A RESOLUTION APPROVING AN AGREEMENT CONSENTING TO COMMON USE BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE DRAINAGE PROJECT NEAR SEVERIN AND ENCINA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement consenting to common use between the City of Modesto and Modesto Irrigation District for the drainage project near Severin and Encina 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 August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-476


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary C. Vargas, Trustee of the Vargas Family Living Trust UAD 11/28/90; Mary C. Vargas, Trustee of the Marcy C. Vargas Trust UAD 10/22/93; Joseph Lloyd Vargas; and Francis Dee Criswell for acquisition of property rights needed for the parallel outfall 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 August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-477

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID L. AND DIANE M. VERISSIMO FOR ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David L. and Diane M. Verissimo for acquisition of property rights needed for the parallel outfall 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 August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-478

A RESOLUTION APPROVING RIGHT OF ENTRY BETWEEN THE CITY OF MODESTO AND STANLEY GALAS, BONNIE K. GALAS, NORMAN GALAS, AND JUNE GALAS FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of entry between the City of Modesto and Stanley Galas, Bonnie K. Galas, Norman Galas, and June Galas for the parallel outfall 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 August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE AND ELLEN KOSMAS, HUSBAND AND WIFE, DBA, EDITH’S GOURMET BAKING COMPANY, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the loan agreement between the City of Modesto and George and Ellen Kosmas, husband and wife, doing business as Edith’s Gourmet Baking Company, under the Community Development Block Grant Small Business Loan 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 12th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-480

A RESOLUTION REQUESTING LEAGUE OF CALIFORNIA CITIES SPONSORED LEGISLATION AT THE 1997 ANNUAL LEAGUE OF CITIES CONFERENCE RELATING TO PROHIBITING COUNTIES FROM PASSING ON THEIR SUPPLEMENTAL PROPERTY TAX ADMINISTRATION EXPENSES TO CITIES AND SPECIAL DISTRICTS.

WHEREAS, in October 1995, AB 818 created a State-County Property Tax Administration Program which offers State loans to eligible counties to assist in property tax administration systems, and

WHEREAS, on July 16, 1997, the State Department of Finance determined all participating counties in the program met the terms of their contracts and all loans for fiscal year 1995-96 were considered repaid, and

WHEREAS, some counties are including the costs incurred through the program in the calculation of their property tax administration fees to be paid by cities, despite the fact that the State has already paid for those supplemental expenses through the loan program subsequently forgiven,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby requests the League of California Cities to sponsor legislation that would prevent counties from “double taxing” cities and special districts for costs paid by the State relating to supplemental property tax administration expenses.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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 SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO AMEND SECTION 3-1.101 OF CHAPTER 21 OF TITLE III OF THE MODESTO MUNICIPAL CODE TO INCLUDE EXPRESS FINDINGS TO SUBSTANTIATE THE MODIFICATIONS MADE TO THE 1994 EDITION OF THE FIRE CODE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that August 26, 1997, 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 public hearing to amend a portion of the 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 August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GEORGE PETTYGROVE FROM THE LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE AUGUST 12, 1997

WHEREAS, George Pettygrove was appointed a member of the Local Cable Programming Committee on February 21, 1995; and

WHEREAS, George Pettygrove has tendered his resignation from the Local Cable Programming Commission, effective August 12, 1997; and

WHEREAS, George Pettygrove 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 George Pettygrove from the Local Cable Programming 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 George Pettygrove 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 12th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-483

A RESOLUTION DENYING THE PROJECT WITHOUT
PREJUDICE FOR AN AMENDMENT TO THE ZONING MAP
AND A PORTION OF A PLANNED DEVELOPMENT ZONE
FOR A 20-SCREEN THEATER COMPLEX WITH
SUPPORTING COMMERCIAL PAD USES, LOCATED ON
PROPERTY ON THE WEST SIDE OF DALE ROAD AT
VINTAGE DRIVE, EXTENDED. (CINEMARK USA, INC.)

WHEREAS, an application for an amendment to Section 11-3-8 of the Zoning
Map was filed by Cinemark USA, Inc., on November 19, 1996, to reclassify from Medium
Density Residential Zone, R-2, and the eastern a portion of Planned Development Zone, P-
D(333), to Planned Development Zone, P-D(520), to allow a 20-screen theater complex with
supporting commercial pad, property located on the west side of Dale Road at Vintage Drive
extended, immediately north of Vintage Faire Mall, and

WHEREAS, the City’s Community Development Department reviewed the
proposed project, and on March 18, 1997, prepared Initial Study No. 97-14, and based on the
substantial evidence concluded in said Initial Study, found and determined that the proposed
project will have no additional significant effect on the environment that was not identified in
the Master EIR; and, further, that no new or additional mitigation measures or alternatives are
required; and that, therefore, the proposed project is within the scope of the project covered by
the Master EIR, and

WHEREAS, a public hearing was held by the Planning Commission on April 7,
1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at
which hearing evidence both oral and documentary was received and considered, and
WHEREAS, by Resolution No. 97-25, the Planning Commission recommended to the City Council the approval of the application for said project, subject to the conditions set forth in said Planning Commission Resolution, a copy of which resolution is on file in the Office of the City Clerk, and

WHEREAS, said recommendation of the Planning Commission relating to the project was set for a City Council public hearing, duly noticed to be held on Tuesday, August 18, 1997, 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, Section D. (2) of Chapter 1 of the Modesto Urban Area General Plan provides that the Modesto Redevelopment Area will be the focal point of community life and ... the entertainment center of the northern San Joaquin Valley,

WHEREAS, after said hearing, the Council found and determined that said project as recommended by the Planning Commission should be denied, and

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the project be denied without prejudice for the following reasons:

1. The proposed project will increase traffic in and thereby change the character of the residential neighborhoods immediately to the north of the proposed project.

2. Various market studies, which have been prepared in connection with the project, show that the Modesto theater market can only support approximately thirty (30) to forty (40) first-run movie theaters. As of
July 1, 1997, there were seventeen (17) first-run movie theaters in Modesto. On July 22, and on August 12, 1997, the City Council and the Modesto Redevelopment Agency approved the Tenth Street Place Project which includes a theater component consisting of eighteen (18) new first-run movie theater screens for downtown Modesto for a total of thirty-five (35) theater screens. Therefore, this project should be denied in order to ensure the success of the downtown project and further the General Plan goal of promoting the downtown redevelopment area as the entertainment center of the northern San Joaquin Valley.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1997, by Councilmember Cogdill, who moved its 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: [Signature]
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-484

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 95-497 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(510). (ISADORE KURLAND)"
(DR. MAHER ABADIR)

WHEREAS, the Modesto City Council, by Ordinance No. 2957-C.S., which was introduced on October 17, 1995, finally adopted on November 7, 1995, and which became effective on December 7, 1995, rezoned property located on the west side of Carver Road south of Standiford Avenue, 3401 Carver Road to Planned Development Zone, P-D(510), to allow a 22-unit, one-story senior housing development, and

WHEREAS, City Council Resolution No. 95-497 adopted by the City Council on October 17, 1995, approved the development plan for P-D(510) and contained conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(510), was filed by Dr. Maher Abadir on May 27, 1997, to allow church facilities for the Saint Mark Coptic Orthodox Church to be developed on property located at 3333 Carver Road on the west side of Carver Road south of Standiford Avenue, and

WHEREAS, after a public hearing on July 21, 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. 97-54, that amendment of Planned Development Zone, P-D(510), as proposed, is required by public necessity, convenience and general welfare for the following reasons:
1. The proposed church facilities meet all of the City design and locational criteria for churches.

2. Fencing and other conditions of approval will be in accordance with longstanding development standards, largely the same as currently applied by the P-D(510) Zone.

WHEREAS, by Resolution No. 97-54 the Planning Commission recommended to the Council that Planned Development Zone, P-D(510), be amended to allow church facilities for the Saint Mark Coptic Orthodox Church to be developed on property located at 3333 Carver Road on the west side of Carver Road south of Standiford Avenue, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:00 p.m. on August 19, 1997, and

WHEREAS, after said public hearing held on August 19, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Dr. Maher Abadir for an amendment to Planned Development Zone, P-D(510), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-54 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3056-C.S. on the 19th day of August , 1997, amending Section 2 of Ordinance No. 2957-C.S, to allow church facilities for the Saint Mark Coptic Orthodox Church to be developed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 95-497 entitled "A
Resolution Approving a Development Plan for Planned Development Zone, P-D(510)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(510), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Saint Mark Coptic Orthodox Church, Modesto, as amended in red, stamped approved by the City Council on August 19, 1997.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six (6)-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the south property line.
   b. Six (6)-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 and west property lines.

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

5. 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. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

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

9. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

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

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

12. 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.

13. All signs shall comply with the sign requirements of the R-1 Zone.

14. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(510):

The entire construction program be accomplished in one phase, construction to begin on or before July 21, 1999, and completion to be not later than July 21, 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.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, 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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-485  

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 PLANNED DEVELOPMENT ZONE, P-D(510), TO ALLOW CHURCH FACILITIES FOR THE SAINT MARK COPTIC ORTHODOX CHURCH, PROPERTY LOCATED AT 3333 CARVER ROAD ON THE WEST SIDE OF CARVER ROAD SOUTH OF STANDIFORD AVENUE. (DR. MAHER ABADIR)

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, Dr. Maher Abadir has proposed an amendment to Planned Development Zone, P-D(510), to allow church facilities for the Saint Mark Coptic Orthodox Church, property located at 3333 Carver Road on the west side of Carver Road south of Standiford Avenue, in the City of Modesto ("the project"), and

WHEREAS, on July 10, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-78 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 July 21, 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 July 10, 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 ___19th___ day of ___August___, 1997, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember McClanahan, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Dobbs, Cogdill, Fisher, Friedman,
McClanahan, 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
The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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 Dr. Maher Abadir to Amend Planned Development Zone, P-D 510 to Allow a church and parking area on the west side of Carver Rd. south of Standiford Avenue.

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

C. Contact person and phone number: Saher Yassa, AIA, SEY Design and Construction P.O. Box 231943 Sacramento, Ca 95823

D. Project Location: 3333 Carver Road, on the west side of Carver Road, south of Standiford Ave.

E. Project sponsor: Dr. Maher Abadir, 1501 Country View Dr., Modesto, Ca. (209) 545-2144

F. General Plan Designation: R, Residential

G. Current Zoning: Planned Development, P-D 510 zone

H. Description of Proposed Project: This project is an amendment to P-D 510 to supplant approval of a single-story senior housing development with a church and parking area including a possible future priest's residence.
This project is adjacent to and surrounded by urban development. Although the project will add some traffic to the neighborhood, it will not create additional significant noise effects beyond those identified in the impact analysis. There will be no new noise-generating activity that is not already possible with the existing development entitlement. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The project is already a developed site and there will be no loss of agricultural land by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. Increased Demand for Water Supplies
This project which will provide for additional institutional development, will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services
This project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat
This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites
This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures
Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

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

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

R. Energy
This proposal 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.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed P-D 510 zone amendment application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

B. The Project 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).
MODESTO CITY COUNCIL
RESOLUTION NO. 97-486

A RESOLUTION ACCEPTING THE BID OF ALLEN WAGGONER CONSTRUCTION, INC. FOR THE ENCINA STORM DRAIN UPGRADE PROJECT - PHASE II FOR $100,870

WHEREAS, bids received for the Encina storm drain upgrade project - Phase II were opened at 11:00 a.m. on August 5, 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 Allen Waggoner Construction, Inc. for $100,870 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 Allen Waggoner 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 19th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-487

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $65,000.00 TO FULLY FUND THE ENCINA STORM DRAIN PROJECT

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

FROM: Miscellaneous storm drains  
(628 480 H087 6040)  
$65,000

TO: Encina storm drain  
(628 480 E577 6040)  
$65,000

Additional funding is required because of unanticipated right of way costs and the project scope was increased with the addition of the Severin/Encina intersection to the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 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:  
Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-488

A RESOLUTION ACCEPTING THE BID OF EVANS COMMUNICATIONS FOR THE DESIGN AND IMPLEMENTATION OF A VOICE MAIL SYSTEM FOR $91,358.00

WHEREAS, Resolution No. 97-365, adopted by the Council of the City of Modesto on June 24, 1997, authorized bids to be opened for the design and implementation of a voice mail system, and

WHEREAS, the bids received for the design and implementation of a voice mail system, were opened at 11:00 a.m. on July 15, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Evans Communication for the design and implementation of a voice mail system in the amount of $91,358.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Evans Communications for the design and implementation of a voice mail system 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 19th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-489

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT, ON AN AS NEEDED BASIS FOR FISCAL YEAR 1997-98, FROM COMP USA FOR $207,268.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of computers and related equipment are hereby waived.

BE IT FURTHER RESOLVED that the purchase of computers and related equipment, on an as needed basis for fiscal year 1997-98, from Comp USA for $207,268.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-490

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LARRY RONE FROM THE HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE AUGUST 19, 1997

WHEREAS, Larry Rone was appointed a member of the Housing Rehabilitation Loan Committee on April 8, 1997; and

WHEREAS, Larry Rone has tendered his resignation from the Housing Rehabilitation Loan Committee, effective August 19, 1997; and

WHEREAS, Larry Rone 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 Larry Rone from the Housing Rehabilitation 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 Larry Rone 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 19th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-491

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ARNOLD BLANK FROM THE GOLF COURSE ADVISORY COMMITTEE, EFFECTIVE AUGUST 19, 1997

WHEREAS, Arnold Blank was appointed a member of the Golf Course Advisory Committee on November 26, 1996; and

WHEREAS, Arnold Blank has tendered his resignation from the Golf Course Advisory Committee, effective August 19, 1997; and

WHEREAS, Arnold Blank 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 Arnold Blank from the Golf Course Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Arnold Blank 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 19th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION DELETING SECTION 104(b) FROM THE "PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS", ATTACHED TO RESOLUTION NO. 91-185, AND SUPERSEDING SAID RESOLUTION NO. 91-185.

