meet the definition of "Class A Exceptional Quality", would not significantly endanger the environment or pose a risk to human health.

13. There are no environmental impacts of the project that are significant but whose mitigation falls outside the jurisdiction of the City of Modesto for the reason that all of the project impacts fall within the jurisdiction of the City of Modesto. However, where other agencies make use of the MEIR, the power to undertake the within mitigation measures would necessarily be within their own jurisdiction.

14. That there are no environmental impacts of the project that are significant and not mitigable.

15. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR:

   a. Biosolids containing excess metals or pathogens as defined by EPA may impact productive agricultural lands, creating conditions toxic to plants and animals, or humans that consume them. (Impact No. 1)

   b. Biosolids containing excess metals or pathogens as defined by the California Integrated Waste Management Board may impact productive agricultural lands because biosolids not meeting Class A EQ standards, containing elevated concentrations of heavy metals or pathogens above those promulgated by the board could cause loss of productive agricultural lands by creating conditions toxic to plants and livestock, or humans that consume them. (Impact No. 2)

   c. Land application of biosolids containing elevated concentrations of heavy metals or pathogens, in excess of those evaluated by the EPA Risk Assessment, could result in exposure to hazardous materials or pathogens, and greater risk of adverse health effects than to which the general population is currently exposed. (Impact No. 8)
d. Land application of biosolids containing elevated concentrations of heavy metals or pathogens, in excess of those evaluated and promulgated by the Integrated Waste Management Board, could result in exposure to hazardous materials or pathogens and greater risk of adverse health effects than to which the general population is currently exposed. (Impact No. 9)

16. The mitigation of the above-referenced impacts will be achieved as follows: Through self-monitoring programs, the primary responsibility for implementing a testing and monitoring process will rest with the City of Modesto and the US Environmental Protection Agency. This measure will effectively mitigate Impacts No. 1, 2, 8, and 9 above. In essence, the City will avoid land application of biosolids containing elevated concentrations of heavy metals by doing the following: Applying the established practices and methods for processing and treatment described in the 40 C.F.R. 503 regulations. See page 6-55 of the MEIR. The City will also apply the methods described in Title 22, California Code of Regulations, Title 14, Chapter 3.1, entitled Composting Operations, Regulatory Requirements that pertain to the processing and distribution of compost that contains biosolids. See MEIR Table II-2 (page XI-55). See also page XI-167 of the MEIR. Biosolids that exceed standards for Class A Exceptional Quality biosolids will not be distributed until such time as the appropriate criteria can be met.

17. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR:

a. Land application of biosolids not meeting Class A EQ standards containing elevated concentrations of PCBs, pesticides, radioactivity, volatile and semivolatile compounds, or priority pollutant metals or radioactivity could potentially cause harm or toxicity to crops or livestock where the material is applied. (Impact No. 3).

b. Land application of biosolids containing materials described in subparagraph a. above could potentially expose the general population to greater risk of adverse health effects than to which the population is currently exposed. Impact No. 11).

18. The mitigation of the above-referenced impacts will be achieved as
follows: The City will avoid land application of biosolids containing elevated concentrations of the materials described in paragraphs 17 a. and b. above by means of the procedure set forth in paragraph 16 above. In addition, the City shall prepare a study of these hazardous compounds and incorporate the results into the continuing biosolids program. In the event the results of the study show elevated concentrations as defined in Title 22 of any such compound, the biosolids will not be distributed until they can meet these criteria. In addition, the sampling frequency will be biannual for a period of two (2) years (for samples). If after two (2) years of analyzing for the above-referenced hazardous compounds, or priority pollutant metals, the City can demonstrate to the satisfaction of the City Council and US EPA that these constituents are absent or below applicable standards, the City may suspend further testing of any constituent not specified in an otherwise required program. The hazardous compound analyses program shall be reinstated at any time that either the feed stock or treatment and processing methods are substantially changed. (See page VI-55 of the MEIR).

19. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR:

a. Failure to fully understand the source and constituents present in biosolids by individuals applying biosolids may result in loss of productive agricultural land through application to inappropriate crops or locations.

b. Land application of biosolids in excess of reasonable practices or to inappropriate crops, could result in exposing the applicator or general public to an excess of hazardous constituents and biosolids. (Impacts No. 4 and 12).

20. The mitigation of the above-referenced impacts will be achieved as follows: The City will avoid inadvertent land application of Class A EQ biosolids to inappropriate lands and/or crops by providing both the labeling information required by Food and Agriculture Code section 14501, and supplemental notification material at the point of purchase or distribution. Such notification will include facts and statements intended to provide the purchaser with information necessary for the safe and legal application of the material. The notification will include the information in Table II-3 (See page VI-56 of this MEIR). See also Table II-3 (page VI-
21. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR: Land application of biosolids to wetlands, sloughs, waters of the U.S. or jurisdictional wetlands including vernal pools, could cause a change in ecological conditions adversely affecting native species adapted to those environments and could also adversely effect in stream or downstream beneficial uses. (Impacts No. 5 and 6)

22. The City will avoid impacts of biosolids being applied to wetlands that are sensitive plant and wildlife habitats by including the following statements in the supplemental notification material provided with distributed biosolids:

a. The Clean Water Act, Section 404 prohibits the filling, including application of biosolids, to jurisdictional wetlands, including vernal pools and waters of the U.S.

b. The California Fish and Game Code, Section 5650 states: It is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of the state, any substance deleterious to fish, plant life or bird life. Some constituents present in biosolids, could, if discharged in high concentrations, be deleterious to fish, plant or bird life. (See page VI-82 and page VI-110 of the MEIR).

23. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR: Land application of biosolids at rates exceeding the nutritional needs of the crop (particularly for nitrogen) could cause overapplications resulting in excess nitrogen being washed to surface waters or leached to groundwater. (Impact No. 7).

24. The City will avoid excessive land application of nitrogen from biosolids by providing labeling information consistent with the Food and Agriculture Code, Part 14501, et seq., Fertilizing materials as they pertain to labeling and distribution of agricultural products derived from biosolids. (See page VI-110 of the MEIR).
25. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR: Land application of composted biosolids containing elevated concentrations of fecal, coliform or salmonella bacteria could also contain pathogens that would expose people to health risks from infection. Elevated concentrations for these purposes are defined as greater than one thousand Most Probable Number per gram of total solids (dry weight) or greater than 3 Most Probable Number per 4 grams of total solids (dry weight). (Impact No. 10).

26. The City will avoid land application of biosolids containing elevated concentrations of pathogens by applying the established practices and methods for processing and treatment described in federal and state regulations described in 40 C.F.R. 503 and Title 14, Chapter 3.1. In the event samples of the biosolids product exceed either the standard for fecal, coliform or salmonella, the biosolids will not be distributed until such time as it can be demonstrated to meet these criteria. The sampling frequency will be the same as required for Title 14, monitoring described above (see page VI-167 of this MEIR). If, after two years of sampling for both fecal, coliform and salmonella, the City can demonstrate to the satisfaction of the City Council and to US EPA that the results are equivalent for either test, the City may choose to meet either the fecal, coliform or salmonella standard as specified in 40 C.F.R. 503.32(a)(listed in Table IV-1 of this MEIR, and page VI-167 of this MEIR).

27. The custodian of all records pertaining to the above-referenced mitigation measures and with respect to the environmental findings herein shall be the Director or Acting Director of the City department charged with operating the City's wastewater treatment facilities.

28. Each of the above-referenced mitigation and monitoring practices shall be implemented and operational prior to the sale or use of any City biosolids for land application. The department head, or the acting department head, of the City department charged with operation of the City's wastewater treatment facilities shall henceforth have the duty to ensure that such monitoring and other procedures as specified in these findings are both carried out and adhered to by City personnel. In the event that the aforementioned department head should find that any of these measures have not been implemented, have not or are not being followed as described herein, or if, for some other reason, the intent of any of these
mitigation measures has been, in the Director’s good faith judgment, thwarted by any change of circumstance, dereliction, or otherwise, it shall be the duty of that department head to cause the land application of City biosolids to cease forthwith. Such cessation to continue until it is shown to the satisfaction of the department head that any of the above-referenced mitigation measures which have been questioned and found to have been insufficiently implemented or otherwise ineffective by the department head shall have been found by him/her to have been properly remedied to the extent that their purpose of mitigating the substantial impacts described above and in the MEIR will be met.

29. Now, therefore, the City Council hereby certifies the MEIR for the purpose of submission by City staff to the CVRWQCB with the request that the CVRWQCB act as the responsible agency for subsequent regulatory actions regarding Modesto’s biosolids and also certifies the MEIR for the purpose of allowing land application of biosolids, having confirmed that the final MEIR has been completed in compliance with CEQA (14 C.C.R. §15090); that the final MEIR reflects the City’s independent judgment (P.R.C. § 21082.1(c)(3), and that it has reviewed and considered the information in the Final MEIR before approving the
project and certifying the Final MEIR for the above purposes. (14 C.C.R. § 18090).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-211

A RESOLUTION DIRECTING CITY STAFF TO SUBMIT THE MASTER EIR FOR LAND APPLICATION OF CLASS A EQ BIOSOLIDS TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CVRWQCB), AND REQUESTING THE CVRWQCB TO ACT AS THE RESPONSIBLE AGENCY FOR SUBSEQUENT REGULATORY ACTIONS REGARDING MODESTO'S BIOSOLIDS.

WHEREAS, the City of Modesto has been safely reusing its treated sewage sludge, now commonly known as biosolids, on private lands and on City-owned parks and ranch lands for the last 40 years, and

WHEREAS, in 1993, the EPA promulgated new regulations to provide additional safeguards and controls on the land application of biosolids under 40 Code of Federal Regulations Part 503, and

WHEREAS, in 1994, the City took a new approach to biosolids reuse by co-composting them with two other solid waste streams, garden refuse and green waste, under an integrated waste management plan, and

WHEREAS, this plan satisfies the requirements for the biosolids regulations at the same time that it complies with the City's adopted Solid Waste Resource and Recycling Element (SRRE) which plans for the diversion of 50% of 1990 solid waste in accordance with AB 939, and

WHEREAS, in 1997, the City built the Modesto Co-Compost Facility, and the end product of the facility is a soil amendment which is highly treated and monitored, ensuring
safety for public health and the environment, and

WHEREAS, the CVRWQCB has responsibilities for regulating wastewater activities and over the years has maintained a variety of RWQCB permits controlling the beneficial reuse of biosolids, and

WHEREAS, in order to obtain the necessary state permits for the land application of the new co-compost product, the RWQCB advised the City to conduct a full CEQA review proposal, and

WHEREAS, CEQA documentation will also be needed in meeting a variety of other applicable federal, state or local regulations, and

WHEREAS, for this reason, a Master EIR was created under the new legislation to provide a comprehensive CEQA documentation path for a cluster of projects and regulatory actions under one set of objectives, and

WHEREAS, the project described as Land Application of Class A EQ Biosolids has been broadly defined in the Master EIR, and

WHEREAS, the Draft EIR was circulated in July 1997, and all comments and questions have now been addressed in the Final Master EIR document which incorporates into one document all the available scientific information and expert opinion for the benefit of future decision makers, and

WHEREAS, the Master EIR contains a model Initial Study which will compare each proposed project to the master criteria and defines the criteria under which the future biosolids projects will be measured for less-than-significant environmental impacts, and
WHEREAS, if a proposed project is not within the bounds of the criteria, it will require its own focused EIR, and

WHEREAS, the criteria chosen for future projects reflect the expectation that feasible projects will involve the beneficial reuse of biosolids within a reasonable transportation distance of Modesto, in a cultivated land setting, at reasonable agronomic fertilization rates, and with a consistent program of testing and reporting measures, and

WHEREAS, the Master EIR identifies several potentially significant environmental impacts that can be readily mitigated to a less-than-significant level through the implementation of mitigation measures which, for the most part, require the City to ensure that the biosolids meet the requirements of state and federal laws which regulate the production of biosolids, and

WHEREAS, the City has responded to the concerns of interested citizens and agencies by identifying additional measures that go beyond the requirements of law by committing the City to undertake testing programs to confirm the adherence with existing regulations and to label biosolids products to reduce, to the extent practicable, the potential for misapplication of the City's biosolids products, and

WHEREAS, the Utility Services & Franchise Committee reviewed this proposed action on March 16, 1997, and recommended approval, and

WHEREAS, the City requests that the Central Valley Regional Water Quality Control Board act as the Responsible Agency for subsequent regulatory actions regarding Modesto's biosolids,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs City staff to submit the Master EIR for the Land Application of Class A EQ Biosolids to the Central Valley Regional Water Quality Control Board with the request that the CVRWQCB act as the Responsible Agency for subsequent regulatory actions regarding Modesto’s biosolids.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: ______ Adams
JEAN ADAMS, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: ______ Adams
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-212

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, VIOLENCE AGAINST WOMEN GRANTS OFFICE FOR THE "MODESTO/STANISLAUS DOMESTIC VIOLENCE SUPPRESSION PROGRAM", AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS.

WHEREAS, the U. S. Department of Justice is soliciting applications for new and innovative programs to protect women and children from domestic violence and to encourage arrest policies for such offenses, and

WHEREAS, funded programs will require no local match and will be of 18 months in duration, and

WHEREAS, the Modesto Police Department is interested in pursuing a grant to centralize domestic violence case processing, provide vertical prosecution, adequate probationary supervision and sufficient legal advocacy for all City of Modesto domestic violence cases, felony and misdemeanor, and

WHEREAS, the City of Modesto will implement the project, and

WHEREAS, the grant project will employ one Modesto Police Officer to join the Modesto Police Department Domestic Violence Unit and handle all misdemeanor cases, including misdemeanor protective orders, and

WHEREAS, the Stanislaus County District Attorney’s Office will employ one Deputy District Attorney III, joining other legal staff, to prosecute cases, and
WHEREAS, the Stanislaus County Probation Department will hire two Deputy Probation Officer II's to monitor domestic violence probationers, the Stanislaus County Superior Court will employ one Court Clerk for centralized processing of all domestic violence cases, and the Haven Women's Center will employ a new part-time legal advocate to assist women in all legal processes, and

WHEREAS, the grant project, totaling approximately $525,000 for 18 months, including computer equipment and the required federal travel expense, provides an excellent opportunity to provide greater safety to victims of domestic violence at a misdemeanor level and provides the potential to break the cycle of escalating attacks before great bodily harm is inflicted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto, or his authorized designee, is hereby authorized to execute and file an application with the U. S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office for the "Modesto/Stanislaus Domestic Violence Suppression Program".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Modesto, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the City Council of the City of Modesto held on the 21st day of April, 1998.

Dated: April 21, 1998

Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-213

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HOGAN MANUFACTURING INC. FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hogan Manufacturing Inc. for the purchase of right of way needed for the Carpenter Road widening 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 21st day of April, 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
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL P. BILLINGTON ET. AL. FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Michael P. Billington et. al. for the purchase of right of way needed for the Carpenter Road widening 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 21st day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-215

A RESOLUTION SUMMARILY VACATING AND
ABANDONING THE WEST PORTION OF EXCESS STREET
RIGHT-OF-WAY LOCATED ON OLD CLAUS ROAD
NORTH FROM YOSEMITE BOULEVARD IN BLOCKS 2907,
2908 AND 2909, AND RESERVING A FIFTEEN (15) FOOT
PUBLIC UTILITY EASEMENT ON EACH AFFECTED
BLOCK.

WHEREAS, the City of Modesto has received a request from Rod Lowe,
representing Lowe Development, requesting an abandonment of the west portion of excess
street right-of-way located on Old Claus Road north from Yosemite Boulevard in blocks 2907,
2908 and 2909 for the purpose of combining the area to create typical size lots in the tentative
map of Yosemite Meadows Phase 3 Subdivision, and

WHEREAS, letters of information regarding the proposed abandonment of
excess street right-of-way were sent to City Divisions and affected Public Utilities, and

WHEREAS, a response was received requesting the reservation of a fifteen (15)
foot public utility easement for each affected block, and

WHEREAS, the California Streets and Highways Code authorizes a City
Council, by resolution, to summarily vacate excess street right-of-way not required for street
purposes, and

WHEREAS, said portion of excess street right-of-way is located on Old Claus
Road north from Yosemite Boulevard in Blocks 2907, 2908 and 2909, and is more particularly
described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

4/21/98
1. The vacation is made pursuant to Chapter 4, Section 8334, of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Old Claus Road north from Yosemite Boulevard in Blocks 2907, 2908 and 2909 in the City of Modesto, as more particularly described in Exhibit "A" attached hereto, is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on Old Claus Road north from Yosemite Boulevard in Blocks 2907, 2908 and 2909 in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves a fifteen (15) foot public utility easement on each affected block.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dobbs

**ATTEST:** Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Engineering and Transportation Department
OLD CLAUS ROAD

RIGHT-OF-WAY ABANDONMENT

An abandonment of public right-of-way for road purposes, situate in a portion of the southeast quarter of Section 25, 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:

Parcel 1
An abandonment of public right-of-way for road purposes, described as follows:

COMMENCING at the northeast corner of Lot 34, Block 2907, of "Yosemite Meadows, Unit No. 1", according to the official map thereof filed for record in Volume 36 of Maps, Page 87, Stanislaus County Records; thence North 89°34'22" East along the south right-of-way line of El Portal Place as shown on said "Yosemite Meadows, Unit No. 1", a distance of 46.74 feet to the existing west right-of-way line of Old Claus Road as shown on said "Yosemite Meadows, Unit No. 1" and the true POINT OF BEGINNING of this description; thence Southerly along said west line of Old Claus Road the following two courses:
South 2°34'55" East 93.48 feet and
Southwesterly 6.21 feet along a tangent curve, concave to the west, having a radius of 15.00 feet and a central angle of 23°42'54" to a point on a non-tangent curve from which a radial line bears North 13°20'17" West to the center; thence Northeasterly 27.66 feet along said non-tangent curve, concave to the northwest, having a radius of 20.00 feet and a central angle of 79°14'38" to a point 35.00 feet west of existing centerline of said Old Claus Road; thence North 2°34'55" West parallel with and 35.00 feet west of said centerline of Old Claus Road, a distance of 64.86 feet; thence Northwesterly 23.00 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 87°50'43" to a point on the easterly extension of said south line of El Portal Place; thence South 89°34'22" West along said easterly extension of the south line of El Portal Place a distance of 0.56 feet to the point of beginning.

Parcel 2
An abandonment of public right-of-way for road purposes, described as follows:

COMMENCING at the southeast corner of Lot 15, Block 2908, of "Yosemite Meadows, Unit No. 1", according to the official map thereof filed for record in Volume 36 of Maps, Page 87, Stanislaus County Records; thence North 89°34'22" East along the north right-of-way line of El Portal Place as shown on said "Yosemite Meadows, Unit No. 1", a distance of 52.01 feet to the existing west right-of-way line of Old Claus Road as shown on said "Yosemite Meadows, Unit No. 1", and the true POINT OF BEGINNING of this description; thence Northerly along said west line of Old Claus Road the following three courses:
North 2°34'55" West 74.54 feet, North 87°25'05" East 5.00 feet, and North 2°34'55" West 125.41 feet to the south right-of-way line of Westfall Lane as shown on said "Yosemite Meadows, Unit No. 1"; thence North 89°34'22" East along the easterly extension of said south line of Westfall Lane a distance of 5.57 feet; thence Southeasterly 23.00 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 87°50'43" to a point 25.00 feet west of existing centerline of said Old Claus Road; thence South 2°34'55" East parallel with and 25.00 feet west of said centerline of Old Claus Road, a distance of 85.62 feet; thence South 2°11'36" West 85.78 feet; thence Southwesterly 22.88 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 87°22'46" to a point on the easterly extension of said north line of El Portal Place; thence South 89°34'22" West along said easterly extension of the north line of El Portal Place a distance of 2.35 feet to the point of beginning.

Parcel 3

An abandonment of public right-of-way for road purposes, described as follows:

COMMENCING at the southeast corner of Lot 6, Block 2909, of "Yosemite Meadows, Unit No. 1", according to the official map thereof filed for record in Volume 36 of Maps, Page 87, Stanislaus County Records; thence North 89°34'22" East along the north right-of-way line of Westfall Lane as shown on said "Yosemite Meadows, Unit No. 1", a distance of 49.29 feet to the existing west right-of-way line of Old Claus Road as shown on said "Yosemite Meadows, Unit No. 1", and the true POINT OF BEGINNING of this description; thence Northerly along said west line of Old Claus Road the following three courses: North 2°34'55" West 31.32 feet, Northerly 168.20 feet along a tangent curve, concave to the east, having a radius of 5045.00 feet and a central angle of 1°54'37", and North 0°40'18" West 363.88 feet to the south right-of-way line of Sentinel Drive as shown on "Yosemite Meadows, Unit No. 2" according to the official map thereof filed for record in Volume 37 of Maps, Page 41, Stanislaus County Records; thence North 89°19'42" East along the easterly extension of said south line of Sentinel Drive a distance of 5.00 feet; thence Southeasterly 23.56 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 90°00'00" to a point 25.00 feet west of the existing centerline of said Old Claus Road; thence southerly parallel with and 25.00 feet west of said centerline of Old Claus Road the following three courses: South 0°40'18" East 348.88 feet, Southerly 167.54 feet along a tangent curve, concave to the east, having a radius of 5025.00 feet and a central angle of 1°54'37", and South 2°34'55" East 16.50 feet; thence Southwesterly 24.13 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 92°09'17" to a point on the easterly extension of said north line of Westfall Lane; thence South 89°34'22" West along said easterly extension of the north line of Westfall Lane a distance of 4.44 feet to the point of beginning.
Parcel 4

An abandonment of public right-of-way for road purposes, described as follows:

BEGINNING at the intersection of the existing west right-of-way line of Old Claus Road with the north right-of-way line of Sentinel Drive as shown on "Yosemite Meadows, Unit No. 2" according to the official map thereof filed for record in Volume 37 of Maps, Page 41, Stanislaus County Records; thence Northerly along said west line of Old Claus Road the following two courses:
North 0°40'18" West 103.15 feet, and Northerly 119.86 feet along a tangent curve, concave to the east, having a radius of 5045.00 feet and a central angle of 1°21'40"; thence North 89°19'42" East along a non-tangent line a distance of 4.67 feet; thence Southeasterly 23.87 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 91°11'31" to a point 25.00 feet west of existing centerline of said Old Claus Road; thence Southerly parallel with and 25.00 feet west of said centerline of Old Claus Road the following two courses:
Southerly 104.54 feet along a tangent curve, concave to the east, having a radius of 5025.00 feet and a central angle of 1°11'31", and South 0°40'18" East 88.15 feet; thence Southwesterly 23.56 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 90°00'00" to a point on the easterly extension of said north line of Sentinel Drive; thence South 89°19'42" West along said easterly extension of the north line of Sentinel Drive a distance of 5.00 feet to the point of beginning.

[Signature]

[License Stamp]

[State of California]
EXHIBIT FOR
RIGHT-OF-WAY ABANDONMENT
OF CLAUS ROAD

SCALE: 1" = 50'

PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7450

PAGE 2 OF 4
EXHIBIT FOR
RIGHT-OF-WAY ABANDONMENT
OF CLAUS ROAD

SCALE: 1" = 80'

PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7430

PAGE 3 OF 4
EXHIBIT FOR
RIGHT-OF-WAY ABANDONMENT
OF CLAUS ROAD

FUTURE STREET

SCALE: 1" = 50'

PREPARED BY:

DELMARE - FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA 95350
TELEPHONE (209) 524-7450

PAGE 4 OF 4
RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

2 Clerk
2 Attorney
1 Public Works
1 Engineering Services
1 Fire
1 Police
1 County Recorder
1 MID
1 PG&E
1 Pacific Bell
1 Del Este Water Co.
13

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

* Temporary Closings do not Record
A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A GRANT DEED TRANSFERRING TITLE OF CITY-OWNED PROPERTIES LOCATED ON OLD CLAUS ROAD TO LOWE DEVELOPMENT, PARCELS 1, 2, 3 AND 4

BE IT RESOLVED by the Council of the City of Modesto that the grant deed between the City of Modesto and Lowe Development transferring title of City-owned properties located on Old claus Road to Lowe Development, Parcels 1, 2, 3, and 4 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant deed by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being dully seconded by Councilmember Smith, 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

Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-217

A RESOLUTION REQUESTING THE CALIFORNIA TRANSPORTATION COMMISSION TO AUTHORIZE THE TRANSFER OF TITLE OF THREE (3) FEET OF RIGHT-OF-WAY ON THE SOUTH SIDE OF K STREET ON STATE ROUTE 108, BETWEEN 9TH STREET AND 10TH STREET, A PORTION OF BLOCK 57, IN THE CITY OF MODESTO, THROUGH VACATION OR SALE OF EXCESS PROPERTY FOR THE CINEMA/RETAIL PORTION OF THE TENTH STREET PLACE PROJECT.

WHEREAS, the Redevelopment Agency has conveyed a portion of Block 57 to ORIX Civic Partners Modesto Venture (the "Developer") pursuant to the Development and Disposition Agreement (the "DDA") for the purpose of constructing the cinema/retail portion of the Tenth Street Place Project, and

WHEREAS, a construction problem has surfaced for the cinema/retail portion of the Tenth Street Place Project which requires three (3) additional feet of right-of-way on the south side of K Street, extending for 305.4 feet between 9th Street and 10th Street, in Block B, and

WHEREAS, to alleviate the Developer’s construction problem, the possibility exists that Caltrans could transfer title of the three (3) feet of right-of-way to the City of Modesto (the "City"), and the City, in turn, could transfer title of the right-of-way property to the Developer of the cinema/retail project, and

WHEREAS, Caltrans has been approached concerning the transfer of title of said right-of-way, and said matter would need to be considered and approved by the California Transportation Commission (the "CTC") in order to pursue said transfer of title as set forth
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Caltrans is hereby requested to place on the May Agenda of the California Transportation Commission (the "CTC") the issue of the transfer of title of three (3) feet of right-of-way on the south side of K Street on State Route 108, extending 305.4 feet between 9th Street and 10th Street, a portion of Block 57, to the City of Modesto, through vacation or sale of excess property for the cinema/retail portion of the Tenth Street Place project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 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, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

4/21/98
ORIX CIVIC PARTNERS
MODESTO VENTURE
INST. NO. 014417, FEB. '98

Abandoned portion of
10th Street

(Abandoned Alley)
MODESTO CITY COUNCIL
RESOLUTION NO. 98-218

A RESOLUTION ADOPTING A USE AND FEE POLICY FOR LEASING CITY FACILITIES TO NON-PROFIT ORGANIZATIONS.

WHEREAS, due to an increased public awareness of facilities recently donated to the City and the decrease of Community Development Block Grant funding for rental purposes there has been an increase in the demand for leasing of City facilities by non-profit organizations at a reasonable fee, and

WHEREAS, City staff has evaluated these requests and has determined that a standardized use and fee policy for leasing of City facilities should be developed and implemented, and

WHEREAS, the use and fee policy recommends the establishment of a priority use #1 with a twenty-five (25) percent fee subsidy for local non-profit organizations that provide programs for youth and senior citizens and a priority use #2 with no fee subsidy for other local non-profit organizations, and

WHEREAS, the use and fee policy also recommends that the City Financial Assistance Program apply to non-profit organizations that qualify for the program, 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 April 28, 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council hereby approves the use and fee policy for leasing of City facilities
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 28th day of April, 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 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
City of Modesto
Leasing Public Facilities to Non-Profit Organizations
Proposed Use and Fee Policy

I. Authorities for Leasing Public Facilities to Non-Profit Organizations

A. The increased demand for use of public facilities by non-profit organizations.
B. The decrease in Community Development Block Grant funding for rental purposes by non-profit organizations.
C. The City’s desire to form partnerships with non-profit organizations that enhance the delivery of programs for youth and senior citizens.
D. City of Modesto, The Indicators Of A High Performance Organization: Statement: To provide the best customer service to the citizens of Modesto.