WHEREAS, Government Code Section 65864, et seq., authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, by Council Resolution No. 91-185, adopted on March 26, 1991, the City Council established procedures and requirements for the consideration of development agreements, pursuant to Exhibit "A", attached thereto, entitled “Procedures and Requirements for the Consideration of Development Agreements”, hereafter referred to as “Procedures”, and

WHEREAS, City staff has recommended that Section 104(b) of the above-mentioned Procedures should be deleted to allow certain property owners within the various specific plans to propose development agreements that may be beneficial to both the property owner and the City, and

WHEREAS, the public health, safety and general welfare will be promoted by the adoption of such amended Procedures, among other things, providing certainty and consistency to the processes involved in the application for and timely consideration of development agreements, and
WHEREAS, the City Council considered said matter at a duly noticed public hearing which was held on Tuesday, August 26, 1997, at 4:00 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 it does hereby approve the amendment to the “Procedure and Requirements for the Consideration of Development Agreements” by deleting paragraph (b) of Section 104 from said Procedures. Said amendment will allow certain property owners within the various specific plans to propose development agreements that may be beneficial to both the property owner and the City. A copy of the “Procedures and Requirements for the Consideration of Development Agreements”, as amended, is attached hereto as Exhibit “A” and incorporated herein by reference as if set forth in full herein.

BE IT FURTHER RESOLVED that the “Procedures and Requirements for the Consideration of Development Agreements”, attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby adopted. A copy of said Procedures is also on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that Resolution No. 91-185 is hereby superseded as of the effective date of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 26th day of August, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS

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ARTICLE 1. APPLICATIONS

Section 101. Authority for Adoption. These regulations are adopted pursuant to Government Code Section 65864 et seq.

Section 102. Coordination with Related Laws. Processing an application with the City of Modesto (the "City") for a development agreement must be done in coordination with other related City ordinances, regulations, policies and standards, including without limitation the City's General Plan, specific plans, zoning and subdivision map requirements.

Section 103. Forms and Information.

(a) Forms. The Planning and Community Development Director or the designee (the "Director") shall prepare or cause to be prepared an application form, a standard notice form, and all other documents provided for, required under, or necessary or appropriate to the implementation of these regulations and the preparation and implementation of a development agreement. Prior to the completion of such forms, application may be made to the City for a development agreement, provided the application satisfies the requirements of Section 105(a) and (b) herein.

(b) Information. The Director shall require the submittal of such information and supporting data as the Director considers necessary or appropriate for the processing of an application for a development agreement.
Section 104. Qualification as an Applicant.

(a) Only a qualified applicant may file an application for a development agreement. A qualified applicant is any person or business entity, or authorized agent of either, or any successors in interest thereto (the "Applicant"), who has legal or equitable interest in the real property which is the subject of the development agreement. The Director may require an Applicant to submit proof of such interest and/or authorization to act on behalf of the Applicant of such interest as the Director considers necessary or appropriate.

Section 105. Proposed Form of Agreement.

(a) Submitted Agreement. Each application shall clearly state that it is an application for a development agreement, and shall include the proposed draft development agreement (the "Submitted Agreement"). The Submitted Agreement shall contain, without limitation, the provisions required under Government Code Section 65864 et seq., particularly Section 65865.2, which includes:

(1) duration of the agreement;
(2) permitted uses of the property;
(3) density or intensity of use;
(4) maximum height and size of proposed buildings; and
(5) provisions for reservation or dedication of land for public purposes.

(b) Additional Information. In addition to the mandatory elements described above, the Submitted Agreement may also include:

(1) conditions, terms, restrictions and requirements for subsequent discretionary actions by the City;
(2) terms and conditions relating to the construction and financing of necessary public facilities and reimbursement relating to same; and
(3) terms and conditions requiring that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.
Section 106. Review of Application.

(a) Time of Review. Not later than thirty (30) calendar days after the Director has received an application for a development agreement, the Director shall review the application for sufficiency, shall determine in writing whether the application is complete and shall transmit that written determination to the Applicant. If the application is determined to be incomplete, the Director shall describe those parts of the application which are incomplete, and indicate the manner in which the application can be made complete, which may include but not be limited to a list and general description of the information needed to complete the application. The Applicant shall submit materials to the Director in response to that list and description.

(b) Additional Submittals. Upon receipt of any materials submitted to the Director in response to the Director's written determination regarding the completeness and sufficiency of the application, a new thirty (30) calendar day period shall begin, during which the Director shall again take the steps described in subdivision (a) of this Section in determining the sufficiency and completeness of the application.

(c) Staff Report and Recommendation. Within thirty (30) days after receiving an application determined to be sufficient, the Director shall submit the proposed development agreement and any materials appended thereto for review in accordance with Title IV, Chapter 10. Environmental Impact, of the Modesto Municipal Code, and any and all guidelines or procedures established therefore. Upon completion of said review, the Director shall: (1) prepare or cause to be prepared a staff report and recommendation; (2) shall offer an opinion as to whether the agreement as proposed or in an amended form would be consistent with the General Plan, any specific plan, and other applicable City and/or State land use regulations; and (3) notify the Applicant that the proposed development agreement is calendared for a public hearing before the Planning Commission.

In addition and concurrently with compliance with Title IV, Chapter 10. Environmental Impact, the Director may transmit copies of the application and Submitted Agreement to appropriate City departments. If the Director elects to transmit the application and Submitted Agreement to such appropriate City departments, the Director shall specify a time period for response.

ARTICLE 2. NOTICE AND HEARINGS.

Section 201. Planning Commission and City Council Hearings.

(a) Generally. All proposed development agreements shall be considered at public hearings before the Modesto Planning Commission (the "Commission") and the Modesto City Council (the "Council"), which are noticed, conducted and concluded pursuant to this Article 2.
(b) **Planning Commission.** A public hearing on a proposed development agreement shall be held by the Commission not more than sixty (60) calendar days after compliance with Title IV, Chapter 10, of the Modesto Municipal Code and the guidelines or procedures related thereto. The Commission may continue the public hearing from time to time but not to exceed forty-five (45) days from the original hearing date. The Commission shall make its written recommendation to the Council, pursuant to Section 301 of this Resolution, no later than fifteen (15) calendar days after the conclusion of its public hearing on the proposed development agreement. Notice of such hearing(s) and the Commission's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

(c) **City Council.** A public hearing on a proposed development agreement shall be held by the Council not more than forty-five (45) calendar days from the date the Commission makes its written recommendation regarding a proposed development agreement to the City Council. The public hearing may be continued from time to time, but not to exceed sixty (60) calendar days from the hearing date specified in the original notice of public hearing. Notice of such hearing(s) and the Council's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

If the Council finds that the proposed development agreement is consistent with the City's General Plan and any applicable specific plan, and that the agreement will promote the public health, safety and general welfare, it may, but is not required to approve, the development agreement.

Section 202. **Duty to Give Notice.** The Director shall give notice of the Commission's and/or Council's intention to consider the adoption of the development agreement, and of any other public hearing required by law or this Resolution, pursuant to this Article 2.

Section 203. **Form and Time of Notice.**

(a) **Form of Notice.** The form of the notice of intention to consider adoption of proposed development agreements shall contain without limitation:

1. the date, time and place of the hearing;
2. the identity of the hearing body or officer;
3. a general explanation of the matter to be considered;
4. a general description, in text or by diagram of the location of the real property that is the subject of the development agreement and the hearing;
(5) the location(s) where a copy of the proposed development agreement may be reviewed; and

(6) any proposals in the development agreement affecting the City's General Plan or any applicable prior approvals of the project.

(7) a notice substantially stating all of the following: "If you challenge the development agreement in any court of law, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (Planning Commission or City Council) at, or prior to, the public hearing.

(b) Time and Manner of Notice. Notice of the Commission's or Council's intention to consider the adoption of a proposed development agreement at a public hearing shall be given pursuant to Government Code Section 65867.

Section 204. Failure to Receive Notice. The failure of any person entitled to receive notice required by law or these regulations does not and shall not constitute grounds for invalidation of any actions of the City for which the notice was given.

Section 205. Irregularity in Proceedings. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to application, notice, record, findings, hearing, report, recommendation, or any matters or procedures whatever, unless after an examination of the totality of the circumstances, including the administrative record, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. No presumption of prejudice or injury shall arise from any showing of an error having occurred.

ARTICLE 3. STANDARDS OF REVIEW, FINDINGS AND DECISION.

Section 301. Determination by Planning Commission. At a public hearing(s), noticed conducted and concluded pursuant to Article 2 herein, the Commission shall review and consider the staff report and testimony or comments offered by the Applicant and the public at or before its public hearing on the proposed development agreement. After said hearing(s), the Commission shall make its recommendation, and the reasons therefore, in writing to the Council, which shall include, without limitation, the Commission's determination as to whether or not the proposed development agreement:
(a) is consistent with the goals, objectives, policies, standards, programs and uses specified in the General Plan, and any applicable specific plan;

(b) is consistent with the specific content and other requirements of this Resolution, the City’s subdivision and zoning provisions of the Modesto Municipal Code, and Government Code Section 65864 et seq.; and

(c) is in compliance with the California Environmental Quality Act.

Section 302. Decision by City Council.

(a) Ordinance: Public Hearing. The adoption of a development agreement is a legislative act and shall be approved by ordinance only after a public hearing before the Council, noticed, conducted and concluded pursuant to Article 2 herein.

ARTICLE 4. RECORDATION

Section 401. Recordation of Development Agreement.

(a) Original Recordation. Within ten (10) business days after the City or its authorized agent enters into the development agreement, the Director shall record with the Stanislaus County Recorder’s Office, a copy of the development agreement, which shall describe the land subject thereto. From and after the time of such recordation, the development agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the development agreement.

(b) Subsequent Recordation. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868, the Director shall have notice of such action recorded with the Stanislaus County Recorder’s Office.

ARTICLE 5. ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE.

Section 501. Time for Review. The Applicant’s best efforts shall be required to initiate an annual review by submitting a written request for same at least seventy-five (75) calendar days prior to the review date specified in the development agreement. An annual review shall occur at least every twelve (12) months from the effective date of the agreement. The Applicant shall be required to demonstrate good faith compliance with the terms of the development agreement.
Section 502. Delegation to Planning and Community Development Director. Any annual or periodic review shall be conducted by the Director.

Section 503. Notice of Annual Review. The Director shall begin an annual or periodic review process by giving at least ten (10) calendar days advance notice to the Applicant and any other parties to the development agreement of the time, date and place at which the matter will be considered by the Director.

Section 504. Public Hearing. The Director shall conduct a noticed public hearing pursuant to procedures set forth in Article 2 herein, at which time the Applicant shall have the burden of proof, based upon substantial evidence, good faith compliance with the terms of the development agreement.

Section 505. Evidence and Findings.

(a) Written Findings. The Director shall make written findings based on substantial evidence in the record whether or not the Applicant has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

(b) Compliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded, and the City shall not modify or terminate the agreement absent Applicant consent.

Upon determination of compliance, the Director may issue a “Finding of Compliance,” which shall be in recordable form and may be recorded by the Applicant, at the Applicant’s expense, in the Stanislaus County Recorder’s Office after conclusion of the annual review. The following events shall be a final and conclusive determination of compliance and shall complete the review for the applicable period: (i) the issuance of a Finding of Compliance by the Director and the expiration of the appeal period hereinafter specified (without an appeal being filed); (ii) the confirmation by the Council of the issuance of the Finding of Compliance on such appeal; or (iii) the lack of a Finding of Noncompliance within thirty (30) days after the review date specified in the development agreement.

(c) Noncompliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has not complied in good faith with the terms and conditions of the development agreement during the period under review, the Director shall issue a “Finding of Noncompliance” which may be recorded by the City in the Stanislaus County Recorder’s Office. The Director shall state in writing to the Applicant the respects in which Applicant has failed to comply, and shall set forth, to the extent possible, terms of compliance and state a reasonable time for the Applicant to meet the terms of compliance.
If the Applicant subsequently fails to comply with the Director’s terms of compliance within the prescribed time limits, the development agreement shall be subject to Council action pursuant to Article 6 herein.

(d) **Appeal of Determination.** Upon issuance of either a Finding or Compliance or a Finding of Noncompliance, the Director shall give public notice of the issuance in the manner provided by Section 2(a) herein. An appeal may be brought regarding the issuance of a Finding of Compliance or Finding of Noncompliance within fifteen (15) calendar days after the Director has issued a notice of such determination. An appeal of the Director’s determination to the Council shall be noticed pursuant to Article 2 herein and conducted in the same manner as any other adjudicatory appeal before the Council, at which time both oral and written testimony or comments shall be taken and considered and written findings thereon made which support the conclusions and determinations made by the Council. If no appeal to the Director's determination of a Finding of Compliance or a Finding of Noncompliance is filed within fifteen (15) calendar days of the giving of public notice, such determination shall become final and conclusive.