II. Public Facilities Leasing Use Policy

A. Mission Statement
To lease public facilities that are not utilized as public rental facilities to local non-profit organizations for utilization of office/meeting space for a reasonable fee, with priority given to organizations that enhance the delivery of programs for youth and/or senior citizens.

B. Program Objectives for Use Policy
1. To standardize leasing policies and procedures.
2. To create a positive image of facility management by improving the functions and processes directly related to the provision of facility leasing services.
3. To enable appropriate staff to make more informed decisions on facility leasing.
4. To uphold and adhere to existing City approved facility leasing agreements.

C. Geographical Service Area for Facility Leasing
1. Policy will serve a geographical area for non-profit organizations that provide majority of services to residents with a Modesto mailing address.

---

1 Public Lease Facility: Daily, annual on-going use of facility where lessee has entered into a legal agreement with the City.

2 Public Rental Facility: Facility rented for one-time use only and/or facility rented for one-time use during week or month on a regular basis and where renter does not enter into a legal agreement with the City.

3 Existing facility lease agreements will remain in effect as written. If facility lease ends and/or is terminated, the facility use and lease fee will be subject to review by CSNC Department.
D. Public Facilities Available for Leasing by Non-Profits:
1) Old Firehouse (currently occupied rent free by S.O.S.P.), 2) Sorrano I, 3) Sorrano II, 4) 1004 Thrasher, 5) Mancini Home, 6) Crismon Home, 7) McHenry Museum (Basement Area - currently leased by Art League), and 8) Modesto Community Service Center - Room 104 (currently leased by League of Women Voters).

III. Use Priority and Leasing Fee Policy

<table>
<thead>
<tr>
<th>Use Priority</th>
<th>Leasing Fee Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 Local Non-Profit Organizations (Must meet criteria on membership fee. Programs must be for youth or senior citizens. Majority of residents served must have a Modesto mailing address.)</td>
<td>#1 75% of Benchmark(^4) Average</td>
</tr>
<tr>
<td></td>
<td>sub 1,2,3,4</td>
</tr>
<tr>
<td>#2 Local Non-Profit Organizations ( Majority of residents served must have a Modesto mailing address.)</td>
<td>#2 100% of Benchmark Average</td>
</tr>
<tr>
<td></td>
<td>sub 1,2,3</td>
</tr>
</tbody>
</table>

sub 1 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).

sub 2 Written lease agreement must be entered into, stating conditions of use.

Conditions of Use:
- Rental fee payable in advance.
- Lessee to pay utility fees. (Water, electricity, gas, sewer, garbage & refuse)
- Alterations at expense of lessee.
- Lessee to provide janitorial services.
- Lessee to provide insurance as required by Risk Manager.
- Lessee shall not sub-lease any portion of premises without prior approval from the CSNC Director.
- Appropriate agreement statements as deemed by City Attorney.

sub 3 Financial Assistance Program: Youth and Senior Non-Profit Organizations that have a majority of members living in a "low income target neighborhood" may qualify for rental fee assistance. This program allows qualified groups to use facilities, and pay just 10% of the established rental fee, up to $500 per fiscal year.

sub 4 Membership Fee: Can not be greater than $50 for any and/or all membership dues required to participate in the organization.

---

\(^4\) Benchmark: Comparison of per square foot fee of City facilities used for leasing purposes.

City Leasing Rates: .0 - .20 per square foot
Overall Average: .14 per square foot

Modesto: Commercial per square foot fees.
Commercial Shells .25 - .35 per square foot
Commercial - mediocre .50 - .80 per square foot
Commercial - premium 1.25 - 1.60 per square foot
IV. **Facility Uses Not Granted For Lessees**
A. Any use by an individual or organization for the commission of any act 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 individual or 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 organization, whose bylaws do not meet Affirmative Action and American with Disabilities guidelines.
G. Any previous violation of City policies, procedures or regulations governing the use of rental facilities.

V. **Public Facility Leasing Procedures**
A. All facility leasing will be determined on availability of facilities and on a first come, first served basis, with priority given to non-profit organizations that serve youth or senior citizens.
B. Existing facility lease agreements will remain in effect as written. If facility lease ends and/or is terminated, the facility use and lease fee will be subject to review by the CSNC Department.
C. Each non-profit organization that leases a facility will be required to enter into a legal agreement with the City that defines and specifies the conditions of use.
D. The Community Services and Neighborhood Connections Director and/or designee has the right to waive any proposed rental leasing fee if it is deemed that services rendered are sufficient to cover rental fee. Director's and/or designee decision shall be final.
E. A facility waiting list will be established. If desired facility is not available at time of non-profit organization's request, the requesting organization will be eligible for placement on a waiting list. If a facility becomes available, the waiting list requester will be contacted.
F. All requests for the purpose of leasing a facility will be handled through the Department of Community Services and Neighborhood Connections.
G. Fees will be reviewed annually and adjusted if increases in public rental facility fees used as benchmark create a change in per square foot cost.
City of Modesto  
Leasing Public Facilities to Non-Profit Organizations  
Appendix

Table I. Public Facilities Available for Leasing and Current Cost to Lease

<table>
<thead>
<tr>
<th>Facility</th>
<th>Square Footage</th>
<th>Monthly Rental Fee</th>
<th>Cost Per Square Foot</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Firehouse</td>
<td>2,304</td>
<td>0</td>
<td>.0</td>
<td>SOSP currently renting on a month-to-month basis.</td>
</tr>
<tr>
<td>Sorrano Home I</td>
<td>1136</td>
<td>N/A</td>
<td></td>
<td>Still in process of transfer to City.</td>
</tr>
<tr>
<td>Sorrano Home II</td>
<td>1558</td>
<td>N/A</td>
<td></td>
<td>Still in process of transfer to City.</td>
</tr>
<tr>
<td>1004 Thrasher</td>
<td>2,280</td>
<td>$475</td>
<td>.20</td>
<td></td>
</tr>
<tr>
<td>Mancini Home</td>
<td>2,322</td>
<td>$475</td>
<td>.20</td>
<td></td>
</tr>
<tr>
<td>1204 River Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crismon Home</td>
<td>2,391</td>
<td>$400</td>
<td>.16</td>
<td></td>
</tr>
<tr>
<td>660 El Vista</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>McHenry Museum (Basement area adjacent to Auditorium)</td>
<td>3,255</td>
<td>$293</td>
<td>.09</td>
<td>Central California Art League currently has lease agreement.</td>
</tr>
<tr>
<td>Modesto Community Service Center Rm 104</td>
<td>506</td>
<td>$106</td>
<td>.20</td>
<td>League of Women Voters currently has lease agreement.</td>
</tr>
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Table II. Projected Monthly Lease Costs for Public Facilities in Accordance with Recommended Priorities

<table>
<thead>
<tr>
<th>Facility</th>
<th>Monthly Lease Fee Based on Facility Average</th>
<th>Priority #1 Monthly Cost to Lease (75%)</th>
<th>Priority #2 Monthly Cost to Lease (100%)</th>
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<tr>
<td>Old Firehouse</td>
<td>2,304 x .14 = $322</td>
<td>$241</td>
<td>$322</td>
</tr>
<tr>
<td>Sorrano Home I</td>
<td>1,136 x .14 = $159</td>
<td>$119</td>
<td>$159</td>
</tr>
<tr>
<td>Sorrano Home II</td>
<td>1,558 x .14 = $218</td>
<td>$163</td>
<td>$218</td>
</tr>
<tr>
<td>1004 Thrasher</td>
<td>2,280 x .14 = $319</td>
<td>$239</td>
<td>$319</td>
</tr>
<tr>
<td>Mancini Home 1204 River Road</td>
<td>2,322 x .14 = $325</td>
<td>$243</td>
<td>$325</td>
</tr>
<tr>
<td>Crismon Home 660 El Vista</td>
<td>2,391 x .14 = $334</td>
<td>$250</td>
<td>$334</td>
</tr>
<tr>
<td>McHenry Museum</td>
<td>3,255 x .14 = $455</td>
<td>$341</td>
<td>$455</td>
</tr>
<tr>
<td>Modesto Community Service Center Room 104</td>
<td>506 x .14 = $70</td>
<td>$52</td>
<td>$70</td>
</tr>
</tbody>
</table>
Local Non-profit Organizations Procedures for Requesting Use of Public Leasing Facilities

All facility leasing will be determined on availability of facilities and on a first come, first served basis, with priority given to non-profit organizations that serve youth or senior citizens.

1. The Governing Board or President must submit a letter of request to the CSNC Department that clearly states the goals, objectives and interests of the organization. If the organization is requesting subsidy status for serving youth or senior citizens, the letter of request must clearly state how the organization's mission applies and creates enhanced service delivery in these program areas.

2. The organization, upon preliminary request approval, must then prepare and submit all required documentation requested by the CSNC Department, i.e., by-laws, proof of non-profit status, proof of liability insurance, list of officers and staff members, applicable permits, business licenses.

3. The CSNC staff will review all documents and set a date for final review with Department Review Board. Representatives of the non-profit organization will be invited to make presentations, if necessary.

4. The CSNC Review Board will approve or deny application request.

5. Appeal, if necessary, will be to the City Council.

6. If approved, a specific written agreement or contract must be entered into and approved by the CSNC Department and/or resolution must be approved by the CSNC Department and adopted by the City Council, as applicable.

7. If a facility or a desired facility is not available at time of non-profit organization's request and the request is approved, the requesting organization will be eligible for placement on a waiting list. If a facility becomes available, the waiting list requester will be contacted.
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE VAN WITH TELEVISION SYSTEM TO BE USED BY THE WASTE WATER COLLECTION DIVISION FOR SEWER AND STORM DRAIN LINE INSPECTIONS

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 one van with television system to be used by the Waste Water Collection Division for sewer and storm drain line inspections, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 26, 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 28th day of April, 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: [Signature]

JUAN ADAMS, City Clerk
A RESOLUTION ACCEPTING THE BID OF SEMCO FOR THE PROJECT TITLED "CORPORATION YARD UNDERGROUND TANK REMOVAL"

WHEREAS, the bids received for Corporation Yard Underground Tank Removal were opened at 11:00 a.m. on April 14, 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 SEMCO be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of SEMCO in the amount of $51,345 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 April, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-221

A RESOLUTION ACCEPTING THE PROJECT TITLED "STREET ILLUMINATION AT VARIOUS LOCATIONS - STPLH-5059(022)" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Street Illumination at Various Locations - STPLH-5059(022), has been completed by Collins Electrical Inc., in accordance with the contract agreement dated June 3, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Street Illumination at Various Locations be accepted from said contractor, Collins Electrical Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $221,741.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 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
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A MOTOROLA PORTABLE RADIO SYSTEM WITH CONTROL STATION FROM MOTOROLA CORPORATION LAND MOBILE DIVISION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a Motorola portable radio system with control station from Motorola Corporation Land Mobile Division is hereby waived.

BE IT FURTHER RESOLVED that purchase of a Motorola portable radio system with control station from Motorola Corporation Land Mobile Division for a not to exceed price of $61,879.75.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 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 Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-222A

A RESOLUTION RE-ESTIMATING REVENUE FOR THE FY 1997-98
ANNUAL BUDGET OF THE CITY OF MODESTO

WHEREAS, the third quarter financial analysis has been completed and it has been
determined that certain adjustments are required to the Annual Budget of the City of Modesto for
the Fiscal Year 1997-98;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
revenue for fiscal year 1997-98 has been re-estimated as shown in Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 28th day of April, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: ________________
STAN BEATHERS, Budget Officer
<table>
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<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
<th>Document Total</th>
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<tr>
<td>Revenue</td>
<td>Misc Revenue</td>
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<td>800</td>
<td>8000</td>
<td>8003</td>
<td>01H</td>
<td>159,000</td>
<td>282,000</td>
<td>441,000</td>
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<td>010</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>01H</td>
<td>282,000</td>
<td>(81,026)</td>
<td>144,974</td>
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<td>03A</td>
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<td>0110</td>
<td>14A</td>
<td>1,164,774</td>
<td>13,739</td>
<td>1,178,513</td>
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<td>1401</td>
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<td>14A</td>
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<td>3,475</td>
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<td>0110</td>
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<td>389,248</td>
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<td>1601</td>
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<td>16A</td>
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<td>1,453</td>
<td>56,938</td>
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<td>180</td>
<td>1801</td>
<td>0110</td>
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<td>3,439</td>
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<td>0110</td>
<td>41A</td>
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<td>6,992</td>
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<td>0502</td>
<td>0234</td>
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<td>800</td>
<td>8000</td>
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<td>01H</td>
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<td>(PERS)</td>
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<td>7660</td>
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<td>477,000</td>
<td>479,500</td>
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<td>Revenue</td>
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<td>7001</td>
<td>9010</td>
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<td>477,000</td>
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<td>3311</td>
<td>4601</td>
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<td>4602</td>
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<td>Revenue</td>
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<td>330</td>
<td>3311</td>
<td>4603</td>
<td>na</td>
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<td>(105,617)</td>
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<td>800</td>
<td>8000</td>
<td>8003</td>
<td>01H</td>
<td>128,364</td>
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<td>701</td>
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Third Quarter Report FY 97-98

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*sum of all*
MODESTO CITY COUNCIL
RESOLUTION NO. 98-223

A RESOLUTION APPROVING AN AMENDMENT TO CONSULTANT AGREEMENT BETWEEN THE CITY OF MODESTO AND MID VALLEY ENGINEERING FOR THE PROJECT TITLED "YOSEMITE WIDENING - MCCLURE TO FRAZINE"

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to consultant agreement between the City of Modesto and Mid Valley Engineering for the project titled "Yosemite Widening - McClure to Frazine" 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 April, 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 Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-224

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE ADDITIONAL REVENUE

WHEREAS, a portion of the Yosemite Widening Project was included in the State Local Partnership Program (SLTP) Cycle 8 which provides funding for projects that meet program criteria; and

WHEREAS, the amount of funding available from this program was not known when the project was awarded and was not included in the budget. Since project award, it has been determined that the City will receive approximately $142,000 in SLTP funding for the project.

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:

Revenue
#141-430-3138 State Share of Project $142,000

Expenditure
#141-430-F701-6040 Claus/Yosemite/Norseman Intersection $23,000
#141-800-8000-8003 Contingency Reserve $118,900

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 April 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 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. 98-225

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ADRIANNA PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP FOR VILLAGE I CENTRAL STORM BASIN EXCAVATION AND FEE CREDIT AGREEMENT

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 I Central Storm Basin Excavation and Fee Credit 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 28th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-226

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF NORMAN PORGES FROM THE ECONOMIC DEVELOPMENT LOAN COMMITTEE, EFFECTIVE APRIL 28, 1998

WHEREAS, Norman Porges was appointed a member of the Economic Development Loan Committee on September 10, 1991; and

WHEREAS, Norman Porges has tendered his resignation from the Economic Development Loan Committee, effective April 28, 1998; and

WHEREAS, Norman Porges 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 Norman Porges from the Economic Development Loan Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Norman Porges 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 28th day of April, 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. 98-227

A RESOLUTION APPOINTING A CHAIR AND SIXTEEN MEMBERS TO THE BLUE RIBBON COMMITTEE ON BUDGET CONTINGENCY PLANNING

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. Wayne Henry, Chair, and members Marsena Buck, Jerry Clendenin, Ralph Curtis, Mark Dunker, Bernie Fairfield, Denise Fontaine, John Herlihy, Al Kaufman, Mike Lipomi, Mike Marovich, Virgil McVicker, Chris Reardon, John Shores, John Sniffen, Steve Spriggs, and Terrance Withrow are hereby appointed to the Blue Ribbon Committee on Budget Contingency Planning.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Blue Ribbon Committee on Budget Contingency Planning, 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 April, 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. 98-228

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(529). (JIM CLICK)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Jim Click on February 9, 1998, to reclassify from Medium Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(529), to allow a fast food restaurant and retail commercial building, property located on the northeast corner of N. Martin Luther King Drive and Paradise Road, described as follows:

C-1 to P-D(529)
Lots 1 and 2 and the south 40 feet of Lot 14 in Block 343.

R-2 to P-D(529)
Lots 3, 4, 5, and 6 and the north 111.11 feet of Lot 14 in Block 343 of the Paradise Tract.

Including also the north one-half and east one-half of adjoining Paradise Avenue and N. Martin Luther King Drive respectively, and the south one-half of the alley, all immediately adjoining the above-described property.

and

WHEREAS, after a public hearing held on April 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. 98-30, 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 commercial uses is within an area designated by the General Plan for (MU) Mixed Uses and (RPD) Redevelopment Planning District.

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 5, 1998, 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 Jim Click 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. 98-30 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3088-C.S. on the 5th day of May, 1998, reclassifying the above-described property from Medium Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(529).

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(529), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Commercial Plot Plan, Paradise/Martin Luther King Project" as amended in red, stamped approved by the City Council on May 5, 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. Screen landscaping shall be installed along the north property line adjacent to the parking area. 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:

Eight-foot-high decorative masonry wall along the north property line as shown on the approved plot plan.

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

5. Street dedication including five feet along N. Martin Luther King Drive, thirteen feet along Paradise Avenue, and a 40-foot corner radius consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

8. Any business may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m., seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.

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

10. All signs shall comply with the sign requirements of the C-3 Zone.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(529):

The entire construction program be accomplished in one phase, construction to begin on or before April 6, 2000, and completion to be not later than April 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(529), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th 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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-229

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, AND NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(529), PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. MARTIN LUTHER KING DRIVE AND PARADISE ROAD TO ALLOW A FAST FOOD RESTAURANT AND RETAIL COMMERCIAL BUILDING. (JIM CLICK)

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, Jim Click has proposed that the zoning designation for the property located on the northeast corner of N. Martin Luther King Drive and Paradise Road, be amended to rezone from Medium Density Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(529), in the City of Modesto ("the project"), to allow a fast food restaurant and retail commercial building, 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, on March 18, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-13 reviewed the proposed amendment to the Zoning Map and rezone to P-D(529) 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(529) 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 5th 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
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 R-2, Medium Density Residential Zone and C-1, Neighborhood commercial Zone 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 Jim Click to Rezone From R-2 and C-1 to P-D for a Fast Food Restaurant and Retail Commercial Development With Off-Street Parking, Property Located on the Northeast Corner of North Martin Luther King Drive and Paradise Avenue

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

C. Contact person, address and phone number:
Jim Click
102 Crossing Way
Folsom, CA. 95630-5512
phone (916) 984-5306

D. Project Location:
Property located on the northeast corner of North Martin Luther King Drive and Paradise Road

E. Project sponsor:
Jim Click

F. General Plan Designation:
Mixed Use (MU) and Redevelopment Planning District(RPD)
G. Zoning:
existing R-2 and C-1

H. Description of Proposed Project:
This is an application to rezone from R-2 and C-1 to P-D for a fast food restaurant, a one-story retail commercial building and a 51-space off-street parking area on approximately a one acre site located at the northeast corner of North Martin Luther King Drive and Paradise Avenue. Access to this proposed commercial development will be from one 30-foot wide drop approach driveway each on Paradise Avenue and North Martin Luther King Drive. The applicant proposes an efficient parking lot design located between the restaurant and the commercial building. The restaurant design will include a drive-thru aisle which will enter and exit from the parking lot area. A solid eight-foot masonry wall will separate the proposed commercial use from the adjacent alley and residential neighborhood to the north. Surrounding land uses include: residential dwellings to the north, east, and south; a neighborhood commercial center and strip commercial uses are located to the west along Paradise Road.

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 use 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 rezoning. Development of the proposed office 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 rezoning and commercial 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.

C. Generation of Noise
The proposed planned development zone and commercial use is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential and commercial uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent 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 planned development zone and commercial 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 and C-1 uses. The requested P-D Zone will allow commercial uses, subject to conditions of approval. This property is also within the Mixed Use (MU) and Redevelopment Planning District (RPD) areas as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

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

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

G. Loss of Sensitive Wildlife and Plant Habitat
The proposed planned development zone and commercial uses are in a built-up urban area and will not impact sensitive wildlife or any plant
habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

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

I. Drainage, Flooding and Water Quality
The proposed planned development zone and commercial uses 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 planned development zone and commercial uses 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 planned development zone and commercial uses will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

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

N. Increased Demand for Fire Services
This proposed planned development zone and commercial uses will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 is located approximately onefifth 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 proposed planned development zone and commercial uses will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

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

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

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

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed rezoning from R-2 and C-1 to P-D for a professional office 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] Date: 3/18/06

[Signature] C.O.D. - John Stack
MODESTO CITY COUNCIL
RESOLUTION NO. 98-230

A RESOLUTION ACCEPTING THE BID OF MID-VALLEY INVESTIGATIONS & SECURITY OF MODESTO FOR THE PURCHASE OF UNIFORMED SECURITY GUARD SERVICES FOR FY98/99

WHEREAS, the bids received for Uniformed Security Guard Services for FY98/99 were opened at 11:00 a.m. on February 27, 1998, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Mid-Valley Investigations & Security of Modesto be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $96,652.80 from Mid-Valley Investigations & Security of Modesto be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 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 Adams, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "RIVER ROAD PUMP STATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled River Road Pump Station, has been completed by Amerine Systems Inc., in accordance with the contract agreement dated February 11, 1997.

NOW, THEREFORE, BE IT RESOLVED that the River Road Pump Station be accepted from said contractor, Amerine Systems Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $135,464.00 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 5th 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
RESOLUTION NO. 98-232

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FIFTEEN REMOTE TERMINAL UNITS FOR THE SCADA SYSTEM FROM HSQ TECHNOLOGY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Fifteen Remote Terminal Units for the SCADA System from HSQ Technology is hereby waived.

BE IT FURTHER RESOLVED that purchase of Fifteen Remote Terminal Units for the SCADA System from HSQ Technology for a not to exceed price of $81,281.25.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 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 ADAMS, City Clerk
RESOLUTION NO. 98-233

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE ESTABLISHMENT OF AND PARTICIPATION IN THE STANISLAUS OPERATIONAL AREA ORGANIZATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for the Establishment of and Participation in the Stanislaus Operational Area Organization be, and it is hereby approved.

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

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

AYES: Councilmembers: Conrad, 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. 98-234

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 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 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in
accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th 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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-235

A RESOLUTION ORDERING THE ENGINEERING AND
TRANSPORTATION DIRECTOR TO PREPARE AND FILE
AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK
MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD
MEADOWS SUBDIVISION AND YOSEMITE MEADOWS
SUBDIVISION UNITS NO. 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of
Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment
District No. 2 for the purpose of administering the maintenance of landscaping in the public
right of way within the street medians and adjacent to the access control walls in Dry Creek
Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows
Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the
Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through
22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the
legislative body (the City Council) to adopt a resolution which shall generally describe any
proposed new improvements or any substantial changes in existing improvements and order the
engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that there being no proposed new improvements or any substantial changes in existing
improvements in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows
Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _____ day of__________, May 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 ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-236

A RESOLUTION AMENDING ATTACHMENT "A" OF RESOLUTION NO. 97-430 TO ADD SPIRITUAL ASSEMBLY OF THE BAHÁ‘ÍS OF MODESTO TO THE LIST OF REGULAR USER GROUPS WITHOUT AGREEMENT.

WHEREAS, on July 22, 1997, the City Council adopted Resolution No. 97-430 which included a grandfather clause for all regular users (groups and/or organizations) that use a rental facility daily, weekly, bi-weekly and/or monthly, and

WHEREAS, Attachment “A” to Resolution No. 97-430 set forth the use priority descriptions, the grandfather clause and the list of regular user groups without agreement, and

WHEREAS, City staff has received a request from Spiritual Assembly of the Bahá’ís of Modesto that they be added to the list of regular user groups without agreements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from Spiritual Assembly of the Bahá’ís of Modesto to be added to the list of regular user groups without agreements, as set forth on Attachment “A”, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 97-430 is hereby amended effective the date of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of May, 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 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
USE PRIORITY DESCRIPTIONS

Use Priority

1. Ordinance, Resolution, Policy or Written Agreement
   Fee set according to provisions.
   In addition, all regular users who do not have an existing agreement with the City, and who have rented a
   facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee
   Policy.

2. City of Modesto Departments and Parks and Recreation Department Programs and/or co-sponsored Programs
   Co-sponsored Programs are those that: are initiated by the P&R Department; are in collaboration and/or
   partnership with P&R; or have met specific criteria of the Department and have a written and approved
   contract/agreement. Many youth sports organizations are in this use priority.
   Also included are City of Modesto staff meetings and other functions where staff attendance is mandatory.
   Regular Use: No Fee
   Fundraiser: 50% of cost-of-service or full fee (if set at other than COS)

3. City of Modesto Departments, Local Public/Private Schools and Colleges, Public Agencies, and certain Non-
   profit Groups/Organizations
   Included: City of Modesto functions/activities where staff attendance is not required, but activity is approved
   by Department Head; school activities approved by the District Superintendent; agency activities approved by
   agency administrator; local agencies whose programs are open to the public and are for youth or senior
   citizens
   Regular Use: 50% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)
   In addition, staffed for King Kennedy Memorial Center users, unstaffed for all other facility users, with the
   stipulation that the rental times coincide with established facility rental time periods, remain at the current
   number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter
   wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy,
   should be assessed.

4. Local (Modesto Mailing Address) Non-profit Groups/Organizations, P&R Department Adult Sports Leagues
   includes non-profit groups who do not meet criteria of use priority #3, but have local mailing address. P&R
   Adult Sports Leagues only apply during time league is conducted. Teams must be verified on current league
   roster.
   Regular Use: 75% of cost of service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)

5. Non-local Public/Private Schools and Colleges, and Public Agencies; fundraisers also required % of gross to
   be paid to City.
   School activities require approval of District Superintendent. Agency activities require approval of agency
   administrator.
   Regular Use: 100% of cost of service of full fee (if set at other than COS)
   Fundraiser: 100% of cost of service or full fee (if set at other than COS), plus negotiated % of gross receipts.