**ARTICLE 6.  COMPLIANCE, MODIFICATION OR TERMINATION.**

**Section 601. City Council Proceedings.** If an appeal is brought pursuant to Section 505 (d) herein, or if the Director intends to take action under Section 505 (c) herein, the Council shall review and consider the findings and determinations of the Director made pursuant to Article 5 herein, any oral or written testimony or comments submitted prior to or at a public hearing noticed, conducted and concluded pursuant to Article 2, and shall further determine whether or not to modify or terminate the development agreement, to add, delete or modify conditions of compliance, to rescind the Finding of Compliance or Finding of Noncompliance or order the issuance of a different finding, or to take such other action as the Council determines necessary or appropriate.

**Section 602. Other Actions by City Council.** The Council may refer any matter under Articles 1-7 herein to the Commission for further proceedings, including without limitation, promulgation of a report and recommendation. Any such Commission proceedings shall be noticed, conducted and concluded pursuant to Article 2 herein. The Council may also take such other actions as it determines necessary or appropriate. The decision of the Council shall be final and conclusive.

**Section 603. Cancellation or Modification by Mutual Consent.** Any development agreement may be canceled or modified by mutual consent of the parties, but only in the manner provided for in Government Code Section 65868.
In the event that a development agreement is canceled or terminated, all rights of the Applicant or any successors in interest pursuant to the agreement shall terminate. The City may, in its sole discretion, and upon a finding of noncompliance determine to retain any and all benefits, including reservations or dedications of land, and payment of fees, obligated to or received by the City.

Notwithstanding the above paragraph, any termination or cancellation of the development agreement shall not prevent the Applicant from completing a building or other improvements authorized pursuant to a valid building permit, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring after termination or cancellation of the development agreement.

ARTICLE 7. MISCELLANEOUS PROVISIONS

Section 701. Effect of Development Agreement. The following development agreement provisions are declaratory of existing law pursuant to Government Code Section 65866. If State law is subsequently amended to prescribe different development agreement requirements, those requirements shall supersede the following provisions:

(a) unless otherwise provided by the development agreement, the City’s rules, regulations and official policies governing permitted uses of the property, density, design, improvement, and construction standards and specifications applicable to the development of the real property subject to a development agreement shall be those City rules, regulations and official policies in force on the effective date of the development agreement.

(b) a development agreement shall not prevent the City in subsequent actions applicable to the real property described in the agreement, from applying new rules, regulations and official policies which do not conflict with those rules, regulations and official policies applicable to said real property as set forth in the development agreement.

(c) a development agreement shall not prevent City from denying or conditionally approving any subsequent land use permit or authorization for the real property described in the agreement, on the basis of such existing or new rules, regulations, and official policies.

Section 702. Construction. This Resolution governs the interpretation of any development agreement enacted under this Resolution.

Section 703. Judicial Review: Time Limitations.

(a) Any judicial review of a legislative act of the City taken pursuant to this Resolution and relating to a development agreement, such as the adoption of an ordinance.
approving a development agreement, shall be by writ of mandate pursuant to Code of Civil Procedure Section 1085; any judicial review of any adjudicatory act of the City taken pursuant to this Resolution and relating to development agreement shall be by writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

(b) Any action or proceeding to attack, review, set aside, void or annul any adjudicatory action of the City taken pursuant to this Resolution and relating to a development agreement shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the action, as authorized by Code of Civil Procedure Section 1094.5 and 1094.6.

Section 704. Reimbursement of Costs. Fees and charges imposed for the filing and processing of each application and document provided for or approved under this Resolution, including appeals, annual reviews, and administration of development agreements shall be based on the established hourly rate for all development applications as established and periodically amended by separate Council Resolution.

Section 705. Indemnity. All development agreements shall contain an indemnity clause requiring the Applicant to indemnify and hold the City harmless against any and all claims arising out of the development agreement process, including all legal fees and costs.

Section 706. Separate Procedure. This Resolution setting forth the procedures and requirements for the consideration of development agreements is and shall be a separate procedure from other land use planning procedures and shall not take the place of the City’s General Plan, any specified plan, zoning ordinance, development plan, conditional use permit or any other City planning procedures or functions. Public hearings on a proposed development agreement may, but need not be held concurrently with any other public hearings on related land use matters.

Section 707. Enforcement of Development Agreements. The procedures for enforcement, modification or termination of a development agreement specified in this Section and Government Code Section 65865.4, as the same now exists or hereafter may be amended, are non-exclusive. A development agreement may be enforced, modified or terminated in any manner otherwise provided by law or by the terms of the development agreement.

Section 708. Severability. Should any provision of this Resolution or a subsequent development agreement be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Resolution or any development agreement shall remain in full force and effect unimpaired by the holding except as may otherwise be provided in a development agreement.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-493

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UPGRADE TO THE CURRENT NETWORK INFRASTRUCTURE HARDWARE UTILIZING THE STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT 3-96-00-0075A WITH CABLETRON SYSTEMS FOR $77,336.52

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of an upgrade to the current network infrastructure hardware are hereby waived.

BE IT FURTHER RESOLVED that the purchase and installation of an upgrade to the current network infrastructure through the State of California Multiple Award Schedule contract 3-96-00-0075A with Cabletron Systems for $77,336.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, 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: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-494  

A RESOLUTION APPROVING AN AGREEMENT WITH CRAWFORD, MULTARI & CLARK ASSOCIATES FOR CONSULTANT SERVICES TO UPDATE THE SIGN REGULATIONS OF THE MUNICIPAL CODE FOR $24,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Crawford, Multari & Clark Associates for consultant services to update the sign regulations of the Municipal Code be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, 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. 97-495

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 97-375 APPROVING A
REVISED SALARY RANGE FOR SYSTEMS
TECHNICIAN AND ACCOUNTANT I
(CONFIDENTIAL), AND AMENDING EXHIBIT "A"
of Resolution No. 95-26 APPROVING A
REVISED SALARY RANGE FOR SENIOR
WASTEWATER TREATMENT PLANT
OPERATOR.

WHEREAS, by Resolution No. 97-375, effective June 24, 1997, the City Council
granted a salary increase to Management And Confidential Employees, Including Council
Appointees, and now wishes to further amend Exhibit "A" of Resolution No. 97-375, and

WHEREAS, Exhibit "A" of Resolution No. 95-26, approving a revised class
range table for General Non-Sworn Classes, has been previously amended by Resolution Nos.
95-349, 95-449, 96-328, 97-116, 97-241, 97-310 and 97-412, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:
SECTION 1. AMENDMENT TO RESOLUTION NO. 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 August 19, 1997, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" amends the salary range for Systems Technician (Range 420), reallocated from Miscellaneous to Confidential, and amends the salary range for one Accountant I position (Range 420), reallocated from Miscellaneous to Confidential.

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995", attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective August 19, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" amends the salary range for Senior Wastewater Treatment Plant Operator (Range 125).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 19, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 26th day of August, 1997, by Councilmember Friedmann who
moved its adoption, which motion being duly seconded by Councilmember McClanahan, 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
JEAN ADAMS, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective August 19, 1997

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td></td>
</tr>
<tr>
<td>405</td>
<td></td>
</tr>
<tr>
<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
<tr>
<td>413</td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td></td>
<td>Administrative Technician (Confidential)</td>
</tr>
<tr>
<td>414</td>
<td></td>
</tr>
<tr>
<td>415</td>
<td>Secretary</td>
</tr>
<tr>
<td>416</td>
<td></td>
</tr>
<tr>
<td>417</td>
<td></td>
</tr>
<tr>
<td>418</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>419</td>
<td>Public Information Technician (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Police Training and Records Technician (Confidential)</td>
</tr>
<tr>
<td>420</td>
<td>Accountant I (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Worker’s Compensation Claims Examiner</td>
</tr>
<tr>
<td></td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
</tr>
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<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary</td>
</tr>
<tr>
<td></td>
<td>Customer Services Supervisor</td>
</tr>
<tr>
<td></td>
<td>Systems Technician</td>
</tr>
</tbody>
</table>

Exhibit "A"
Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Custodian Supervisor

424 Assistant Planner
   Asst. City Clerk/Auditor

425 Administrative Analyst I
   Executive Assistant
   Legal Services Supervisor

426 Stores Manager

427 Events Supervisor

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

429

430 Associate Planner
   Parks Construction Supervisor I
   Junior Civil Engineer
   Junior Traffic Engineer
   Neighborhood Preservation Supervisor
   Social Services Program Supervisor
   Systems Analyst

431 Administrative Analyst II
   Affirmative Action Officer
   Personnel Analyst
   Training Coordinator
   Assistant Risk Manager
   Recycling Program Coordinator
   Senior Budget Analyst

432 Plant Mechanic Supervisor
   Recreation Supervisor II
   Senior Accountant
   Youth Program Supervisor
   Industrial Waste Supervisor
Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433 Assistant Civil Engineer
Laboratory Supervisor
Assistant Traffic Engineer

434 Senior Programmer Analyst.
Electrical Supervisor
Engineering Systems Manager
Sr. Housing Rehab. Specialist
Public Works Supervisor II
Secondary Treatment Site Supv.
Operations Supervisor
Arborist
Land Surveyor.
Equipment Maintenance Supervisor II
Systems Manager

435 Management Analyst
Deputy City Attorney I
Senior Personnel Analyst
Budget Officer
Financial/Investment Officer
Administrative Services Officer
Integrated Waste Specialist
Business Analyst
Cultural Services Manager

436 Senior Planner

437

438 Asst. Water Quality Control Supt.
Transportation Planner
Housing Program Supervisor
Parks Planning and Development Manager
Communications and Marketing Manager
Property Agent

439 Deputy City Attorney II
Associate Civil Engineer
Associate Traffic Engineer

440 Purchasing Officer
Class Range Table
Management and Confidential Non-Sworn Class
Page 4

441 Sr. Deputy City Attorney I
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

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

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

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

446 Senior Civil Engineer
Traffic Engineer

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

448 Sr. Deputy City Attorney II

449
450  Deputy Director Public Works - Engineering
     Deputy Director Public Works - Operations
     Deputy Director Public Works - Transportation

451

452  Assistant 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 |
|       | Assistant to the Events Coordinator |
|       | Code Enforcement Officer I |
Class Range Table
General Non-Sworn Classes
Page 2

116
Equipment Operator
Fire Prevention Technician I
Meter Reader/Repair Worker
Motor Sweeper Operator
Traffic Technician
Traffic Painter
Traffic Sign Worker
Water Line Worker
Wastewater Collection 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

120
Welder/Fabricator
Senior Equipment Operator
Fire Prevention Technician II
Equipment Mechanic
Assistant Electrician
Traffic Painter Crewleader
Accountant I
Assistant Lab Technician
Meter Reader Crewleader

121
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
Laboratory Technician
Equipment Mechanic Crewleader
Planning Assistant
Equipment Crewleader
Community Development Program Specialist I
Wastewater Collection System Crewleader

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 Materials Inspector
Senior Crime Analyst

131
Sr. Civil Engineering Asst.

132
| 134 | Senior Building Inspector  
|     | Senior Construction Inspector  
|     | Fire Plan Checker  
|     | Plan Review Engineer |
MODESTO CITY COUNCIL
RESOLUTION NO. 97-496

A RESOLUTION APPROVING THE PROPOSAL OF KLEINFELDER, INC. FOR GEOTECHNICAL AND CONCRETE TESTING SERVICES FOR THE PRIMARY PLANT HEADWORKS AND CANNERY SEGREGATION PROJECT AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR $127,585

WHEREAS, proposals were solicited from geotechnical and concrete testing services companies for geotechnical and concrete testing services for the Primary Plant Headworks and Cannery Segregation Project; and

WHEREAS, the proposals were reviewed by City staff and Black & Veatch, the consultants for the first phase of the expansion of the wastewater treatment system; and

WHEREAS, it is recommended that the proposal for concrete testing services for the Primary Plant Headworks and Cannery Segregation Project of Kleinfelder, Inc. be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal of Kleinfelder, Inc. for geotechnical and concrete testing services for the Primary Plant Headworks and Cannery Segregation Project for $127,585 be, and it is hereby approved, and that the preparation of a formal purchase order by the designated City officials be authorized.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 26th day of August, 1997, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by McClanahan, 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
JEAN ADAMS, City Clerk
#97-401

Not used
MODESTO CITY COUNCIL
RESOLUTION NO. 97-498

A RESOLUTION APPROVING A ONE MONTH WATER BILL DISCOUNT AS AN INCENTIVE FOR CUSTOMERS WHO ASSIST IN THE COLLECTION OF SAMPLES FOR COPPER/LEAD TESTING.

WHEREAS, the Environmental Protection Agency (EPA) requires copper/lead testing of public water systems in order to verify whether the corrosiveness of water is leaching copper and lead out of the pipes within the homes of customers, and

WHEREAS, the target homes are those built between 1982 and 1986 using copper pipes and lead solder, and

WHEREAS, the sample must be taken from the kitchen tap after the water has been standing in the pipes for a minimum of six (6) hours, and

WHEREAS, this is an unfunded, federally mandated program, and EPA requires the City to collect a minimum of 290 samples, and

WHEREAS, in order to meet the EPA requirements, the City must depend upon its customers to take the samples,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one month water bill discount to customers who assist in the collection of samples for copper/lead testing as required by the Environmental Protection Agency.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of August, 1997, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember McClanahan,
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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-499

A RESOLUTION APPROVING AN AGREEMENT WITH THE MODESTO IRRIGATION DISTRICT FOR LINE CLEARANCE TREE TRIMMING BY COMMUNITY FORESTRY DIVISION STAFF

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Modesto Irrigation District for line clearance tree trimming by Community Forestry Division staff be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, 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. 97-500

A RESOLUTION APPOINTING DAVE HALEY TO THE CITY OF MODESTO 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. Dave Haley is hereby appointed to the Golf Courses Advisory
Committee with 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 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 26th day of August, 1997, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember McClanahan, 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. 97-501

A RESOLUTION AMENDING RES. NO. 97-55 AND WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ELEVEN TRUCKS FROM VARIOUS VENDORS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 97-55 is amended and formal bid procedures for the purchase of eleven trucks from various vendors is hereby waived.

BE IT FURTHER RESOLVED that purchase of eleven trucks from various vendors for a not to exceed price of $103,764.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-502

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
MODESTO BEE FOR CONSTRUCTION OF A PRESS BOX FACILITY 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 Bee for the construction of a press box facility 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 2nd day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-503

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO
APPROPRIATE $250,000 FROM FUND 130 RESERVE TO #130-310-J890 ESTIMATING
$25,000 IN REVENUE TO FUND 130

WHEREAS, staff has been meeting with the Modesto Bee to discuss construction of a press box at
John Thurman Field; and

WHEREAS, an agreement had been reached with the Modesto Bee for the City to construct a
press box and up to two private suites at a cost of $250,000; with the Bee reimbursing the City $25,000 per
year for ten years beginning on January 1, 1998.

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>#130-510-9510-8301 $ 25,000</td>
<td>#130-310-J890-6040 $ 250,000</td>
</tr>
<tr>
<td></td>
<td>#130-800-8000-8003 $(250,000)</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the
necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held
on the 2nd day of September 1997, by Councilmember McClanahan, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PACIFIC DESIGN FOR ARCHITECTURAL SERVICES FOR THE PRESS BOX FACILITY AT JOHN THURMAN FIELD.

WHEREAS, on September 2, 1997, the City Council considered a staff report dated August 28, 1997, from the Parks and Recreation Department, relating to the John Thurman Field, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, said staff report indicates that an understanding has been reached with The Modesto Bee for the City to construct a press box and up to two private suites at a cost of $250,000, whereby The Modesto Bee will reimburse the City $25,000 per year for ten years beginning on January 1, 1998, in exchange for certain advertising and recognition for The Modesto Bee, and

WHEREAS, Pacific Design Associates, Inc., was selected by an informal Request-for-Proposal process to provide architectural services for the press box facility project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate and execute an agreement with Pacific Design for architectural services for the press box facility project not to exceed $32,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill

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. 97-505

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $151,618 FROM FUND 130 RESERVE TO #130-310-H838 ESTIMATING $21,000 IN REVENUE TO FUND 130

WHEREAS, staff has been meeting with the Modesto bee to discuss construction of a press box at John Thurman Field. An agreement had been reached with the Modesto Bee for the City to construct a press box and up to two private suites at a cost of $250,000; with the Bee reimbursing the City $25,000 per year for ten years beginning on January 1, 1998; and

WHEREAS, an additional appropriation is needed to close out the Thurman Field Renovation Project with final costs being approximately $56,000 over the previous estimate of $3,932,226; and

WHEREAS, $21,000 in revenue has been received from four Thurman Renovation Project contractors who participated in the contractors’ “Wall of Fame”.

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>
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<tr>
<td>#130-510-9510-8155</td>
<td>$ 21,000</td>
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<tr>
<th>Expenditure</th>
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<tbody>
<tr>
<td>#130-310-H838-6040</td>
<td>$ 151,618</td>
</tr>
<tr>
<td>#130-800-8000-8003</td>
<td>$(151,618)</td>
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</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September 1997, by Councilmember McClanahan, 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: Dobbs, Fisher, Friedman, McClanahan, Mayor Lang

NOES:  Councilmembers: Cogdill and Serpa

ABSENT: Councilmembers: None

ATTEST: _______ JeAN Adams, City Clerk

APPROVED AS TO SUFFICIENCY:

By: _______ Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-506

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ARCHIBALD & WALLBERG CONSULTANTS TO PROVIDE TECHNICAL ASSISTANCE FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEMS (NPDES) STORMWATER PERMIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Archibald & Wallberg consultants to provide technical assistance for the National Pollutant Discharge Elimination Systems (NPDES) stormwater permit be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-507

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO ALLOW THE CITY TO PUMP STORM DRAIN WATER INTO 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 the Modesto Irrigation District (MID) to allow the City to pump storm drain water into 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 2nd day of September, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-508

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND W.H. BRESHEARS INC. FOR ACQUISITION OF REAL PROPERTY INTERESTS APN 102-17-09 AND 102-17-11 FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and W.H. Breshears Inc. for acquisition of real property interests APN 102-17-09 and 102-17-11 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-509

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND REDEV, INC. AUTHORIZING THE CITY TO PROCEED WITH EMINENT DOMAIN PROCEEDINGS AND REIMBURSEMENT BY THE DEVELOPER FOR RIGHT OF WAY IN VILLAGE ONE, SYMPHONY PARK SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and REDEV, Inc. authorizing the City to proceed with eminent domain proceedings and reimbursement by the developer for right of way in Village One, Symphony Park Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the California Streets and Highways Code establishes a procedure that certain improvements may be required; and

WHEREAS, the Council did, on January 1, 1997, adopt its Resolution No. 99-6, ordering the construction of improvements along certain alleys and directing the Superintendent of Streets to give notice requiring such improvements; and

WHEREAS, in compliance with the provisions of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of paving abutting the property hereafter described; and

WHEREAS, September 9, 1997, at 4:00 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; which report is as set forth in "EXHIBIT A", which is attached hereto and made a part hereof by this reference. Moreover, said Council received the report as submitted, and 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 report of the Superintendent of Streets is hereby confirmed and the cost of such work is set forth in said "EXHIBIT A".

SECTION 2. That the cost of the aforesaid work may be paid in a lump sum or may be assessed in three annual installments as a special assessment against the parcel(s) of property fronting upon the work so constructed.

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said assessment be delivered to the Stanislaus County
Auditor, and the amount shall be collected together with all other taxes thereon against the property. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST:  
JEAN ADAMS, City Clerk
# FINAL COSTS FOR THE McHENRY MANSION SEWER GRAavity LINE
(ALLEY IMPROVEMENTS)

Final Unit Cost per SF of Alley $4.84

<table>
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<tr>
<th>APN NO</th>
<th>WORK ADDRESS</th>
<th>PROPERTY OWNERS ADDRESS</th>
<th>SQUARE FOOTAGE TO ASSESS</th>
<th>ASSESSMENT</th>
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<td>CITY SHARE</td>
<td>DID SHARE*</td>
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<td>1526 J Street</td>
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Total SF 8000
Total Costs $38,700.20

* NOTE: Downtown Improvement District's (DID's) cost share based on properties within the established boundaries and agreed to by the District.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-511

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A COMMUTER-STYLE BUS FROM GILLIG CORPORATION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a commuter-style bus from Gillig Corporation is hereby waived.

BE IT FURTHER RESOLVED that purchase of a commuter-style bus from Gillig Corporation for a not to exceed price of $259,313.71.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-512

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
MODESTO CHAMBER OF COMMERCE TO PROVIDE FUNDING TO THE CONVENTION AND VISITORS
BUREAU FOR FISCAL YEAR 1997-98

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and the Modesto Chamber of Commerce to
provide $229,975.83 in funding to the Convention and Visitors Bureau for
Fiscal Year 1997-98 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 9th day of September, 1997, by
Councilmember McClanahan, who moved its adoption, which motion being duly
seconded by Councilmember Fisher, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor
        Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: _______________________
         JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-513

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ENRICO FOSHEE FOR THE LEASE OF THE MCCLURE COUNTRY PLACE CARETAKER’S COTTAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Enrico Foshee for the lease of the McClure Country Place Caretaker’s Cottage be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-514

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) REGARDING AN UPDATE TO THE GENERAL PLAN MASTER EIR (MEIR)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Environmental Science Associates regarding an update to the General Plan Master EIR (MEIR) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-515

A RESOLUTION AMENDING SECTION B.2.C. OF RESOLUTION NO. 91-690, REDESIGNATING SEAT NUMBERS ON THE HOUSING REHABILITATION LOAN COMMITTEE (HRLC), REDUCING THE NUMBER OF SEATS ON THE COMMITTEE FROM EIGHT TO SEVEN, AND RETAINING ONE ALTERNATE SEAT.

WHEREAS, the City Council has established citizens committees to advise the Council on the City’s Housing and Community Development Act (HCDA) Program, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) is responsible for reviewing and approving housing rehabilitation loans and for reviewing policy and procedures for the HRLC program, and

WHEREAS, the HRLC formulates and transmits recommendations regarding policy matters to the Citizens Housing and Community Development Committee, and

WHEREAS, the HRLC makes recommendations in regard to the administrative use of the City’s Housing Rehabilitation Loan portfolio, and

WHEREAS, Modesto City Council Resolution No. 91-690 restated terms of Office & Procedures for the Citizens Housing and Community Development Committee by renaming three specialized committees, and
WHEREAS, on August 22, 1997, pursuant to Resolution No. 95-432, the City Council changed the County Housing Authority representative’s seat from an alternate seat to a permanent seat, and

WHEREAS, five members are now required for a quorum, and an odd number of committee members are preferable to prevent tie votes, therefore, decreasing the number of permanent seats to seven will provide for an odd number of seats which will help to obtain a quorum, help to prevent tie votes, and retain one alternate seat appointed by the Citizens Housing and Community Development Committee,

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

1. The number of permanent seats on the Housing Rehabilitation Loan Committee (HRLC) are hereby reduced from eight to seven seats.

2. Seats No. 1 through No. 7 shall be redesignated and one alternate seat shall be retained as follows:

3. Subsection c. of Section B.2 of Council Resolution No. 96-690 is hereby amended to read as follows:

“c. Housing Rehabilitation Loan Committee

Seat No. 1 - City Council Member

Seat No. 2 - Financial Institution or Provider of Services

Seat No. 3 - Human Rights Commissioner or Citizen at Large

Seat No. 4 - Representative of Financial Institutions

Seat No. 5 - Provider of Shelter or Services
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-516

A RESOLUTION ADOPTING REVISIONS TO
THE STANDARD SPECIFICATIONS OF THE
CITY OF MODESTO.

WHEREAS, Section 4-4.801 of the Modesto Municipal Code
provides for the adoption by the City Council of "Standard
Specifications of the City of Modesto", said Standard
Specifications to be prepared by the Public Works and
Transportation Department and recommended by the Planning
Commission, and

WHEREAS, the Public Works and Transportation
Department, Engineering Division has recommended certain
revisions, to produce an easier to use document with cost saving
ideas for the developer and city maintenance crews, and

WHEREAS, the new Standard Specifications, which are
contained in the document titled "City of Modesto Standard
Specifications - 1997 Edition", contain four distinct sections
for "Design", "Construction Standards", "General Provisions", and
"Details", and

WHEREAS, each of the four sections consists of
different color pages for quick identification of sections, and
numbering of sections is consistent throughout each of the four sections to quickly locate the appropriate section dealing with a particular subject, and

WHEREAS, the "General Provisions" Section of the Standard Specifications provides the standard boiler plate information for construction of City CIP projects, thus saving reprinting charges when each project is put out to bid, and

WHEREAS, all changes will be spelled out in the bidding documents, rather than as changes to the "General Provisions" in the Standard Specifications, making it more efficient for contractors to bid on City of Modesto projects, and

WHEREAS, the proposed revisions were considered by the BIA Construction Industry Liaison Committee, and notices of an informal public hearing by the Planning Commission to consider the proposed revisions were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed revisions was held by the Planning Commission on August 18, 1997, and
WHEREAS, the Planning Commission, by Resolution No. 97-62, adopted on August 18, 1997, recommended to the City Council the adoption of revisions to the Standard Specifications of the City of Modesto as incorporated in the document titled "Modesto Standard Specifications - 1997 Edition", copies of which are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed revisions to the Standard Specifications of the City of Modesto, as prepared by the Public Works and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on September 9, 1997, at which time the Council determined that the proposed revisions to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain revisions to the "Modesto Standard Specifications - 1997 Edition", copies of which revisions are on file in the offices of the Public Works
and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as revisions to the Standard Specifications 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 9th day of September, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Cogdill

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILLIP TROMPETTER TO PROVIDE COUNSELING AND PSYCHOThERAPY SERVICES TO SWORN POLICE OFFICERS, PARTICIPATE IN MODESTO POLICE SWAT ACTIVATIONS AND HOSTAGE NEGOTIATIONS, PROVIDE CRISIS DEBRIEFING, AND PROVIDE FOR PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING PAYABLE AS PERFORMED

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Phillip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, provide crisis debriefing, and provide for pre-employment psychological screening payable as performed be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-518

A RESOLUTION APPROVING THE FINAL MAP OF THE
OLYMPIC VILLAGE UNIT NO. 1 (ALSO KNOWN AS
OLYMPIC VILLAGE EAST UNIT NO. 1) SUBDIVISION OF
THE CITY OF MODESTO.