6. Non-Local Non-profit Groups/Organizations; fundraisers also require % of gross to be paid to City
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts

7. Commercial for-profit Enterprise and Private Citizens; fundraisers also require % of gross to be paid to City.
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts.
GRANDFATHER CLAUSE

All regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy, shall be granted Use Priority #1, staffed, for King Kennedy Memorial Center users and shall be granted Use Priority #3, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed.
Rental Facilities Use and Fee Policy
"Grandfather Clause"

Regular User Groups Without Agreement - June, 1997

<table>
<thead>
<tr>
<th>Group and Annual Uses</th>
<th>Past Fee Per Use</th>
<th>Current Fee Per Use (Adopted July, 1996)</th>
<th>Priority #3 Fee Per Use (Currently Recommended)</th>
<th>Per Use $ Change (From Current Fee to Priority #3 Fee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classic Chevy Club (12)</td>
<td>54.00</td>
<td>200.00</td>
<td>100.00</td>
<td>-100.00</td>
</tr>
<tr>
<td>Comite Mexicano (12)</td>
<td>9.00</td>
<td>40.00</td>
<td>20.00</td>
<td>-20.00</td>
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<td>Genealogical Soc. Stan Co (12)</td>
<td>54.00</td>
<td>200.00</td>
<td>100.00</td>
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<tr>
<td>Golden Valley Kennel Club (12)</td>
<td>70.00</td>
<td>200.00</td>
<td>100.00</td>
<td>-100.00</td>
</tr>
<tr>
<td>Home &amp; Garden Club (12)</td>
<td>9.00</td>
<td>40.00</td>
<td>20.00</td>
<td>-20.00</td>
</tr>
<tr>
<td>Houndsmen Club (12)</td>
<td>38.00</td>
<td>76.00</td>
<td>38.00</td>
<td>-38.00</td>
</tr>
<tr>
<td>Immanuel Faith Church (32)</td>
<td>54.00</td>
<td>200.00</td>
<td>100.00</td>
<td>-100.00</td>
</tr>
<tr>
<td>La Edad De Oro (12)</td>
<td>9.00</td>
<td>40.00</td>
<td>20.00</td>
<td>-20.00</td>
</tr>
<tr>
<td>Modesto Color Camera Club (12)</td>
<td>38.00</td>
<td>56.00</td>
<td>28.00</td>
<td>-28.00</td>
</tr>
<tr>
<td>Modesto Dollars Club (12)</td>
<td>9.00</td>
<td>40.00</td>
<td>20.00</td>
<td>-20.00</td>
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<tr>
<td>Modesto Rose Society (12)</td>
<td>9.00</td>
<td>40.00</td>
<td>20.00</td>
<td>-20.00</td>
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<tr>
<td>Nat. Assoc Retired Fed Empl (12)</td>
<td>9.00</td>
<td>40.00</td>
<td>20.00</td>
<td>-20.00</td>
</tr>
<tr>
<td>St Andrews Society (12)</td>
<td>38.00</td>
<td>56.00</td>
<td>28.00</td>
<td>-28.00</td>
</tr>
<tr>
<td>Sociedad Morelos (12)</td>
<td>9.00</td>
<td>40.00</td>
<td>20.00</td>
<td>-20.00</td>
</tr>
<tr>
<td>Ballroom Dance Club, Inc. (24)</td>
<td>100.00</td>
<td>105.00</td>
<td>52.00</td>
<td>-53.00</td>
</tr>
<tr>
<td>Forever Young Sr. Citizens Potlucks (52)</td>
<td>100.00</td>
<td>172.00</td>
<td>52.00</td>
<td>-131.00</td>
</tr>
<tr>
<td>Dances (12)</td>
<td>54.00</td>
<td>105.00</td>
<td>52.00</td>
<td>-53.00</td>
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<tr>
<td>Royal Neighbors of America</td>
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<td>Royal Order of Caritas</td>
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<td>Native Daughters (12) (12)</td>
<td>54.00</td>
<td>49.00</td>
<td>33.00</td>
<td>-16.00</td>
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<td>23.00</td>
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<table>
<thead>
<tr>
<th>Group and Annual Uses</th>
<th>Past Fee</th>
<th>Current Fee Per Use (Adopted July, 1996)</th>
<th>Priority #1 Fee Per Use (Currently Recommended)</th>
<th>Per Use $ Change (From Current Fee to Priority #1 Fee)</th>
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<tr>
<td>Silver Squares (24)</td>
<td>No Fee</td>
<td>131.00</td>
<td>No Fee</td>
<td>-131.00</td>
</tr>
<tr>
<td>Eastern Star (24)</td>
<td>No Fee</td>
<td>131.00</td>
<td>No Fee</td>
<td>-131.00</td>
</tr>
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</table>
### Regular User Group Without Agreement Added May, 1998

<table>
<thead>
<tr>
<th>Group and Annual Uses</th>
<th>Past Fee</th>
<th>Current Fee Per Use</th>
<th>Priority #3 Fee Per Use</th>
<th>Per Use $ Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baha's of Modesto - BSCH (24)</td>
<td>9.00</td>
<td>47.00</td>
<td>32.00</td>
<td>-15.00</td>
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<td>Baha's of Modesto - MCSC (1)</td>
<td>140.00/76.00</td>
<td>246.00/60.00</td>
<td>165.00/45.00</td>
<td>-81.00/-15.00</td>
</tr>
</tbody>
</table>

### Regular User Groups With Agreement - June, 1997

<table>
<thead>
<tr>
<th>Group</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modesto Sr. Citizens, Inc.</td>
<td>No Fee</td>
</tr>
<tr>
<td>Central Calif. Art League</td>
<td>No Fee</td>
</tr>
<tr>
<td>Modesto Garden Club</td>
<td>Limited Fee with Work Program</td>
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<tr>
<td>McHenry Museum Board</td>
<td>No Fee</td>
</tr>
<tr>
<td>McHenry Museum Docents</td>
<td>No Fee</td>
</tr>
<tr>
<td>Salvation Army</td>
<td>No Fee</td>
</tr>
</tbody>
</table>
Distribution List For
Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney’s Office
1 - Finance Department
1 - Initiating Department

and 1 - Carolyn - CSWC

Linda McDermott
MODESTO CITY COUNCIL
RESOLUTION NO. 98-237

A RESOLUTION RESTATING A COMPREHENSIVE USE POLICY AND FEE SCHEDULE FOR USE OF FACILITIES AND SERVICES PROVIDED BY THE CITY OF MODESTO COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DEPARTMENT AND ADDING A POLICY FOR CO-SPONSOR PROGRAMS WITH NON-PROFIT AND PUBLIC ORGANIZATIONS AND SUPERSEDING RESOLUTIONS NOS. 96-397, 97-430, 98-26, and 98-236.

WHEREAS, pursuant to City Council Resolution No. 96-397, adopted by the Council on July 16, 1996, the Parks and Recreation Department implemented for the next three fiscal years a fee schedule based on cost-of-service with a three (3) percent Consumer Price Index (CPI) increase for use of facilities and services provided by the Parks and Recreation Department, and

WHEREAS, pursuant to City Council Resolution No. 96-397, a comprehensive use policy was also implemented for the use of facilities and services provided by the Parks and Recreation Department in order to provide a fairer and more equitable use and fee structure, which included seven use priorities as set forth in Attachment "A" attached to said Resolution No. 96-397, and

WHEREAS, pursuant to City Council Resolution No. 96-397, the facilities and services provided by the Parks and Recreation Department were grouped into rental categories as set forth in Attachment "B" attached to said Resolution No. 96-397 and this resolution, and

WHEREAS, pursuant to City Council Resolution No. 96-397, fees for facilities and services were implemented as set forth in Attachment "B" to Resolution No. 96-397 for the following categories: B - Buildings, C - Mancini Bowl and John Thurman Field, D -
WHEREAS, the calculated fees for each facility or service were set forth in Attachment "D" attached to said Resolution No. 96-397, and

WHEREAS, fees for rental category A, Aquatic Facilities, were not included in the July, 1996, proposal, as they had previously been approved by the City Council separately, pursuant to City Council Resolution No. 95-263, and

WHEREAS, pursuant to Resolution No. 97-430 adopted by the City Council on July 22, 1997, Attachment “A” to Resolution No. 96-397 was amended to include a grandfather clause for all regular users (groups and/or organizations) that use a rental facility daily, weekly, bi-weekly and/or monthly, and

WHEREAS, pursuant to City Council Resolution No. 98-26, adopted on January 13, 1998, Attachment “D” to Resolution No. 96-397 was amended to revise the rental fees for use of the auditorium/kitchen and classrooms at the Modesto Community Service Center, and

WHEREAS, pursuant to Resolution No. 98-236 adopted by the City Council on May 5, 1998, the Council amended the list of Regular User Groups Without Agreement, Attachment “A” to Resolution No. 97-430, to add the Spiritual Assembly of the Bahá’ís of Modesto, and
WHEREAS, on May 5, 1998, the Council considered amending the Rental Facilities Use and Fee Policy to include a policy for co-sponsor programs with non-profit and public organizations, and

WHEREAS, it is desirable that one resolution be adopted which would restate the comprehensive use policy and fee schedule and incorporate the various amendments as mentioned above and that it would be appropriate to supersede those resolutions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the comprehensive use policy is hereby amended to include a policy for co-sponsor programs with non-profit and public organizations as set forth in Attachment "D" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that said comprehensive use policy and fees for facilities and services provided by the former Parks and Recreation Department and previously approved by the Council are hereby restated and set forth in Attachments "A", "B", "C", and "D" attached hereto and incorporated herein by reference for use of facilities and services provided by the Community Services and Neighborhood Connections Department:

Attachment “A”, entitled Use Priority Descriptions (includes grandfather clause and list of regular user groups without agreement)

Attachment “B”, entitled Rental Categories

Attachment “C”, entitled 1998-99 Fees

Attachment “D”, entitled Co-Sponsor Programs with Non-Profit and Public Organizations
BE IT FURTHER RESOLVED that Resolutions Nos. 96-397, 97-430, 98-26 and 98-236 are hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th 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
USE PRIORITY DESCRIPTIONS

Use Priority

1. Ordinance, Resolution, Policy or Written Agreement
   Fee set according to provisions.
   In addition, all regular users who do not have an existing agreement with the City, and who have rented a
   facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee
   Policy.

2. City of Modesto Departments and Parks and Recreation Department Programs and/or co-sponsored Programs
   Co-sponsored Programs are those that: are initiated by the P&R Department; are in collaboration and/or
   partnership with P&R; or have met specific criteria of the Department and have a written and approved
   contract/agreement. Many youth sports organizations are in this use priority.
   Also included are City of Modesto staff meetings and other functions where staff attendance is mandatory.
   Regular Use: No Fee
   Fundraiser: 50% of cost-of-service or full fee (if set at other than COS)

3. City of Modesto Departments, Local Public/Private Schools and Colleges, Public Agencies, and certain Non-
   profit Groups/Organizations
   Included: City of Modesto functions/activities where staff attendance is not required, but activity is approved
   by Department Head; school activities approved by the District Superintendent; agency activities approved by
   agency administrator; local agencies whose programs are open to the public and are for youth or senior
   citizens
   Regular Use: 50% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)
   In addition, staffed for King Kennedy Memorial Center users, unstaffed for all other facility users, with the
   stipulation that the rental times coincide with established facility rental time periods, remain at the current
   number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter
   wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy,
   should be assessed.

4. Local (Modesto Mailing Address) Non-profit Groups/Organizations, P&R Department Adult Sports Leagues
   includes non-profit groups who do not meet criteria of use priority #3, but have local mailing address. P&R
   Adult Sports Leagues only apply during time league is conducted. Teams must be verified on current league
   roster.
   Regular Use: 75% of cost of service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)

5. Non-local Public/Private Schools and Colleges, and Public Agencies; fundraisers also required % of gross to
   be paid to City.
   School activities require approval of District Superintendent. Agency activities require approval of agency
   administrator.
   Regular Use: 100% of cost of service of full fee (if set at other than COS)
   Fundraiser: 100% of cost of service or full fee (if set at other than COS), plus negotiated % of gross receipts.

6. Non-Local Non-profit Groups/Organizations; fundraisers also require % of gross to be paid to City
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts

7. Commercial for-profit Enterprise and Private Citizens; fundraisers also require % of gross to be paid to City.
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts.
GRANDFATHER CLAUSE

All regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy, shall be granted Use Priority #1, staffed, for King Kennedy Memorial Center users and shall be granted Use Priority #3, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed.
### Rental Facilities Use and Fee Policy

#### "Grandfather Clause"

**Regular User Groups Without Agreement - June, 1997**

<table>
<thead>
<tr>
<th>Group and Annual Uses</th>
<th>Past Fee Per Use</th>
<th>Current Fee Per Use (Adopted July, 1996)</th>
<th>Priority #3 Fee Per Use (Currently Recommended)</th>
<th>Per Use $ Change (From Current Fee to Priority #3 Fee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classic Chevy Club (12)</td>
<td>54.00</td>
<td>200.00</td>
<td>100.00</td>
<td>-100.00</td>
</tr>
<tr>
<td>Comite Mexicano (12)</td>
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<td>200.00</td>
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<tr>
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<tr>
<td>Houndsmen Club (12)</td>
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<td>76.00</td>
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<td>Immanuel Faith Church (52)</td>
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<tr>
<td>Modesto Color Camera Club (12)</td>
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<td>56.00</td>
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<tr>
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<tr>
<td>Sociedad Morelos (12)</td>
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<tr>
<td>Ballroom Dance Club, Inc. (24)</td>
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<td>105.00</td>
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<tr>
<td>Forever Young Sr. Citizens Potlucks (52)</td>
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<td>105.00</td>
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<tr>
<td>Dances (12)</td>
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<td>Royal Neighbors of America</td>
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<td>Royal Order of Caritas</td>
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<td>Native Daughters (12) (12)</td>
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<td>Single Skirts 'N' Flirts (11)</td>
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<td>Squarenaders</td>
<td>54.00</td>
<td>23.00</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Group and Annual Uses</th>
<th>Past Fee</th>
<th>Current Fee Per Use (Adopted July, 1996)</th>
<th>Priority #1 Fee Per Use (Currently Recommended)</th>
<th>Per Use $ Change (From Current Fee to Priority #1 Fee)</th>
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<tbody>
<tr>
<td>Silver Squares (24)</td>
<td>No Fee</td>
<td>131.00</td>
<td>No Fee</td>
<td>-131.00</td>
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<tr>
<td>Eastern Star (24)</td>
<td>No Fee</td>
<td>131.00</td>
<td>No Fee</td>
<td>-131.00</td>
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"Grandfather Clause" Rental Facilities Use and Fee Policy
### Regular User Group Without Agreement Added May, 1998

<table>
<thead>
<tr>
<th>Group and Annual Uses</th>
<th>Past Fee</th>
<th>Current Fee Per Use (Adopted July, 1996-FY 97/98 Fees)</th>
<th>Priority #3 Fee Per Use (Currently Recommended FY 97/98)</th>
<th>Per Use $ Change (From Current Fee to Priority #3 Fee)</th>
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<tr>
<td>Baba's of Modesto - BSCH (24)</td>
<td>9.00</td>
<td>47.00</td>
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<td>Baba's of Modesto - MCSC (1)</td>
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<td>76.00</td>
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### Regular User Groups With Agreement - June, 1997

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<tr>
<th>Group</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Modesto Sr. Citizens, Inc.</td>
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<tr>
<td>Central Calif. Art League</td>
<td>No Fee</td>
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<tr>
<td>Modesto Garden Club</td>
<td>Limited Fee with Work Program</td>
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<tr>
<td>McHenry Museum Board</td>
<td>No Fee</td>
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<tr>
<td>McHenry Museum Docents</td>
<td>No Fee</td>
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<tr>
<td>Salvation Army</td>
<td>No Fee</td>
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## COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS

### RENTAL CATEGORIES

<table>
<thead>
<tr>
<th>A</th>
<th>Aquatic facilities</th>
<th>B</th>
<th>Buildings</th>
<th>C</th>
<th>Mancini &amp; Thurman</th>
<th>D</th>
<th>Multi-purpose Facilities</th>
<th>E</th>
<th>Horseshoe Pits</th>
<th>F</th>
<th>Misc. Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyer HS Pool</td>
<td>Boy Scout Clubhouse</td>
<td>Mancini Bowl</td>
<td>La Loma MPF</td>
<td>Beyer Park</td>
<td>Assistive Listening Dev</td>
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<tr>
<td>Davis HS Pool</td>
<td>Maddux Youth Center</td>
<td>John Thurman Field</td>
<td>Mark Twain MPF</td>
<td>Enslen Park</td>
<td>Sports Equipment Bags</td>
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<tr>
<td>Downey HS Pool</td>
<td>Modesto Com Svce Ctr</td>
<td>McHenry Mansion</td>
<td>Roosevelt MPF</td>
<td>Davis Park</td>
<td></td>
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<tr>
<td>Johansen HS Pool</td>
<td>McHenry Museum</td>
<td>McClatchy Square</td>
<td>Somerset MPF</td>
<td>Downey Park</td>
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<tr>
<td>Susan Burris Pool Park Pools</td>
<td>King Kennedy Mem Ctr</td>
<td>Senior Citizens Ctr</td>
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<table>
<thead>
<tr>
<th>G</th>
<th>Picnic Areas/Shelters</th>
<th>H</th>
<th>Sports Fields</th>
<th>I</th>
<th>Community-Wide Events</th>
<th>J</th>
<th>Special Uses</th>
<th>K</th>
<th>Tennis Courts</th>
</tr>
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<tbody>
<tr>
<td>Beyer Park</td>
<td>Beard Brook Softball</td>
<td>Neighborhood Park</td>
<td>Co-Sponsored</td>
<td>Filming</td>
<td>Beyer Park (6)</td>
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<td>Davis Park</td>
<td>Beyer Softball (2)</td>
<td>Soccer Fields</td>
<td>Non-profit Sponsored</td>
<td>Barbecue Trailer</td>
<td>Davis Park (5)</td>
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<tr>
<td>Downey Park</td>
<td>Davis Softball</td>
<td>Neighborhood Park</td>
<td>For-profit</td>
<td>Portable Stage</td>
<td>Downey Park (6)</td>
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<td>East La Loma Park</td>
<td>Davis Baseball</td>
<td>Youth Softball Fields</td>
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<td>Portable Awning</td>
<td>East La Loma Park (4)</td>
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<td>Beard Brook Park</td>
<td>Downey Baseball</td>
<td>Neighborhood Park</td>
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<td>Portable P.A. System</td>
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<td>Beard Brook T-Shelter</td>
<td>Thurman Soccer</td>
<td>Football Fields</td>
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<td>Sales Permits Adj to Parks</td>
<td>Modesto High School (4)</td>
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<td>Graceada Park</td>
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<td>Johansen High School (9)</td>
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<td>Mellis Park</td>
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<td>Parking Lot Use</td>
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<td>Moose Park</td>
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<td>Trail Use</td>
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<td>Boy Scout Clubhouse</td>
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<tr>
<td>Mancini Bowl</td>
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<td>McClatchy Square</td>
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<tr>
<td>per 5 hours staffed, w/ street closure</td>
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<td>per 5 hours staffed, w/ street closure</td>
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## 1998-99 Fees

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### 1998-99 Fees

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#### Ballfields

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<td>Per day</td>
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#### Brook T-Shelter

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#### Group Picnic Areas, per Section

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05/13/98
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<td>$36</td>
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<td>each additional hour</td>
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<td>$5</td>
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<tr>
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05/13/98
City of Modesto Community Services and Neighborhood Connections Department
Rental Facilities Use and Fee Policy

Co-Sponsor Programs with Non-Profit and Public Organizations

I. AUTHORITIES FOR CO-SPONSOR PROGRAM POLICY

A. The City Council's approval of the Department's Rental Facilities Use and Fee Policy, July 1996, that established a use priority # 2, sub 1, that states the following: "Co-sponsored program: Program that is initiated by the CSNC Department; that is in collaboration and/or partnership with the CSNC Department; and a written agreement and/or contract has been negotiated and approved."

B. The Department has entered into several City Council approved agreements with non-profit and public organizations for the establishment of partnerships that enhance program delivery for community residents.

C. City of Modesto, The Indicators of A High-Performance Organization:
Statement: To provide the best customer service to the citizens of Modesto.
Statement: Quality, responsive and efficient service is expected and delivered.

II. ACTIONS FOR CO-SPONSOR PROGRAM

A. Mission Statement for Co-sponsor Program

The primary purpose of the co-sponsor program is to provide enhanced delivery of a variety of positive and safe recreational, cultural, park and conservation activities and opportunities through the establishment of partnerships with non-profit and public organizations that promote community involvement and citizen spirit.

B. Program Objectives for Co-sponsor Program Policy

1. To standardize criteria utilized in the development and acceptance of a co-sponsor program.
2. To encourage the establishment of partnerships and/or collaborative efforts with other non-profit and public organizations for the enhanced delivery of positive and safe programs.
3. To enable appropriate staff to make informed decisions on accepting of co-sponsor programs.
4. To ensure that all co-sponsor programs adhere to policies as set forth by the Community Services and Neighborhood Connections Department.

C. Selection Criteria for Co-sponsor Programs

1. Co-sponsor program must meet Department's co-sponsor and/or any other specific program or facility mission statement.
3. Co-sponsor program must be open to the public and recruit participants who represent all ethnic and economic groups in the community.
4. Co-sponsor 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).
5. Co-sponsor organization must have a minimum of 50% City of Modesto residents as members.

D. Responsibilities of Co-Sponsor

1. Co-sponsor organization must submit, prior to program implementation, insurance certificate and hold harmless agreement as required by the Risk Manager. This requirement may be waived for specific Public entities.
2. Non-profit organizations must submit to the CSNC Department a copy of the letter from the Internal Revenue Service determining their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and a copy of the letter from the California Franchise Tax Board determining tax-exempt status under Section 23701(d), Revenue and Taxation Code.
3. Co-sponsor organization must submit a copy of bylaws that clearly define the purposes, functions, organization and lines of authority to the CSNC Department for review. This requirement may be waived by the Department.
4. Co-sponsor organization must ensure that the City of Modesto logo and the statement "co-sponsored by the City of Modesto Community Services and Neighborhood Connections" appear in and/or on all advertisements relating to the co-sponsor program.

5. Co-sponsor organization must have approval by the CSNC Department for all co-sponsor program advertisement and/or promotions, i.e., radio, TV, newspaper, magazines, brochures, flyers, Internet.

6. Co-sponsor must comply with all City policies and procedures that govern program and/or facility area.

7. Co-sponsor organization must provide the City a listing of program liaison and staff members (paid or volunteer) and keep City informed in writing of any liaison or staff changes.

8. Co-sponsor organization must submit program reports of the year's activities and program attendance reports as required by the CSNC Department liaison.

9. Co-sponsor organization must maintain the Modesto resident membership ratio.

10. Co-sponsor organization must notify the CSNC Department's liaison of time and place of regular meetings.

11. Co-sponsor organization shall obtain and maintain in full force and effect throughout the program duration any and all applicable permits and business licenses which may be required by any law, including administrative regulations and local ordinances.

12. Co-sponsor organizations shall maintain financial records for co-sponsored event in a manner acceptable to the City.

E. Responsibilities of City

1. The City will appoint a Community Services and Neighborhood Connections Department staff liaison to provide logistical support for the co-sponsor program.

2. The CSNC Department will recognize and qualify co-sponsor programs for the Youth Recreation Financial Assistance Program, as applicable.
3. The City will assist in sending public service announcements, as approved by staff liaison, to area newspapers, local radio stations, and also insert pertinent program information in the Department Activity Guide, as applicable.

4. Scheduling of CSNC facilities on a first priority basis after City scheduled activities, consistent with City facility use policy. Fees may be charged, as applicable.

F. Procedures for Non-profit and Public Organizations Requesting Co-sponsor Programs

1. Governing Board or President must submit a letter of request to the CSNC Department that clearly states the goals, objectives and interests in the organization’s pursuit of a co-sponsor program.

2. The co-sponsor organization, upon request approval, must then prepare and submit the application for co-sponsorship.

   The co-sponsor organization must complete a statement of compliance regarding Department policy.

   The co-sponsor organization must submit a membership roster listing all names and addresses of members, with a notarized signature of the President/Administrator of the organization attesting to the validity of the roster.

   The co-sponsor organization must submit all required documentation requested by the CSNC Department, i.e., by-laws, proof of non-profit status, proof of liability insurance, list of officers and staff members, applicable permits and business licenses, location and times of meetings.

3. CSNC staff will review all documents and set a date for final review with appropriate Advisory Board. Representatives of the organization will be invited to make presentations.

4. CSNC Advisory Board will approve or deny application request.

5. Appeal, if necessary, will be reviewed by a City Council Committee and/or the City Council.

6. If approved, a specific written agreement or contract must be entered into and approved by the CSNC Department and/or resolution must be approved by the CSNC Department and adopted by the City Council, as applicable.
III. CO-SPONSOR PROGRAM ASSISTANCE CATEGORIES AND APPLICABLE RENTAL FEES

A. Co-sponsor Program Request by a Non-Profit or Public Organization with CSNC Department (a minimum of 50% City of Modesto residents as members).

1. Aquatics Facilities: Rental Fee Category # 1
2. Rental Facilities: Rental Fee Category # 2
3. Fundraiser Fee: Applicable fee in accordance with above rental fee category. May be waived if all proceeds are donated to the CSNC Department for a specific program and/or to a non-profit organization that is approved of, in advance by the CSNC Department for charitable work of that organization.

IV. CO-SPONSOR PROGRAMS NOT GRANTED TO AN ORGANIZATION OR ENTERPRISE

A. Any program for the commission of any act 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 program for the commission of any act which is prohibited by law or for the commission of any crime.
C. Any program which is inconsistent with the designed use of the rental facility/area.
D. Any program which is discriminatory in the legal sense.
E. Any program which involves the possession, consumption, or sale of any restricted substance. (Note: Permission, upon advance request, may be granted for the sale of alcoholic beverages only at designated facilities/sites and must be approved by Alcohol Beverage Control.)
F. Any program that is casino or Las Vegas gambling type events.
G. Any programs with previous violation of City policies, procedures or regulations governing the co-sponsor or rental facilities policy.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-238

A RESOLUTION AGREEING NOT TO OBJECT TO THE
ELIMINATION OF PARKING ON K STREET, STATE
ROUTE 108, BETWEEN 9TH STREET AND 10TH STREET,
AND FURTHER AGREEING NOT TO OBJECT TO
CALTRANS CHANGING THE STREET SECTION PROFILE
IN THE SAME LOCATION, CONTINGENT UPON
APPROVAL BY THE CALIFORNIA TRANSPORTATION
COMMISSION TO THE TRANSFER OF 3 FEET OF
PROPERTY ON K STREET BETWEEN 9TH AND 10TH
STREET TO THE CITY.

WHEREAS, at its April 21, 1998, meeting the City Council adopted a
resolution requesting the California Transportation Commission to place an item on its May 6,
1998, agenda to transfer title to 3 feet of property on K Street between 9th and 10th Streets to
the City of Modesto for the Cinema Project, and

WHEREAS, Caltrans has reviewed the action and agreed to support it, subject
to the City agreeing to two issues which may come up in the future when four traffic lanes,
rather than the current three lanes, are needed on this route, and

WHEREAS, although the right of way on this route is 80 feet, the transfer of
the 3 feet of property does not affect the current curb location, and Caltrans controls the entire
80 feet including the sidewalk area where the 3 feet is located, and

WHEREAS, to add a fourth lane on K Street would require intruding into the
sidewalk area and elimination of on-street parking, and

WHEREAS, Caltrans is asking the City to agree not to object to the elimination
of parking and also not to object should it be necessary to move into the landscaping in front
of the Hotel in order to complete the fourth lane on K Street, which Caltrans estimates will be needed in 10-20 years, and

WHEREAS, while it appears that Caltrans, through its right of way and police powers, has the right to intrude into the sidewalk area and eliminate on-street parking on K Street, it wants to eliminate any opposition to the same as part of its approval of the transfer of the 3 feet of property on K Street between 9th and 10th Streets to the City, and

WHEREAS, without the passage of a resolution by the City agreeing not to object to the elimination of parking on K Street and further agreeing not to object to Caltrans changing the street section profile in the same location to accommodate four lanes, Caltrans will not support the approval of the transfer of the 3 feet of property needed for the Cinema Project to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in the event Caltrans transfers title to 3 feet of the K Street right of way to the City of Modesto for the Cinema Project then the City hereby does agree not to object to the elimination of parking and a portion of the sidewalk on K Street, State Route 108, between 9th Street and 10th Street, and further agrees not to object to any future action by Caltrans to change the street section profile in the same location to accommodate four lanes.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th 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, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-239

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT CITIZEN VOLUNTEERS IN RECOGNITION OF THEIR PERFORMANCE OF OUTSTANDING SERVICE TO THE CITIZENS OF MODESTO IN 1997.

WHEREAS, in 1997, 59 citizens from our community contributed a total of 6,230 hours of time to the community welfare and safety of Modesto’s citizens, and

WHEREAS, citizen volunteer duties during the year included assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, participants of the Volunteer Program contributed greatly to the reduction of cost for and enhancement of services rendered to the citizens of our community, and

WHEREAS, the City Council wishes to recognize the performance of outstanding service to the City of Modesto in 1997 by the Modesto Police Department citizen volunteers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends the 59 Modesto Police Department citizen volunteers for their contribution of outstanding service to the City of Modesto in 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 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: 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
RESOLUTION NO. 98-240

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT EXPLORERS IN RECOGNITION OF THEIR PERFORMANCE OF OUTSTANDING SERVICE TO THE CITIZENS OF MODESTO IN 1997.