WHEREAS, L & L Venture, a joint venture composed of Warren Smith
Lawson Family, Inc., a California corporation, and Rodney K. Lowe, Inc., a California
corporation Company, are possessed of a tract of land situate in the City of Modesto, County
of Stanislaus, consisting of 7.63 acres, known as Olympic Village Unit No. 1 (also known as
Olympic Village East 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 1st day of July, 1996, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final
map of said Olympic Village Unit No. 1 (also known as Olympic Village East 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,

WHEREAS, all public improvements required by the City of Modesto have
been completed in said tract,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and 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 9th day of September, 1997, by Councilmember **McClanahan**, who moved its adoption, which motion being duly seconded by Councilmember **Friedman**, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Cogdill

ATTEST: **Jean Adams**  
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By **Michael D. Milich**, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-519

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

WHEREAS, Bright Development, a California Corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 10.31 acres, known as Millbrook Estates 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 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 Millbrook Estates 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 9th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEIL D. MILICH, City Attorney

8/14/97
MODESTO CITY COUNCIL
RESOLUTION NO. 97-520

A RESOLUTION CANVASING THE RESULTS OF THE
AUGUST 19, 1997 ELECTION HELD WITHIN THE
TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY
FACILITIES DISTRICT NO. 1996-1 AND ORDERING
ANNEXATION OF SAID TERRITORY TO THE DISTRICT
(TERRITORY WITHIN THE VILLAGE ONE AREA).

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the
"Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution
of Formation No. 96-544, adopted on October 8, 1996, formed its Community Facilities
District No. 1996-1 (the "District"), relating to territory within the Village One Area, and,
subject to the vote of the qualified electors therein, authorized the levy of a special tax therein,
and

WHEREAS, the Council thereafter declared its intention, by its Resolution of
Intention to Annex No. 97-329, adopted on June 10, 1997, to annex certain territory to the
District, a boundary map for which is recorded at Book 2 of Maps of Assessment and
Community Facilities District, at page 82 in the Office of the Stanislaus County Recorder (the
"Annexed Territory"), relating to territory within the Village One Area, and to levy a special
tax therein (the "Special Tax") as set forth in EXHIBIT A hereto and by this reference
incorporated herein for the purposes of financing certain facilities and services as set forth in
EXHIBITS B and C hereto, respectively, and by this reference incorporated herein, and to set
a hearing thereon for July 16, 1997, and

WHEREAS, at the conclusion of the public hearing, the Council did, on
July 15, 1997, adopt its Resolution No. 97-414, in which it determined to submit the question
of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on August 19, 1997 (the "Election"), and

WHEREAS, on August 19, 1997, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election the proposition of levying the Special Tax within the Annexed Territory was approved by more than two-thirds (2/3) of the votes cast,

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

1. The above recitals are true and correct.

2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

3. Based on the City Clerk's certificate of election results, attached hereto as EXHIBIT D, the ballot proposition presented to the qualified electors of the Annexed Territory, at the Election received at least two-thirds (2/3) of the votes cast.

4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.

5. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the
County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

RATE, METHOD OF APPORTIONMENT AND MANNER OF COLLECTION OF SPECIAL TAX
IV. RATE AND METHOD (By David Taussig and Associates)

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

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

"City" means the City of Modesto.

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

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,
restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

“Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

“Developed Property” means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

“Facilities Special Tax” means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

“Final Subdivision Map” means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots for which building permits may be issued. The term “Final Subdivision Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor’s Parcels that are designated as a remainder parcel.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Gross Acreage” means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the Village One Specific Plan #8, the Village One Financing Plan and CFD Public Report) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor’s Map.

“Industrial Property” means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

“Land Use Class” means any of the five classes listed in Table 1 and Table 2 below.
"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

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

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

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

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by
reference to the Village One Specific Plan and, second, by reference to the Parcel’s zoning designation.

“Undeveloped Residential Property” means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel’s zoning designation.

“Very Low Density Residential” means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

“Village One Facilities Master Plan” means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

“Village One Specific Plan” means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

“Village Residential” means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current Village One Specific Plan. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.
C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by ‘drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.
Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.
Table 1
Per-Acre Special Tax to be Used in Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,715 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$29,479 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$76,394 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,616 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,554 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.
a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Annual Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$72.99 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$394.30 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$394.30 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the Village One Specific Plan.
Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the Village One Specific Plan.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.
2. **Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

**Step 1:** Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

**Step 2:** Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

**Step 3:** If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

**Step 4:** Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
EXHIBIT B

DESCRIPTION OF FACILITIES
I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the Village One Facilities Master Plan adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the Village One Finance Plan. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- **Claus Road (Expressway)**: Briggsmore to AT and SF railroad, widen to six-lane expressway.
- **Briggsmore (Expressway)**: Oakdale Road to Claus Road, widen to six-lane expressway.
- **Sylvan Avenue**: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- **Floyd Avenue**: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- **Oakdale Road**: Briggsmore to Sylvan, widen to six lanes.
- **Roselle Avenue**: Briggsmore to Sylvan, widen to four lanes plus bike lanes.
B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.

2. Central Basin (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

- Community Park: 39 acres
- Roselle Neighborhood Park: 7 acres
- Claus Neighborhood Park: 7 acres
- Merle Neighborhood Park: 8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.
E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the Village One Specific Plan, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*Street parkways includes median and roadside landscape and hardscape.
EXHIBIT C

DESCRIPTION OF SERVICES

Operations and maintenance of "parks, parkways and open space," pursuant to Section 53313(d) of the Act, including street landscaping and trails, to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.
EXHIBIT D

CERTIFICATE OF CITY CLERK

I, JEAN ADAMS, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 97-414, the Resolution Calling an Election for the Purpose of Submitting the Levy of an Existing Special Tax Within The Territory Proposed to be Annexed to Community Facilities District No. 1996-1, adopted on July 15, 1997, by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1 on August 19, 1997, and that said election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at said election and the full and true totals of all votes cast for and against said measure.

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established by Exhibit A to Resolution No. 97-414, entitled "A Resolution Calling an Election for the Purpose of Submitting the Levy of the Special Tax to the Qualified Electors of the Territory Proposed to be Annexed to Community Facilities District No. 1996-1" (the "Resolution") adopted by the City Council of the City of Modesto on July 15, 1997, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1 for the purposes of financing certain public facilities and services as provided in Exhibits B and C to the Resolution?

TOTAL VOTES CAST: YES ___ NO ___

Dated: ______________, 1997

Jean Adams
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 97-521

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(523). (DR.
RANDALL HAYASHI)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the
Zoning Map was filed by Dr. Randall Hayashi on June 9, 1997, to reclassify from Medium-
High Density Residential Zone, R-3, to Planned Development Zone, P-D(523), to allow
expansion of an existing medical building including a new parking area, property located at
601 and 607 16th Street, described as follows:

R-3 to P-D(523)

All that certain property located in Block 119, city of Modesto, being a portion
of the southwest quarter of Section 28, Township 3 South, Range 9 East; Mount
Diablo Base and Meridian, more particularly described as follows:

All of Lots 12 and 13 and the northeasterly 74.00 feet of Lots 14, 15, and 16 of
said Block 119, as shown on the map recorded in Volume 15 of Maps,
Stanislaus County Records.

Including also the southwesterly 40.00 feet of 16th Street, the northwesterly
40.00 feet of F Street, and the northeasterly 10.00 feet of the alley, all being
adjacent to the above described property.

and

WHEREAS, after a public hearing held on August 4, 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. 97-57, that rezoning of the property as
requested is required by public necessity, convenience, and general welfare for the following
reasons:
1. The proposed P-D Zone will allow a general upgrade to an existing nonconforming medical office building while bringing it into general conformity with contemporary City standards in the downtown area.

2. The proposed P-D Zone, with its conditions of approval including the addition of off-street parking, new fencing, and screen landscaping, will afford compatibility with the surrounding mixed use neighborhood.

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 16, 1997, 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 Dr. Randall Hayashi 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. 97-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3063 -C.S. on the 16th day of September, 1997, reclassifying the above-described property from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(523).

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(523), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Dental Building for Dr. Randall Hayashi, 601 16th Street - Modesto, California" as amended in red, stamped approved by the City Council on September 16, 1997.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the northwest 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 (6') wood fence with decorative masonry pilasters at 16 foot on centers along the northeast property line.
   b. Six-foot-high, (6') 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 northwest and southeast and portion of northeast property lines.

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

5. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when 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. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

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

9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures. The existing basement shall be brought into conformance as with all applicable Building and Fire Codes.
10. All signs shall comply with the sign requirements of the P-O 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(523):

The entire construction program be accomplished in one phase, construction to begin on or before August 4, 1999, and completion to be not later than August 4, 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(523), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, 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
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. 97-522

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 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(523), PROPERTY LOCATED AT 601 AND 607 16TH STREET. (DR. RANDALL HAYASHI)

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, Dr. Randall Hayashi has proposed that the zoning designation for the property located at 601 and 607 16th Street be amended to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(523), property located at 601 and 607 16th Street, in the City of Modesto ("the project"), and

WHEREAS, on July 16, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-79 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 August 4, 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 July 16, 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 16th day of September, 1997, 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

(Seal)

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

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 the P-D Zone change. 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 Dr. Randall Hayashi to Rezone from R-3 to P-D, Planned Development Zone for Expansion of an Existing Medical Building Including a new Parking Area, Property Located at 601 and 607 16th Street.

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

C. **Contact person and phone number:**
Dennis Wilson, Mid-Valley Engineering, 900 H Street, Suite G, Modesto, CA 95353 (209) 526-4214

D. **Project Location:**
601 and 607 16th Street, on the west corner of 16th and F Streets

E. **Project sponsor:** Dr. Randall Hayashi, applicant/owner

F. **General Plan Designation:** RPD, Redevelopment Planning District

G. **Current Zoning:** R-3, Medium-high-density residential, zone

H. **Description of Proposed Project:** This project is an amendment to the Zoning Map to rezone from R-3 to P-D to allow expansion of an existing nonconforming medical office building. The project
includes removing an adjoining house for addition of offstreet parking.

I. Surrounding land uses: This project is bordered on the northwest and southwest by two-story apartment buildings. Mixed residential and a law office adjoin to the northeast and southeast.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The zone amendment in itself will not present impacts that were not analyzed in the MEIR. Because this relatively small-scale proposal involves building and parking expansion only, a traffic mitigation study is not required for this project. These portions of 16th and F Streets, are not high traffic streets but have wider than typical widths. The Traffic Division, upon referral, expressed no concerns and had few comments. All new public improvements will be to City standard as required by the MMC. This 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 project will provide infill non-residential development within the City of Modesto. It will not have 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 project is adjacent to and surrounded by urban development. Although the project will add very little additional traffic to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. There will be no new noise-generating activity that is not already possible with the existing development. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The project is already a developed site and there will be no loss of agricultural land by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. Increased Demand for Water Supplies
This project which will provide for additional non-residential development, will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services
This project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat
This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites
This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality
The development of this project 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
J. Increased Demand for Storm Drainage
The development of this project 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 project 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 project will not generate any additional demand upon the local school districts. In addition, 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 proposal has 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 project proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is approximately one-quarter 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 project and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the
MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore still valid.

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

R. Energy
This proposal 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 P-D zoning application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

B. The Project 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 zone change to P-D 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: Robert S. Carroll
Date: 7-16-97

EA RESOLUTION

1 Attorney
1 CDD - Const. Admin.
1 CDD - George Osner
3
MODESTO CITY COUNCIL
RESOLUTION NO. 97-523

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "COFFEE ROAD - ROAD CONSTRUCTION AND STORM DRAIN"

WHEREAS, the bids received for Coffee Road - Road Construction and Storm Drain were opened at 11:00 a.m. on August 26, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $1,196,794 from George Reed Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-524

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $30,377.22 TO FULLY FUND THE PROJECT TITLED "COFFEE ROAD - ROAD CONSTRUCTION AND STORM DRAIN"

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

From: Misc. Storm Drains, 628-480-J669-6040 $30,377.22
To: Coffee Road Storm Drain, 628-480-H084-6040 $30,377.22

The low bid for the Coffee Road Storm Drain construction project is higher than originally budgeted. A high bid can be partially attributed to recent experience with large diameter pipeline construction on Coffee Road. Transfer of funds is needed to fully fund the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JEAN ADAMS, City Clerk
A RESOLUTION ACCEPTING THE BID OF IKON OFFICE SOLUTIONS FOR FOUR (4) COPY MACHINES, MO-CAL OFFICE MACHINES FOR ONE (1) COPY MACHINE, WOLCO BUSINESS SYSTEMS FOR THREE (3) COPY MACHINES

WHEREAS, the bids received for purchase of copy machines were opened at 11:00 a.m. on May 20, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of IKON Office Solutions for four copy machines, Mo-Cal Office Machines for one copy machine, and Wolco Business Systems for three copy machines for a combined, not to exceed, cost of $76,981.16, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of IKON Office Solutions, Mo-Cal Office Machines and Wolco Business Systems be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its 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
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO INCREASE
"OTHER FINANCE COURSES" IN FUNDS 130 AND 170 AND CREATE A CAPITAL
IMPROVEMENT PROJECT

WHEREAS, the Police Department and Finance’s Central Services Division need to replace a
total of eight copy machines which are between five to nine years old; and

WHEREAS, funds are budgeted for the purchase of three of their four machines and an
appropriation transfer is being requested to transfer these funds to a capital acquisition account; and

WHEREAS, a budget amendments are required to increase the amount of funds in “Other Finance
Sources” to pay for the additional equipment costs and to increase a Capital Improvement Project in Fund
710.

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
#130-510-9510-8301 $70,775
#710-510-9510-8301 $61,591

Expense
#130-190-J209-6070 $70,775
#710-120-J218-6070 $61,591

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the
necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held
on the 16th day of September 1997, by Councilmember McClanahan, 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
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer
A RESOLUTION APPROVING A MASTER LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY UNDER THE CALEASE PROGRAM FOR THE LEASE/PURCHASE OF EIGHT COPY MACHINES

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 under the CaLease Program for the lease/purchase of eight copy machines be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its 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
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-528

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UPGRADE TO THE CITY’S RS/6000 COMPUTER EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of an upgrade of the City’s RS/6000 computer equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of an upgrade to the City’s RS/6000 computer equipment for a not to exceed price of $373,273.48, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its 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. 97-529

A RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND SUPPLEMENTAL ONE UNDER THE MASTER LEASE AGREEMENT WITH CALEASE PUBLIC FUNDING CORPORATION (CPFC) FOR THE FINANCING OF COMPUTER MAINFRAME REPLACEMENT EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement between the City of Modesto and Supplemental One under the Master Lease Agreement with CaLease Public Funding Corporation for $760,000.00 for the financing of computer mainframe 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 16th day of September, 1997, by Councilmember McClanahan, who moved its 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
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CERTAIN CAPITAL EXPENDITURES UNDERTAKEN BY THE CITY

WHEREAS, the City Council has determined that it is in the best interests of the City to make certain capital expenditures for new replacement mainframe equipment (the "Project") which Project was acquired less than 60 days prior to the date of this resolution; and

WHEREAS, the City currently intends and reasonably expects to participate in a tax-exempt borrowing to finance such capital expenditures in an amount not to exceed $760,000.00 for reimbursing the City for the Project; and

WHEREAS, the City Council hereby desires to declare its official intent, pursuant to Section 1.150-2 of the resolution promulgated under the Internal Revenue Code of 1986, as amended, to reimburse the City for such capital expenditures with the proceeds of the City's future tax-exempt borrowing.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Modesto does hereby find, determine and order as follows:

Section 1. Declaration of Official Intent. The City acquired the project not more than 60 days prior to the date hereof by paying all or a portion of the costs thereof with monies borrowed from funds and accounts of the City which monies have not been, and are not reasonably expected to be, allocated to the Project or budgeted to pay for the Project on a long-term basis.

Section 2. Issuance of Obligation. The City presently intends and reasonably expect to participate in a tax-exempt borrowing within 18 months of the date of the expenditure of monies for the Project and to allocate an
amount not to exceed $760,000.00 of the proceeds thereof to reimburse the City for its expenditures in connection with the Project.

Section 3. Effective Date of Resolution. The 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 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and by the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Joan Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-531

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 an IBM 4381 Mainframe computer equipment which has 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, 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 the IBM 4381 Mainframe computer equipment 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 IBM 4381
Mainframe computer equipment, which is 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, or at a public auction 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 16th day of September, 1997, by Councilmember McClanahan, who moved its 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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-532

A RESOLUTION AMENDING RESOLUTION NO. 96-207
WHICH ORDERED THE FAIRVIEW VILLAGE
REORGANIZATION TO THE CITY OF MODESTO,
ANNEXATION TO THE MODESTO MUNICIPAL SEWER
DISTRICT NO. 1, AND DETACHMENT FROM THE
INDUSTRIAL FIRE PROTECTION DISTRICT.

WHEREAS, Modesto City Council Resolution No. 96-207 was introduced at a
regular meeting of the Council of the City of Modesto, held on the 7th day of May, 1996, and
was duly adopted by the City Council, and

WHEREAS, the Modesto City Council is desirous of amending Resolution No.
96-207, a copy of which is attached hereto and incorporated herein by reference, including
Exhibit “A” to Resolution No. 96-207, which exhibit describes the affected territory, to include a
provision finding that a resolution protesting a Williamson Act (Government Code Sections
51240, et seq.) contract (Modesto City Council Resolution No. 83-627) was filed by the City
with the Local Agency Formation Commission, and approved by the Local Agency Formation
Commission with respect to the territory annexed to the City by virtue of Resolution No. 96-207,
and

WHEREAS, the Local Agency Formation Commission, following a hearing,
upheld the City’s protest resolution (LAFCO Resolution No. 84-03), upon a finding that the
Williamson Act contract, including the annexed territory, was inconsistent with the publicly
desirable future use and control of the land in question, and
WHEREAS, the City exercised its option provided in Government Code Section 51243(b) of not succeeding to the contract upon annexation of the land to the City, for which the Williamson Act contract was executed prior to January 1, 1991, and

WHEREAS, the amendments made to Government Code Section 51243 by Assembly Bill No. 2764 of the 1989-90 regular session, do not apply to the subject Williamson Act contract because a valid protest as above-described was filed with the Local Agency Formation Commission by the City in accordance with applicable requirements prior to January 1, 1991,

NOW, THEREFORE, BE IT RESOLVED, that based on each of the foregoing facts, Resolution No. 96-207 is hereby amended to include the following language:

"The land being annexed by this Resolution No. 96-207 was within one mile of the City of Modesto at the time the Williamson Act contract affecting it was initially executed, the City has filed and the Local Agency Formation Commission has approved a protest to the contract pursuant to Government Code Section 51243.5, and it is the intention of the City that it not succeed to the subject Williamson Act contract."
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of Sept., 1997, by Councilmember McClanahan, who moved its 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
JEAN ADAMS, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 96-207

A RESOLUTION ORDERING THE FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1, AND DETACHMENT FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus, State of California, adopted its Resolution No. 96-07 on February 28, 1996, making determinations and approving the proposal of the City of Modesto to annex to the City of Modesto and to the Modesto Municipal Sewer District No. 1 the territory described in Exhibit "A" attached hereto, and by this reference incorporated herein, and the detachment of the territory from the Industrial Fire Protection District; and

WHEREAS, this action is being taken pursuant to Title 5, Local Agencies - Division 2, Cities, Counties and Other Agencies - Part 4, Conducting Authority Proceedings For Changes of Organization or Reorganization - Chapter 4, Resolution of Conducting Authority; and,

WHEREAS, the type of reorganization being acted on is an annexation of 228.91 acres to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and a detachment of 228.91 acres from the Industrial Fire Protection District; and

WHEREAS, the terms and conditions of the proposal as approved by the Local Agency Formation Commission are as follows:

(a) It be processed as a reorganization consisting of the annexation of the subject territory to the City of
Modesto and the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Industrial Fire Protection District; and

WHEREAS, the reasons for this annexation are:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will provide a neo-traditional alternative site for development.

(c) This annexation is a necessary and logical first step in permitting the allocation of City services to this area and its ultimate urban development; and

WHEREAS, the regular county assessment roll will be utilized; and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed; and

WHEREAS, a public hearing on this annexation was called for and held by this Council on May 7, 1996, and this Council finds and determines that the value of written protests filed and not withdrawn is by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the territory described in Exhibit "A" annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and the detachment of the territory from the Industrial Fire Protection District, and directs the City Clerk to transmit a certified copy of this Resolution with applicable fees required by Section 54902.5 of the Government Code to the executive officer of the Local Agency Formation Commission of
Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JERN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
FAIRVIEW VILLAGE REORGANIZATION
TO THE CITY OF MODESTO, CALIFORNIA

DESCRIPTION

All that certain real property situate in portions of Sections 7 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of Lot 30, Block 9210, of "California Glen" according to the Official Map thereof filed for record in Volume 35 of Maps, Page 49, Stanislaus County Records, being on the west line of the "Hatch Road No. 5 Reorganization" to the City of Modesto; thence southerly along the west line of said "California Glen", being also said west line of the "Hatch Road No. 5 Reorganization", the following 2 courses:

1. South 0°19'10" West 1350.01 feet, and
2. South 0°17'22" West 189.96 feet to the northwesterly line of 50 foot wide Turlock Irrigation District Lateral No. 1;

thence South 48°33'38" East along said west line of the "Hatch Road No. 5 Reorganization" a distance of 50.00 feet to the southeasterly line of said T.I.D. Lateral No. 1; thence South 41°26'22" West along said southeasterly line of T.I.D. Lateral No. 1 a distance of 299.75 feet to the northwesterly corner of the "Fairview Tract" according to the Official Map thereof filed for record in Volume 17 of Maps, Page 16, Stanislaus County Records; thence South 0°10'30" West along said west line of the "Fairview Tract" a distance of 2166.88 feet to the existing north right-of-way line of Whitmore Avenue; thence South 89°52'30" East along said north line of Whitmore Avenue, being the south line of a Stanislaus County Road Abandonment recorded in Volume 1199 of Official Records, Page 521, Stanislaus County Records, parallel with and 10.00 feet south of the south line of Block 9712 of said "Fairview Tract", a distance of 467.50 feet to the southerly extension of the west line of Lot 15, Block 9712, of said "Fairview Tract"; thence North 0°10'30" East along said southerly extension of the west line of Lot 15 a distance of 10.00 feet to the southwest corner of said Lot 15; thence South 89°52'30" East along the south line of said Lot 15 a distance of 60.50 feet to the southeast corner of said Lot 15; thence South 0°10'30" West along the southerly extension of the east line of said Lot 15 a distance of 10.00 feet; thence South 89°52'30" East along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south line of said Block 9712, a distance of 60.50 feet to the southerly extension of the west line of Lot 13, Block 9712, of said "Fairview Tract"; thence North 0°10'30" East along said southerly extension of the west line of Lot 13 a distance of 10.00 feet to the southwest corner of Lot 13; thence South 89°52'30" East along the south line of said Lot 13 a distance of 60.50 feet to the southeast corner of said Lot 13; thence South 0°10'30" West along said southerly extension of the east line of said Lot 13 a distance of 10.00 feet; thence South 89°52'30" East along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south lines of Blocks 9712 and 9713 of said "Fairview Tract", a distance of 818.04 feet to the west line of the "Whitmore No. 3 Annexation" to the City of Modesto; thence South 0°10'30" West along said west line of the "Whitmore No. 3 Annexation" and southerly extension thereof a distance of 60.00 feet to the existing
FAIRVIEW VILLAGE REORGANIZATION
TO THE CITY OF MODESTO, CALIFORNIA

south right-of-way line of Whitmore Avenue; thence westerly along said existing south line of Whitmore Avenue the following 3 courses:

1. North 89° 52'30" West parallel with and 20.00 feet south of the south line of said Section 7, a distance of 2653.66 feet to the northerly extension of the east line of Parcel 'B' as shown on map recorded in Book 31 of Parcel Maps, Page 78, Stanislaus County Records,

2. South 0° 11'00" West along said northerly extension of the east line of Parcel 'B' a distance of 35.00 feet to the northeast corner of said Parcel 'B',

3. North 89° 52'30" West along the north lines of said Parcel 'B' and Parcel 'A' of said Parcel Map a distance of 619.19 feet to the southerly extension of the east line of Parcel 'C' as shown on map recorded in Book 42 of Parcel Maps, Page 2, Stanislaus County Records;

thence northerly along said east line of Parcel 'C' and the southerly extension thereof the following 2 courses:

1. North 0° 17'15" West 877.58 feet and
2. North 0° 15'37" West 1132.00 feet;

thence North 89° 51'55" East 326.48 feet to the east line of Parcel 'A' as shown on said Parcel Map recorded in Book 42 of Parcel Maps, Page 2; thence North 0° 32'31" East along said east line of Parcel 'A' and northerly extension thereof, a distance of 1091.67 feet to the southerly right-of-way line of a 90 foot wide Hatch Road; thence North 0° 05'30" East along the west line of land described in Quit Claim Deed to the County of Stanislaus, City of Modesto and City of Ceres filed for record September 25, 1980 as Instrument No. 19266, Stanislaus County Records, a distance of 266.00 feet more or less to the centerline of the Tuolumne River; thence easterly along said centerline of the Tuolumne River, being also the southerly line of the "Modesto Sewage Disposal Plant Annexation" to the City of Modesto, the following 3 courses:

1. North 88° 30'00" East 1031.00 feet,
2. North 85° 00'00" East 820.00 feet, and
3. South 85° 30'00" East 790.00 feet to the northerly extension of the west line of land described in Deed to Lammie C. McKinsey recorded in Volume 1627 of Official Records, Page 22, Stanislaus County Records;

thence South 0° 19'10" West along said west line of McKinsey Land and northerly extension thereof, being also said west line of "Hatch Road No. 5 Reorganization", a distance of 245.00 feet to said south line of 90 foot wide Hatch Road; thence continuing South 0° 19'10" West along said west line of "Hatch Road No. 5 Reorganization" a distance of 22.50 feet to the point of beginning.

Containing: 230.96 Acres
FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO

APPROVED AS TO DESCRIPTION ON 3/3/99 BY

DELMARE-FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA 95350
TELEPHONE (209) 339-7450

PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING
MODESTO CITY COUNCIL
RESOLUTION NO. 97-533

A RESOLUTION AMENDING RESOLUTION NO. 96-294 WHICH ORDERED THE PELANDALE-SNYDER REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1, AND DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT.