WHEREAS, in 1997, 31 Explorers from our community contributed a total of 4,744 hours of time to the community welfare and safety of Modesto’s citizens, and

WHEREAS, Explorer duties during the year included assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, participants of the Explorer Program contributed greatly to the reduction of cost for and enhancement of services rendered to the citizens of our community, and

WHEREAS, the City Council wishes to recognize the performance of outstanding service to the City of Modesto in 1997 by the Modesto Police Department Explorers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends the 31 Modesto Police Department Explorers for their contribution of outstanding service to the City of Modesto in 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 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: 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. 98-241  

A RESOLUTION COMMENDING THE MODESTO  
POLICE DEPARTMENT RESERVES IN  
RECOGNITION OF THEIR PERFORMANCE OF  
OUTSTANDING SERVICE TO THE CITIZENS OF  
MODESTO IN 1997.  

WHEREAS, in 1997, 40 Reserve Police Officers from our community contributed  
a total of 19,464 hours of time to the City of Modesto’s welfare and safety, and  

WHEREAS, Reserve Police Officers’ duties during the year included enforcing  
laws and helping with various community activities that took place in the City, and  

WHEREAS, Police Reserve Officers contributed greatly to the general welfare  
and safety of the citizenry of Modesto, and  

WHEREAS, the City Council wishes to recognize the performance of outstanding  
service to the City of Modesto in 1997 by the 40 Reserve Police Officers,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby commends the 40 Reserve Police Officers for their contribution of outstanding  
service to the City of Modesto in 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 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: 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 AUTHORIZING CALL FOR BIDS FOR FURNISHING AN INFRARED SCANNING CAMERA FOR OPERATIONS AND MAINTENANCE DEPARTMENT - WATER QUALITY CONTROL

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 an infrared scanning camera for Operations and Maintenance Department - Water Quality Control, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 10, 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 12th 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
MODOesto CItY COunCIL
RESOLUTION NO. 98-243

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "ANNUAL CATCH BASIN AND VALLEY GUTTER REPAIR PROJECT"

WHEREAS, the bids received for Annual Catch Basin and Valley Gutter Repair Project were opened at 11:00 a.m. on April 21, 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 $178,929 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 12th 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 APPROPRIATION TRANSFER OF $70,200 TO FULLY FUND THE PROJECT TITLED "ANNUAL CATCH BASIN AND VALLEY GUTTER REPAIR"

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

FROM: 628-480-J660 6040; $70,200
TO: 628-480-H082 6040; $70,200

Costs to repair the proposed sites exceeds the amount budgeted. The project was designed with the anticipation of transferring funds to complete the project. 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 12th 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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 26, 1998, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a hearing to review the Proposed 1998-99 Operating Budget and Proposed 1999-2008 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-246

A RESOLUTION APPROVING AN APPLICATION FOR SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR RECEIVING DISCOUNTED ELECTRICAL SERVICE RATES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the application for service agreement between the City of Modesto and Modesto Irrigation District for receiving discounted electrical service rates be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 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 Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-247

A RESOLUTION APPROVING A POLICY AND
PROCEDURES FOR THE COMMUNITY DEVELOPMENT
DEPARTMENT ENTITLED, "PARTICIPATION AS A
HOUSING REHABILITATION CONTRACTOR" RELATING
TO PROCESSING APPLICATIONS FROM CONTRACTORS.

WHEREAS, the City desires to adopt a formal policy and procedure for
selecting contractors being considered for placement on the Contractor’s Bidding List of
Approved Contractors, which is maintained by the Office of Housing and Neighborhoods, and
which includes a contractor suspension process for contractors who exhibit less than
professional characteristics listed under paragraph 20.4 of the Policy and Procedures, as well
as providing for an appeal process for use of the contractors,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that it hereby approves and adopts a policy and procedures for the Community
Development Department entitled, “Participation as a Housing Rehabilitation Contractor, a
copy of which is attached hereto marked Exhibit “A” and incorporated herein by reference,
relating to processing applications from contractors.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th 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
PARTICIPATION AS A HOUSING REHABILITATION CONTRACTOR
(Equal Housing Opportunity)

20.1 INTRODUCTION

To outline the process for contractor participation in Modesto’s Housing Rehabilitation Program. The Office of Housing and Neighborhoods Program does not select or refer contractors. The City does require property owners to contract with highly professional contractors. This procedure is adopted to ensure consistent guidelines for all contractors who contract with property owners receiving housing rehabilitation financing.

20.2 APPLICATION PROCEDURE

To be placed on the Housing Rehabilitation Program Bidder’s List the contractor must complete the following steps:

a. Pick up a packet at the Office of Housing and Neighborhoods’s Office located at 940 -11th Street (or phone (209) 577-5245 to have one mailed).

b. Complete the contractor application questionnaire.

c. Return the signed Receipt acknowledging you have received, read, understood and will comply with the Housing Rehabilitation Specification Manual requirements and the Policy and Procedures for Participation as a Housing Rehabilitation Contractor.

Note: The applicant must have a current California General Contractor’s license to be eligible to participate as a housing rehabilitation contractor (or a specialty contractor if applicable).

20.3 APPLICATION REVIEW

Upon receipt of the Contractor’s Application Questionnaire, the Office of Housing and Neighborhoods will:

a. Review the application questionnaire.

b. Verify California contractor license status, insurance coverage, City of Modesto Business License, and references for recently completed housing rehabilitation projects.
c. Notify the contractor in writing, if approved, and add the contractor's business name to the bidders' list.

d. Request the additional information or documents if the questionnaire is conditionally approved.

e. Notified in writing if disapproved with the reasons for disapproval.

20.4 ADDING AND REMOVING CONTRACTORS FROM THE "LIST OF APPROVED CONTRACTORS"

The Housing and Neighborhoods Manager may add or remove contractors from the list for various reasons including:

A. The contractor has not responded to bid postings for the preceding year.

B. Failure to keep the contractor questionnaire current.

C. The contractor is no longer in business; or has changed his/her business name without filling out current questionnaire reflecting the change.

D. Contractor exhibits one or more of the following characteristics:

   (1) Unsatisfactory rehabilitation work, as outlined in the Real Property Improvement Agreement, evidenced by written change orders;

   (2) work consistently does not meet required code minimums, approved plans or permit requirements;

   (3) finished work is sloppy or incomplete;

   (4) not obtaining required plans and/or permits; plans are inaccurate, vague and unreadable, or not following approved plans;

   (5) failure to supervise and/or monitor the work of his or her employees and subcontractors;

   (6) negotiating side agreements with property owners;

   (7) contractor has not taken care of his/her financial responsibilities resulting in mechanics' liens or small claims court cases being filed against the property owner by material suppliers or subcontractors;

   (8) valid unresolved property owner complaints;
(9) underbidding jobs with the intent of increasing the project cost through change orders;

(10) doing additional work without written, approved change orders;

(11) offering kickbacks to the property owner;

(12) any actions of non-professionalism or incompetence;

(13) history of property owner/contractor disputes;

(14) requesting property owners sign blank or partially completed documents;

(15) threatening City employees or exhibiting threatening conduct by contractor and/or his/her employees;

(16) being financially unstable regarding his/her projects.

(17) violating State of California Contractors’ Licensing law, rules and regulations.

(18) not exposing gas/water/sewer lines when requested by City staff.

In deciding whether to suspend a contractor, the City will consider patterns of misconduct.

Removing of a Contractor from the list does not preclude him/her from bidding on future projects, if that contractor’s bids are specifically requested by a property owner. However, the City shall not provide financial assistance to any owner using a non-approved contractor. Any Contractor who has been removed from the list and seeks to be reinstated will be required to complete a new Contractor’s Application Questionnaire, provide new references, and submit a written statement explaining all changes in his/her status since the last application or job he/she completed. The new information shall also include any liens, judgements, or other legal actions.

In cases where contractors have been removed from the list because of disputes that resulted in contract termination or unpaid mechanics’ liens being filed against a property, subcontractor, or material supplier, work not being completed in a timely manner, or unsatisfactory work to the extent that the property owner incurred additional costs, the contractor will be required to provide a Performance Bond equal to 100% of the project cost if he/she is selected by the property owner. Additionally, the Contractor must submit a new Contractors’ Application Questionnaire, including new references.

20.5 SOME SUGGESTIONS FOR AVOIDING PROBLEMS

Never perform work based on verbal changes to the Real Property Improvement Agreement or Work Write-up.
Never suggest changes in the scope of work without conferring with the Housing Rehabilitation Specialist. Never complete work without an approved written change order.

Never try to coerce the property owner for approval of a payment authorization. Never attempt to pressure the Housing Rehabilitation Specialist into encouraging a property owner to sign a payment authorization.

Never call for an inspection until you have inspected the work and assured that it has been completed professionally and as specified in the agreement and specifications.

Never request payment for line items of work not completed in order to balance the percentage payment amount; each payment must include the correct percentage for the amount for the line items or work items actually completed. The City will hold back at least 10% on each progress payment.

20.6 CONTRACTOR SUSPENSION PROCESS

Upon receiving a written complaint against a contractor, the following process will take place:

a. Housing Program Supervisor will conduct a meeting with the complainant to establish the facts including interviewing witnesses.

b. Review the complaint to ascertain its merits.

c. Notify the complainant in writing within five (5) working days whether the complaint has been determined to be valid.

d. If the complaint is valid the Housing Program Supervisor will meet with the contractor and establish his/her viewpoint.

e. The Housing Program Supervisor will consider the information obtained from all parties and prepare a written report, including a recommendation.

f. The Housing and Neighborhoods Manager will make the final decision; and

g. notify all parties of decision rendered.

20.7 CONTRACTOR APPEAL OF DECISION

If the contractor does not agree with the decision rendered by the Housing and Neighborhoods' Manager he or she must, within ten (10) calendar days, request an appeal.

In the event a contractor decides to request an appeal, the appeal process shall be as follows:

a. Contractor submits a letter to the Community Development Director at 801 11th Street, Modesto, 95354 explaining why he or she felt the suspension was not proper.
b. Within (10) working days, the Community Development Director will set a time to hear the appeal.

c. Appeal is heard by the Community Development Director.

d. A decision will be made by the Community Development Director to deny or accept the appeal.

e. Contractor and complainant are notified of decision. This decision is final - no additional further appeals are available to the contractor.

f. Contractor is removed from the Housing Rehabilitation Contractors' Bidders List.

g. HUD Region IX San Francisco office is notified if the contractor is suspended.

The City of Modesto shall have the exclusive right to suspend or disbar contractors from participation in City-funded housing rehabilitation projects who have violated any of the rules listed in paragraph 20.4 above and any other violations it deems appropriate.

20.8 RECOMMENDATION FOR CHANGES

All recommendations for changes to this policy and procedures must be submitted in writing to the Housing Program Supervisor, Office of Housing and Neighborhoods, 940 11th Street, Modesto, CA 95354.
ACKNOWLEDGEMENT AND RECEIPT

I have received a copy of the Housing Rehabilitation Contractor Participation Policy and Procedure, understand its content, and will comply with its contents and terms and conditions.

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-248

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DEEPAK SINGH AND PROMILA PAUL FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Deepak Singh and Promila Paul for the purchase of right of way needed for the Carpenter Road Widening 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 12th day of May, 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 Adams, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES RUIZ AND MICHELLE EILEEN HELLER FOR PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and James Ruiz and Michelle Eileen Heller for purchase of right of way needed for the Carpenter Road Widening 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 12th day of May, 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 ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-250

A RESOLUTION APPROVING THE FINAL MAP OF
LEGENDS VILLAGE UNIT NO. 1 SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, JKB Homes Corp, a California corporation, is possessed of a tract
of land situate in the City of Modesto, County of Stanislaus, consisting of 15.35 acres, known
as Legends Village Unit No. 1 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 October, 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 Legends Village Unit No. 1 Subdivision meets all of the provisions of the
California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that said final map be approved; that the 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 12th 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
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-251

A RESOLUTION OPPOSING THE STATE REPEAL
OF VEHICLE LICENSE FEES FOR CITIES AND
COUNTIES.

WHEREAS, there are several legislative proposals being discussed this year in
Sacramento which would repeal vehicle license fees (VLF) which currently provide revenues to
local governments, and

WHEREAS, repeal of VLF would mean a loss to the City of Modesto of an
estimated $7.6 million dollars in revenue for fiscal year 1998-99, and

WHEREAS, VLF are a significant revenue source to the City’s General Fund, and

WHEREAS, the loss of VLF, coupled with the property tax shift in 1992, 1993,
and 1994, would significantly jeopardize the City’s ability to support essential programs, and

WHEREAS, it appears the State will have a budget surplus this year ranging
between $1.7 and $2.5 billion dollars, and the legislature and the Governor desire to provide a
tax cut to taxpayers, and

WHEREAS, State legislators have indicated an interest in trying to provide an
offsetting grant to cities to compensate for the loss of revenue created by such a tax cut, and

WHEREAS, said offsetting grants would be at the discretion of the State and not
guaranteed to local governments, while VLF are constitutionally guaranteed by voter approval of
a constitutional amendment in 1984, and

WHEREAS, should an offsetting grant not be forthcoming in the event of a repeal
of VLF, the City will have no protection from the loss of revenue created by the repeal of VLF,
and

WHEREAS, the proposed tax cut by the State would not only jeopardize a significant revenue source for the City, but would also eliminate a stable revenue source to the General Fund that cities and counties have been dependent upon over the years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby opposes the State repeal of vehicle license fees which provide significant and stable revenues necessary to support essential programs for the benefit of its citizens.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

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. 98-252

A RESOLUTION DESIGNATING THE PROPERTY AT 230 SYCAMORE AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: JOHN AND CAROL WHITESIDE)

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 April 20, 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. 98-8, that the property at 230 Sycamore Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, and use 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 May 19, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined
that the property at 230 Sycamore Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 230 Sycamore Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 230 Sycamore Avenue has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Architectural significance as a well-maintained Mission Revival single-family residence from the 1930's.