WHEREAS, Modesto City Council Resolution No. 96-294 was introduced at a regular meeting of the Council of the City of Modesto, held on the 4th day of June, 1996, and was duly adopted by the City Council, and

WHEREAS, the Modesto City Council is desirous of amending Resolution No. 96-294, a copy of which is attached hereto and incorporated herein by reference, including Exhibit "A" to Resolution No. 96-294, which exhibit describes the affected territory, to include a provision finding that resolutions protesting Williamson Act (Government Code Sections 51240, et seq.) contracts (Modesto City Council Resolutions Nos. 74-104, 74-106, 75-299, 76-287, 76-288, 76-290, 76-1373, 76-1374, and 77-1093) were filed by the City with the Local Agency Formation Commission, and approved by the Local Agency Formation Commission with respect to the territory annexed to the City by virtue of Resolution No. 96-294, and

WHEREAS, the Local Agency Formation Commission, following hearings, upheld the City's protest resolutions (LAFCO Resolutions adopted on November 22, 1977, March 28, 1978, and April 19, 1978), upon a finding that the Williamson Act contracts, including the annexed territory, were inconsistent with the publicly desirable future use and
control of the land in question, and

WHEREAS, the City exercised its option provided in Government Code Section 51243(b) of not succeeding to the contracts upon annexation of the land to the City, for which the Williamson Act contracts were executed prior to January 1, 1991, and

WHEREAS, the amendments made to Government Code Section 51243 by Assembly Bill No. 2764 of the 1989-90 regular session, do not apply to the subject Williamson Act contracts because valid protests as above-described were filed with the Local Agency Formation Commission by the City in accordance with applicable requirements prior to January 1, 1991,

NOW, THEREFORE, BE IT RESOLVED, that based on each of the foregoing facts, Resolution No. 96-294 is hereby amended to include the following language:

“The land being annexed by this Resolution No. 96-294 was within one mile of the City of Modesto at the time the Williamson Act contracts affecting it were initially executed, the City has filed and the Local Agency Formation Commission has approved protests to the contracts pursuant to Government Code Section 51243.5, and it is the intention of the City that it not succeed to the subject Williamson Act contracts.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of Sept., 1997, by Councilmember McClanahan, who moved its 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

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 96-294

A RESOLUTION ORDERING THE PELANDALE-SNYDER
REORGANIZATION TO THE CITY OF MODESTO,
ANNEXATION TO THE MODESTO MUNICIPAL SEWER
DISTRICT NO. 1, AND DETACHMENT FROM THE
SALIDA FIRE PROTECTION DISTRICT.
(UNINHABITED)

WHEREAS, the Local Agency Formation Commission of the
County of Stanislaus, State of California, adopted its Resolution
No. 96-08 on March 27, 1996, making determinations and approving
the proposal of the City of Modesto to annex to the City of
Modesto and to the Modesto Municipal-Sewer District No. 1 the
territory described in Exhibit "A" attached hereto, and by this
reference incorporated herein, and the detachment of the
territory from the Salida Fire Protection District, and

WHEREAS, this action is being taken pursuant to Title
5, Local Agencies - Division 2, Cities, Counties and Other
Agencies - Part 4, Conducting Authority Proceedings For Changes
of Organization or Reorganization - Chapter 4, Resolution of
Conducting Authority, and,

WHEREAS, the type of reorganization being acted on is
an uninhabited annexation of 408 acres to the City of Modesto and
to the Modesto Municipal Sewer District No. 1 and a detachment of
408 acres from the Salida Fire Protection District, and

WHEREAS, the terms and conditions of the proposal as
approved by the Local Agency Formation Commission are as follows:
(a) It be processed as a reorganization consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Salida Fire Protection District, and

WHEREAS, the reasons for this annexation are:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will provide a convenient site, near SR 99 for development.

(c) The proposed annexation will allow for the build out of the existing neighborhoods to the south of Snyder Avenue.

(d) The proposed annexation is a necessary and logical first step in permitting the allocation of City services to this area and its ultimate urban development, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on June 4, 1996, and this Council finds and determines, pursuant to Section 57075 of the California Government Code, that the value of written protests filed and not withdrawn is by owners of land who own less than fifty (50%) percent of the total assessed value of land within the affected territory,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory designated as the Pelandale-Snyder Reorganization to the City of Modesto is described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby ordered to be annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

4. Said territory is hereby ordered detached from the Salida Fire Protection District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.
BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

06/05/96
PELANDALE-SNYDER REORGANIZATION
TO THE CITY OF MODESTO

ALL that certain real property being a portion of Section 1, Township 3 South, Range 8 East, Sections 5, 6, 7 and 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

BEGINNING at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 8 of Surveys, at Page 26, Stanislaus County Records; thence North 89 degrees 07'16" East, along said South line of the North half of the South half of Section 1, a distance of 5,293.70 feet to a point on the East line of said Section 1, and the Northwest corner of Lot 6, as shown on the Nash Tract, filed in Volume 4 of Maps, at Page 10, Stanislaus County Records; thence South 88 degrees 31'21" East, along the North line of Lots 6, 7, 9, and 11 of said Nash Tract, a distance of 3,482.91 feet to the beginning of a curve concave to the Northwest, having a radius of 5000.00 feet, and from which point a radial line bears North 3 degrees 46' 02" West; thence Northeasterly 394.03 feet along said curve through a central angle of 4 degrees 30' 55" to the beginning of a curve concave to the Southeast, having a radius of 5000.00 feet; thence Northeasterly 820.38 feet along said curve through a central angle of 9 degrees 24' 03"; thence South 88 degrees 52' 54" East, a distance of 797.97 feet to a point on the East line of the above mentioned Section 6, with said point lying on the center line of a county road known as Tully Road; thence North 1 degree 15'20" West, along said centerline and said section line, a distance of 17.01 feet to the Westerly prolongation of the North line of Parcel 1, as shown on the map filed on January 29, 1985, in Book 36 of Parcel Maps, at Page 21, Stanislaus County Records; thence South 88 degrees 52'54" East, along last said line and along the North line of Parcels 1 and 2 of aforesaid parcel map and the Easterly prolongation thereof, a distance of 2,604.35 feet to the intersection with the Westerly right-of-way line of Union Pacific Railroad; thence South 1 degree 19'04" East along said Westerly right-of-way line of Union Pacific Railroad right-of-way, a distance of 457.29 feet to the intersection with the Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6; thence in a Southwesterly direction along said Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6 and the existing city limits line, the following twelve (12) courses; 1) thence South 68 degrees 19'55" West, 732.55 feet to the beginning of a curve, concave to the Southeast, having a radius of 242.90 feet; 2) thence 81.93 feet along the arc of said curve through a central angle of 19 degrees 19'35"; 3) thence South 49 degrees 00'20" West, 654.01 feet; 4) thence South 49 degrees 32'46" West, 208.15 feet; 5) thence South 40 degrees 27'14" East, 5.00 feet to the beginning of a curve, concave to the Northwest, having a radius of 367.90 feet from which a radial line bears South 49 degrees 27'14" East; 6) thence 175.40 feet along the arc of said curve...
through a central angle of 27 degrees 19'00"; 7) thence South 76 degrees 51'46" West, 550.72 feet to the beginning of a curve concave to the North and having a radius of 367.90 feet; 8) thence 96.32 feet along the arc of said curve through a central angle of 15 degrees 00' 01"; 9) thence North 88 degrees 08'13" West, 395.19 feet; 10) thence North 88 degrees 36' 03" West, 844.31 feet; 11) thence North 0 degrees 29'50" West, 18.53 feet; 12) thence North 88 degrees 36'20" West, 2,000.88 feet to a point on the East right-of-way line of Carver Road; thence North 0 degrees 48'09" West, along said East right-of-way line of Carver Road and the existing city limits line, a distance of 108.06 feet to a point on the South line of said Section 6; thence North 88 degrees 36'20" West, along said South line of Section 6, and the centerline of Snyder Avenue and the existing city limits line, a distance of 2,657.37 feet to the Southwest corner of said Section 6; thence South 89 degrees 07'00" West along the South line of said Section 1 and the existing city limits line, a distance of 5,305.58 feet to the Southwest corner of said Section 1 and the centerline of Dale Road; thence North 0 degrees 19'30" West, along the West line of said Section 1 and the centerline of Dale Road, a distance 1,324.72 feet to the POINT OF BEGINNING.

Containing 408.11 acres, more or less.

MID-VALLEY ENGINEERING, INC.

Roy A. Galli - R.C.E. 16024
License Expires 6/30/97

Date April 12-1996
MODESTO CITY COUNCIL
RESOLUTION NO. 97-534

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF WILLIAM GARDNER FROM THE SIGN IMPROVEMENT COMMITTEE, EFFECTIVE SEPTEMBER 16, 1997

WHEREAS, William Gardner was appointed a member of the Sign Improvement Committee on July 22, 1997; and

WHEREAS, William Gardner has tendered his resignation from the Sign Improvement Committee, effective September 16, 1997; and

WHEREAS, William Gardner 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 William Gardner from the Sign Improvement Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to William Gardner 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 16th day of September, 1997, by Councilmember McClanahan, who moved its 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. 97-535


WHEREAS, in May 1995, the City Council adopted the Consolidated Plan for Housing and Community Development, and

WHEREAS, the Office of Housing and Neighborhoods of the Community Development Department operates the Community Development Block Grant (CDBG), the Home Investment Partnership Program (HOME) and the Emergency Shelter Grant (ESG), and

WHEREAS, regulations for these programs require the City to review and report on the performance of the various activities and projects funded by these grants on an annual basis and submit to the U.S. Department Of Housing And Urban Development (HUD) an Annual Performance Report, and

WHEREAS, HUD regulations require that the City solicit citizen input on the programs’ performance and hold a public hearing, a Public Notice was printed in the Modesto Bee on September 10, 1997, and copies of the report were made available at the Office of Housing and Neighborhoods, and

WHEREAS, on September 12, 1997, the Citizens Housing and Community Development Committee (CH&CDC) met and considered the Consolidated Annual Performance and Evaluation Report for Fiscal Year 1996-1997, and
WHEREAS, said matter was set for a public hearing of the City Council to be held on September 23, 1997, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME) and the Emergency Shelter Grant (ESG) Consolidated Annual Performance and Evaluation Report for Fiscal Year 1996-1997, a copy of which is on file in the office of the City Clerk, (July 1, 1996, through June 30, 1997) is hereby adopted and approved for forwarding to HUD.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that might be required 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 23rd day of Sept., 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: 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. 97-536  

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING TWENTY-SIX CONTROLLERS COMPATIBLE WITH THE ADVANCED TRAFFIC MANAGEMENT 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 Furnishing Twenty-six Controllers compatible with the existing Advanced Traffic Management System (ATMS), allowing communications to these controllers from City Hall, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 14, 1997 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 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: JEAN ADAMS, City Clerk
A RESOLUTION ADOPTING ACCOUNTABILITY BUDGETING SYSTEM FOR THE CITY OF MODESTO THROUGH 2000/01

WHEREAS, on July 15, 1997 the Council of the City of Modesto considered a proposal to adopt a new budget system.

WHEREAS, the proposed new budgeting system would accomplish the following objectives:

- Reduce the rate of growth in appropriations to operating departments from General Fund local discretionary revenues to create room within anticipated revenue to afford the new 10th Street Place Project, the new Police Building and to pick up police costs formerly paid with grants.

- Increase the accountability of operating department for maintaining and enhancing service levels to the public.

- Increase the monitoring of cost recovery from fees.

- Increase the monitoring of cost recovery from fees.

- Increase the delegation of authority of operating department to encourage creativity and innovation in developing more effective and cost efficient means of service delivery.

- Generate "dividends" from efficient operations that the Council can allocate to the evolving needs of the Community.

- Provide budgeting incentives for better performance.

WHEREAS, these proposals were requested by Council to be discussed internally with the organization and that the Financial Policy Committee bring a final recommendation back to Council.

WHEREAS, to conduct internal discussions, a Budget Committee composed of representatives of all departments was implemented. A Committee report was submitted to the Senior Executive Team for discussion and review.

WHEREAS, the Senior Executive Team discussed the Committee’s report over an extended period with departmental discussions taking place over that
period. The resolution is the recommendation of the Senior Executive Team.

WHEREAS, the Financial Policy Committee has reviewed the Senior Executive Team's recommendation on the new Budget Policy and presented final recommendations back to Council.

BE IT FURTHER RESOLVED that the Council adopt a new budgeting system with the following characteristics:

1. **Net Appropriation Base**

   The departmental Net Appropriation Base is identified as locally funded operations including funding from General Fund Taxes and unallocated fees. The departmental Net Appropriation Base for 1997-98 is summarized as follows:

   - Police Department $28,577,000
   - Fire Department 14,915,000
   - Parks & Recreation Dept 9,208,000
   - Public Works & Transportation 4,934,000
   - Community Development 2,372,000
   - Finance Department 2,159,000
   - City Manager 1,112,000
   - City Attorney 774,000
   - Personnel Department 767,500
   - City Clerk (excluding election costs) 299,000
   - City Council 215,000

2. **Inflation**

   Each fiscal year, beginning in 1998-99 and extending through fiscal year 2000/2001, the Appropriation Base for each department shall be escalated by the amount of inflation (as measured by the annual percentage increase in the San Francisco-Oakland CPI-U index through December 31 prior to the beginning of the fiscal year) less 1%. Council will compare the local discretionary revenue to inflation. If revenues do not meet the inflationary level, departmental appropriations base levels will be reduced by that amount.

3. **Appropriation Savings**

   Beginning in 1998-99 and for 1999-2000 and 2000/2001, departments will retain 50% of their unexpended net appropriations as additional appropriation for the next fiscal year. The final amount of carryover will be based on the year-end closing. Each departments' unexpended budget savings adjusted for any shortfalls in departmental revenue forecasts will be appropriated into a special account within the department and the unexpended portion shall not be reduced the next fiscal year 50%. Department Directors will have the authority to transfer funds from this "reserve"
account into any departmental account.