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.
Property at 230 Sycamore Avenue
John and Carol Whiteside, Owners

Exhibit "A" - Legal Description

Lots 1, 2, and 3 in Block 535 of the CITY OF MODESTO, as per map 2 filed in Book 45 of Maps, Stanislaus County Records.
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

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-253

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 10) AT 230 SYCAMORE AVENUE, LANDMARK SITE NO. 44, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: JOHN AND CAROL WHITESIDE)

WHEREAS, John and Carol Whiteside, owners of the property at 230 Sycamore Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on April 20, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 230 Sycamore Avenue, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and
WHEREAS, a public hearing was held by the Landmark Preservation Commission on April 20, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 10, by Resolution No. 98-9, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 230 Sycamore Avenue, and

WHEREAS, after a public hearing held on May 19, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 230 Sycamore Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 10) for the property at 230 Sycamore Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.
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
MODESTO CITY COUNCIL
RESOLUTION NO. 98-254

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR THE FURNISHING OF ONE TRAILER MOUNTED CHANGEABLE MESSAGE SIGN SYSTEM

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 the furnishing of one trailer mounted changeable message sign system, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 23, 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 19th 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-255

A RESOLUTION ACCEPTING THE PROJECT TITLED "YOSEMITE BOULEVARD WIDENING FROM FRAZINE TO MCCLURE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Yosemite Boulevard Widening from Frazine to McClure, has been completed by George Reed Inc., in accordance with the contract agreement dated June 24, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Yosemite Boulevard Widening from Frazine to McClure be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,105,340.76 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 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
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-256

A RESOLUTION ACCEPTING THE PROJECT TITLED "VARIABLE SPEED DRIVES - EFFLUENT PUMPS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Variable Speed Drives - Effluent Pumps, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Variable Speed Drives - Effluent Pumps be accepted from said contractor, Ross F. Carroll; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $316,045.33 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 19th day of May, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-257

A RESOLUTION ACCEPTING THE
CERTIFICATION OF THE SIGNATURE COUNT
FOR THE CHARTER AMENDMENT PETITION -
ARTICLE 12, SECTION 1206. IMPARTIAL
ARBITRATION FOR POLICE AND FIRE
DEPARTMENT EMPLOYEE DISPUTES, AND
REQUESTING 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 THE DATE PURSUANT TO
§SECTION 10403 OF THE ELECTIONS CODE.

WHEREAS, a charter amendment petition has been circulated by its proponents
to place on the ballot a charter amendment to add Article 12, Section 1206 to the existing City
Charter regarding impartial arbitration for police and fire department employee disputes, and

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

WHEREAS, the City Council determined to call a Special Municipal Election to
be held on November 3, 1998, for the purpose of the election of a charter amendment, and

WHEREAS, the City Council is submitting to the voters the question of whether
or not the Modesto City Charter should be amended by adding a provision which requires
binding arbitration for resolution of public safety union contract disputes, and

WHEREAS, it is desirable that the Special municipal election be consolidated
with the Statewide General election to be held on the same date and that within 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 Municipal 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. That it hereby accepts the certification of signature count as set forth on the Certificate of Signatures For Charter Amendment Petition - Article 12 Section 1206. Impartial Arbitration For Police And Fire Department Employee Disputes, a copy of which is attached hereto and incorporated herein by reference.

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a special election on November 3, 1998.

SECTION 3. That pursuant to the requirements of §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 Municipal Election with the Statewide General election on Tuesday, November 3, 1998, for the purpose of the election of a charter amendment.

SECTION 4. That a measure is to appear on the ballot as follows:

| Shall Section 1206 be added to the Modesto City Charter to transfer authority to resolve public safety union contract disputes from the City Council to an outside arbitration panel. | YES | NO |

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 19th day of May, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CERTIFICATE OF SIGNATURES FOR
CHARTER AMENDMENT PETITION - ARTICLE 12 SECTION 1206. IMPARTIAL
ARBTRATION FOR POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES

I, Jean Adams, City Clerk of the City of Modesto, do hereby
certify that I caused the Stanislaus County Clerk's Office on May
12, 1998 to verify signatures for the above stated petition.

A total of 18,802 signatures were submitted, and 14,642 were
found to be sufficient.

A total of 15% (11,817) of the registered voters signatures were
required for the amendment to qualify for placement on the ballot
at either a special, municipal or any established election date.

Jean Adams
City Clerk/Auditor
City of Modesto

May 13, 1998
WHEREAS, by Resolution No. 95-530 which became effective on November 7, 1995, the City Council amended the salary schedules for unrepresented Management and Confidential employees to incorporate a 9-Step Salary Step Plan, and

WHEREAS, the Council of the City of Modesto desires to approve a three (3%) percent across-the-board salary increase for unrepresented Management and Confidential employees, effective June 23, 1998, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a three (3%) across-the-board salary increase for Council appointees, effective June 23, 1998, and

WHEREAS, the Council desires to approve a three (3%) increase in salary ranges for unrepresented Management and Confidential employees and Executive Managers, including Council appointees.

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

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established and approved effective June 23,
1998, to provide for a three (3%) percent across-the-board salary adjustment for unrepresented
Management and Confidential employees and a three (3%) percent across-the-board salary
adjustment for Council Appointees:

1. Exhibit "A" entitled "City Of Modesto Class Range Table, Management
   And Confidential Non-Sworn Classes, Effective June 23, 1998".

2. Exhibit "B" entitled "City Of Modesto Schedule Of Salary Ranges In City
   Service For FY 98/99, Effective 6/23/98 - Schedule D
   Management/Confidential - General".

3. Exhibit "C" entitled "City Of Modesto Class Range Table, Fire
   Management Classes, Effective June 23, 1998".

4. Exhibit "D" entitled "City Of Modesto Schedule Of Salary Ranges In City
   Service For FY 98/99, Effective 6/23/98 - Schedule E
   Management/Confidential - Fire- 80 hours - Division Chief".

5. Exhibit "E" entitled "City Of Modesto Schedule Of Salary Ranges In City
   - 80 Hrs. - Battalion Chief".

6. Exhibit "F" entitled "City Of Modesto Schedule Of Salary Ranges In City
   - 112 Hrs. - Battalion Chief".

7. Exhibit "G" entitled "City Of Modesto Class Range Table, Police
   Management Classes (Unrepresented), Effective June 23, 1998".

8. Exhibit "H" entitled "City Of Modesto Schedule Of Salary Ranges In City
   Service For FY 98/99, Effective 6/23/98 - Schedule G
   Management/Confidential - Police - Unrepresented".

9. Exhibit "I" entitled "City Of Modesto Class Range Table, Executive
   Management, Effective June 23, 1998", which includes Council
   Appointees.

10. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City
    Service For FY 98/99, Effective 6/23/98 - Executive Management".
SECTION 2. COUNCIL APPOINTEES. Effective June 23, 1998, the salaries for the positions of the Council Appointees shall be as follows:

<table>
<thead>
<tr>
<th>TITLES</th>
<th>HOURLY</th>
<th>BI-WEEKLY</th>
<th>MONTHLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>$54.1895</td>
<td>$4335.16</td>
<td>$9428.96</td>
</tr>
<tr>
<td>City Attorney</td>
<td>$50.6564</td>
<td>$4052.51</td>
<td>$8814.22</td>
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<tr>
<td>City Clerk</td>
<td>$27.9529</td>
<td>$2236.23</td>
<td>$4863.81</td>
</tr>
</tbody>
</table>

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.
SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits are hereby increased by $0.92 per month for employees with family coverage, effective July 21, 1998.

SECTION 9. MANAGEMENT AND CONFIDENTIAL LEAVE CASHOUT. An annual cashout of management leave time, up to a maximum of twenty (20) hours for Management employees, and up to a maximum of ten (10) hours for Confidential employees, payable at 50% of the employees' hourly rate of pay, is hereby authorized in December of each year, commencing December, 1999.

SECTION 10. REPEAL. Resolution No. 97-375 is hereby rescinded.
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 Mayor Lang, 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
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 June 23, 1998**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<td>406</td>
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<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<td>408</td>
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<td>409</td>
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<td>410</td>
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<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
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<td>412</td>
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</tr>
<tr>
<td>413</td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td>414</td>
<td>Administrative Technician (Confidential)</td>
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<tr>
<td>415</td>
<td>Secretary</td>
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<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"
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
Class Range Table
Management and Confidential Non-Sworn Class
Page 3

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

439

440
- Purchasing Officer
- Associate Civil Engineer
- Associate Traffic Engineer
<table>
<thead>
<tr>
<th>Class Range Table</th>
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</thead>
<tbody>
<tr>
<td>Management and Confidential Non-Sworn Class</td>
</tr>
<tr>
<td>Page 4</td>
</tr>
</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 |
|     | Finance Data Processing Manager |
|     | Supv. Construction Inspector |
|     | Manager of Budget and Financial Analysis |

| 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 |

| 448 |

<p>| 449 | Sr. Deputy City Attorney II |</p>
<table>
<thead>
<tr>
<th>Class</th>
<th>Position</th>
</tr>
</thead>
</table>
| 450   | Deputy Director Public Works - Engineering  
        Deputy Director Public Works - Operations  
        Deputy Director Public Works - Transportation |
<p>| 451   |          |
| 452   |          |
| 453   | Assistant City Attorney |</p>
<table>
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<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
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<th>9</th>
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**EXHIBIT "B"**
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<td>17.1430</td>
<td>17.5716</td>
<td>18.0109</td>
<td>18.4612</td>
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</tbody>
</table>

**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99**

**HOURLY**

**SCHEDULE - D**

**MANAGEMENT/CONFIDENTIAL GENERAL**

**MONTHLY**

**EFFECTIVE 6/23/98**

**SALARY BANDS**

**FOR FY 99-00**

**BY-WEEKLY**

**1,2,3,4,5,6,7,8,9**

**MONTHLY**

**1,2,3,4,5,6,7,8,9**

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**0416**

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**0418**

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**0420**

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**0422**

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0452
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38.7234
39.6915 40.6838 41.7009
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37.7789 38.7234
39.6915 40.6838 41.7009 42.7434
0454
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38.7234
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44.9073
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0456
37.7789! 38.7234
39.6915 40.6838 41.7009 42.7434 43.8120 44.9073
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3,022.31 i

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CITY OF MODESTO  
CLASS RANGE TABLE  
FIRE MANAGEMENT CLASSES  
Effective June 23, 1998

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**Exhibit "D"**
### CITY OF MODESTO

**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99**

Effective 6/23/98

**FIRE MANAGEMENT - 80 HRS**

**BATTALION CHIEF**

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EXHIBIT "E"
CJJ:LQEMQ!2~SIQ

SCHEDULE~£.MJ..ABY RANGES IJlUdI'LS..ERVICJ;-EQR FY 98-99

~futtimLaa

SCHEDULE - Y
FIRE MANAGEMENT -112 HRS
BATTALION CHIEF
Range I
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HOURLY
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813
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814
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815
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816
817
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i 24.7738
818
25.3931 .
819
26.0279
820
821
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823
28.7299
824

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6

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27.3456 '

EXHIBIT "F"

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CITY OF MODESTO
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POLICE MANAGEMENT CLASSES (Unrepresented)

Effective June 23, 1998

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**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99**

**EFFECTIVE 6/23/98**

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### BY-WEEKLY

### MONTHLY
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EXHIBIT "I"
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### EFFECTIVE 06/23/98

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| Police Chief | 40.5085 | 50.6356 | 3,240.68 | 4,050.85 | 7,048.48 | 8,810.60 |

### Community Development Director

### Engineering and Transportation Director

| Deputy City Manager | 41.5212 | 51.9015 | 3,321.70 | 4,152.12 | 7,224.70 | 9,030.86 |
| City Attorney | 42.5592 | 53.1990 | 3,404.74 | 4,255.92 | 7,405.31 | 9,256.63 |

### City Manager

| 43.6232 | 54.5290 | 3,489.86 | 4,362.32 | 7,590.45 | 9,488.05 |
| 44.7138 | 55.8923 | 3,577.10 | 4,471.38 | 7,780.19 | 9,725.25 |
| 45.8316 | 57.2895 | 3,666.53 | 4,583.16 | 7,974.70 | 9,968.37 |
| 46.9774 | 58.7218 | 3,758.19 | 4,697.74 | 8,174.06 | 10,217.58 |
| 48.1518 | 60.1898 | 3,852.14 | 4,815.18 | 8,378.40 | 10,473.02 |
| 49.3566 | 61.6945 | 3,948.45 | 4,935.56 | 8,587.88 | 10,734.84 |
| 50.5895 | 63.2369 | 4,047.16 | 5,058.95 | 8,802.57 | 11,033.22 |
| 51.8542 | 64.8178 | 4,148.34 | 5,185.42 | 9,022.64 | 11,278.29 |
| 53.1506 | 66.4383 | 4,252.05 | 5,315.06 | 9,248.21 | 11,560.26 |
| 54.4794 | 68.0993 | 4,358.35 | 5,447.94 | 9,479.41 | 11,849.27 |
| 55.8414 | 69.8018 | 4,467.31 | 5,584.14 | 9,716.40 | 12,145.50 |

EXHIBIT "J"
MODESTO CITY COUNCIL
RESOLUTION NO. 98-259

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CTIC ASSOCIATES FOR CONSULTATION SERVICES FOR THE RENEGOTIATION OF THE CABLE FRANCHISE CONTRACT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and CTIC Associates for consultation services for the renegotiation of the cable franchise contract 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 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
JEAN ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE REVENUE AND TO APPROPRIATE $7,500 IN EXPENDITURES

WHEREAS, the Modesto Centre Plaza offers insurance for special events requiring insurance through an insurance company. The payment equals the amount received from renters; and

WHEREAS, more insurance than anticipated has been sold during the current fiscal year. In order to continue offering special events insurance, the budget needs to be amended to provide additional expenditures and revenue.

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>Revenue</th>
<th>$7,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>#670-340-3412-8123</td>
<td></td>
</tr>
<tr>
<td>Expense</td>
<td>$7,500</td>
</tr>
<tr>
<td>#670-340-3412-0415</td>
<td></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 19th day of May 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers

STAN FEATHERS, Budget Officer