4. Vacant Positions

Department Directors will be responsible for decisions approving the filling of vacant positions, and any reallocation of salary related appropriations into non-salary accounts. Increases in ongoing staffing requires three years of dedicated funding.

5. Charges to Departments

The Department Directors can review and challenge any charges which impacts their operation, this includes internal service credits.

6. Appropriation Control Points

Appropriation control points shall be identified by Department Directors, and administered at the departmental level. Department Directors will have the authority to perform appropriation transfers within department and fund.

7. Performance Reporting

Department Directors will provide the City Manager and Council with a departmental performance report on a quarterly basis beginning January 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-538

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP FOR DESIGN SERVICES FOR KIERNAN BUSINESS PARK GATEWAY DESIGN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for design services between the City of Modesto and RRM Design Group for a not to exceed cost of $20,300.00 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-539

A RESOLUTION GRANTING APPROVAL TO THE
MODESTO CERTIFIED FARMERS' MARKET TO
CONDUCT A FARMERS' MARKET ON 16TH STREET,
BETWEEN H AND I STREETS, IN THE CITY OF
MODESTO, SUBJECT TO CERTAIN CONDITIONS AND
RESCINDING RESOLUTION NO. 88-402.

WHEREAS, the Modesto Certified Farmers' Market, an unincorporated
association (hereinafter referred to as "Market"), requested permission to use the street area
known as 16th Street, between H and I Streets, in the City of Modesto to conduct a farmers'
market, and

WHEREAS, the City Council has previously granted approval for such a
market, and

WHEREAS, the Market has requested revisions to the approval previously
given for such a market, and

WHEREAS, the Council deems it appropriate to revise the approval previously
given for such a market.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that it does hereby approve the use by the Market of 16th Street, between H and I Streets, in
the City of Modesto, for a farmers' market, subject to the following conditions:

1. The Market may use the street area known as 16th Street, between H and I Streets, in the City of Modesto, each Thursday and Saturday until this resolution is rescinded, as hereinafter provided, between the hours of 5:00 a.m. and 2:00 p.m., to conduct a farmers'
market to sell to the general public those category of products specifically defined in this resolution.

2. Products sold at said farmers' market shall be sold only between the hours of 6:00 a.m. and 1:00 p.m. on each Thursday and Saturday that the Market is held. The hours between 5:00 a.m. and 6:00 a.m. on each Thursday and Saturday that the Market is held may be used for the purpose of setting up the farmers' market area. The hours between 1:00 p.m. and 2:00 p.m. on each Thursday and Saturday that the Market is held may be used for the purpose of dismantling stands and cleaning the area within the farmers' market.

3. The street area known as 16th Street, between H and I Streets, shall be closed to all traffic except emergency vehicles on each Thursday and Saturday that the Market is held, between the hours of 5:00 a.m. and 2:00 p.m., subject to the approval of the Police Chief of the City of Modesto. The Market shall furnish its own street barricades for the closing of the area referred to herein above.

4. There are three (3) categories of products that may be sold to the public. Each product category shall only be sold in those areas as designated below. These product categories are as follows:

   a. Certified agricultural products are defined as raw fruits, nuts, vegetables, honey and eggs in the shell, all in the unprocessed state, grown and sold by a certified farmer with proper documentation.

   b. Non-certified agricultural products are defined as processed food sold by the farmer who grew them.
c. **Non-agricultural products** are defined as foods that are not certified or non-certified such as baked goods.

5. Certified agricultural products and/or non-certified agricultural products shall be sold within the Certified Farmers' Market Area, which is defined as that area on 16th Street beginning at a point 20 (twenty) feet south of the south property line of I Street to the north property line of H Street including the paved area and the sidewalk area within the public right of way of 16th Street.

6. Non-agricultural products shall be sold outside the Certified Farmers Market Area, which is defined as that area on 16th Street, beginning at the south property line of H Street to a point twenty (20) feet south of the south property line of I Street including the paved area and the sidewalk area within the public right of way of 16th Street. The designated area for the Certified Farmers’ Market shall be delineated by signage which clearly defines the Certified Farmers’ Market.

7. Each farmers’ market may feature, for promotional purposes only, a **Merchant at the Market**. The merchant so featured shall not conduct any sales during those hours the Farmers’ Market is in operation.

8. The featured **Merchant at the Market** may be either a merchant who is a member of the Downtown Improvement District and is a food merchant, or a merchant who is a member of the Downtown Improvement District and is a non-food merchant. Two merchants shall be featured at each farmers’ market session one food and one non-food. A rotating schedule for the **Merchant at the Market** shall be approved and monitored by the
Market. All merchants in some way will match the theme of the farmers market and/or season.

9. The Market shall publish a set of market rules and regulations which specify procedural criteria pertaining to:

(a) Admission of any producer to the market;

(b) Admission of any agricultural products to the market; and

(c) Removal of any producer from the market.

The Market has authority to establish specific rules and regulations for the:

(a) Type and number of producers and certified producers admitted;

(b) Type and number of certified and noncertifiable products admitted; and

(c) Methods of selling certified and noncertifiable agricultural products.

The Market’s rules and regulations shall contain a clause, which states that the Market shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers’ market in a fair and equitable manner.

A current copy of the certified farmers’ market’s rules and regulations shall be sent to the Department of Food and Agriculture, Fruit and Vegetable Quality Control Standardization and to the agricultural commissioner of Stanislaus County.

The Market’s rules and regulations setting forth the criteria for acceptance of membership into the Market shall be in writing and shall be made available to anyone who requests a copy from the Modesto Certified Farmers’ Market.
10. The Market shall obtain a Certified Farmer's Market Certificate in accordance with the provisions of Section 1392.2(a) of the Food and Agriculture Code of the State of California.

11. The Market, as sponsor of the market, shall obtain a business license in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code. The business license so issued is applicable to all of the Market's certified agricultural and non-certified agricultural product vendors. The Market shall be exempt from the payment of business license tax as provided for in Section 6-1.106 of said Municipal Code.

12. Each non-agricultural product vendor must obtain a business license from the City of Modesto in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code.

13. The Market shall remove from 16th Street, between H and I Streets, in the City of Modesto, and all areas adjacent thereto, all trash and debris generated as a result of the farmers' market. The removal of said trash and debris shall be completed by 2:00 p.m. on each Thursday and Saturday that the farmers' market is conducted.

14. The Market shall indemnify, defend and hold the City of Modesto, its officers, agents, employees, and volunteers free and harmless from and against all liabilities, judgments, claims, demands, actions, losses, damages, or costs, including litigation costs and attorney fees from every cause arising directly or indirectly out of, or in any way related to, the Market's use of the area known as 16th Street, between H and I Streets, in the City of Modesto, and all areas adjacent thereto. Upon demand, the Market shall at its own expense
defend the City of Modesto, its officers, agents, employees, and volunteers against all such
liabilities, claims, judgments, demands, actions, losses, damages or costs.

15. The Market shall furnish to the City Clerk a current and valid certificate of insurance evidencing public liability and property damage insurance as shall protect the Market and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Market's use of the area known as 16th Street, between H and I Streets, in the City of Modesto, and the areas adjacent thereto as a farmers' market.

The amount of public liability insurance shall be as follows: Public liability insurance with combined single limits of liability, including products liability coverage, in the amount of one million ($1,000,000.00) dollars.

The Market’s liability policy and the valid certificate of insurance which is to be furnished to the City Clerk shall contain contractual liability provisions stating that the policy is extended to cover the liability assumed by the Market under the terms of this resolution. The liability policy and the certificate of insurance furnished to City shall not permit cancellation of said insurance unless ten (10) days prior written notice is furnished to the City Clerk.

16. One portable identification sign not to exceed 25 square feet in area nor 6 feet in height may be placed by the Market at each entrance to the farmers’ market during actual market operation but only if permitted by the provisions of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code.

17. Markings may be placed by the Market on the pavement and/or curbs of 16th Street, between H and I Streets, for the purpose of identifying selling areas. Such
markings shall be located and installed in accordance with a marking plan prepared by the Market and approved by the City’s Public Works and Transportation Director. Such markings shall be unobstructive and shall in no way obscure or interfere with curb and/or pavement markings placed by the City of Modesto.

BE IT FURTHER RESOLVED that this resolution shall remain in full force and effect until such time as it is rescinded by the City Council.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Certified Farmers' Market with a copy of this resolution. The Market shall file a written acceptance of this resolution and the conditions set forth herein with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 88-402 adopted on May 24, 1988, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of September, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa,
Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-540

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER FOR THE LEASE OF CORPORATE HANGAR PLOTS 1 AND 2 AT THE MODESTO CITY-COUNCIL AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Executive Air Charter for the lease of corporate hangar plots 1 and 2 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-541

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF NEWMAN 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 Newman 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 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-542  

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAHRUMP HEIFER RANCH FOR THE USE OF THE HAILWOOD RANCH FOR LAND DISPOSAL OF WASTEWATER BY IRRIGATION  

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pahrump Heifer Ranch for the use of the Hailwood Ranch for land disposal of wastewater by irrigation be, and it is hereby approved.  

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Lang  

ATTEST:  
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING THE APPLICATION FOR A GRANT AVAILABLE THROUGH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is offering REMOVE Program Grants to assist California’s Cities and Counties with projects which will reduce air pollution emissions from motor vehicles, implement relevant Transportation Control Measures (TCMs) and other resource related measures, and establish public education programs that support and do not duplicate any of the Districts efforts.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the application for $799,186 in grant funds through the San Joaquin Valley Air Pollution Control District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Councilmember: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-544

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHUTT MOEN ASSOCIATES FOR THE DESIGN, ENGINEERING, AND CONSTRUCTION ADMINISTRATION OF MODESTO CITY-COUNTY AIRPORT PROJECTS INCLUDED IN AIP GRANT 3-06-0153-19

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shutt Moen Associates for the design, engineering, and construction administration of Modesto City-County Airport projects included in AIP grant 3-06-0153-19 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-545

A RESOLUTION ADOPTING A PILOT PROGRAM WITHIN
THE COMMUNITY DEVELOPMENT DEPARTMENT FOR A
“PROJECT PROFESSIONAL LIABILITY PROGRAM”.

WHEREAS, successful transfer of risk for professional projects has been
tenuous due to market constraints, and professional liability carriers refuse to name the City as
an additional insured on their policies because of the “deep pockets” fear, and

WHEREAS, most professional liability policies are written on a “claims made”
basis, thus limiting the City’s coverage for claims that are discovered after policy termination,
and

WHEREAS, by a report dated September 23, 1997, City staff has recommended
a pilot program within the Community Development Department for a “Project Professional
Liability Program”, a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, Diversified Risk Insurance Brokers has developed a Project
Professional Liability Program to meet this need, and the Project Liability Professional
Program would provide an opportunity for the City to strengthen its insurance requirements
and provide the contractors an alternative source of coverage, and

WHEREAS, under a Project Professional Liability Program if the contractor
elected to use the City’s program, the City would actually purchase the coverage and the
contractor would be required to reduce the contract bid by the amount that the contractor’s
carrier would have charged based upon the cost of the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of a pilot program within the Community Development Department for a "Project Professional Liability Program for small projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: __________________________________________
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-546

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 1 SUBDIVISION AND
AUTHORIZING RELEASE OF PERFORMANCE SECURITIES

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 1 have filed bonds for faithful performance, and labor and materials, in the amount of $602,000 and $301,000 respectively to guarantee improvements in Rose Lane No. 1 subdivision and;

WHEREAS, the Public Works and Transportation Director in a memorandum dated September 16, 1997 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works 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. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $602,000 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $301,000 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 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-547

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO CITY-COUNTY AIRPORT'S LAND USE POLICY CONTAINED IN THE AIRPORT MASTER PLAN

WHEREAS, the Modesto City-County Airport Master Plan, dated April 1993, restricts maintenance of aircraft on the northeast side of the airport to larger size aircraft; and,

WHEREAS, it is the City's desire to increase airport activities and generate more revenue for the airport enterprise fund; and,

WHEREAS, both the Airport Advisory Committee and the Transportation Policy Committee are in support of the amendment to the land use to allow maintenance and repair on all size aircraft and recommends its adoption.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the Airport's Land Use Policy contained in the Airport Master Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-548

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MACERICH CORPORATION FOR IMPLEMENTATION OF THE CITY HALL AT THE MALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Macerich Corporation for implementation of the City Hall At The Mall 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 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams, City Clerk

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-549

A RESOLUTION APPROVING TRANSFER OF FUNDS FROM GENERAL FUND CASH TO CASH ON HAND

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

Increase Cash on Hand by $300, and transfer $300 from General Fund cash to Cash on Hand to fund the satellite office at Vintage Faire Mall named City Hall at the Mall.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1996, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-550

A RESOLUTION APPROVING A LEASE AGREEMENT WITH COMPUTER PATHWAYS, INC. FOR LEASE OF THE INTERIOR CARD RACK SPACE INSIDE MODESTO AREA EXPRESS (MAX) BUSES

BE IT RESOLVED by the Council of the City of Modesto that the lease agreement with Computer Pathways, Inc. for the lease of the interior card rack space inside Modesto Area Express (MAX) buses 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 October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-551

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(473), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(473). (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 July 14, 1997, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473), to allow a two-story medical office building and parking area, property located to the rear of 609 East Orangeburg Avenue, north of East Orangeburg Avenue, west of Sunrise Avenue, described as follows:

R-1 to P-D(473), as an addition to P-D(473)

All that real property situate in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that 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, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 21, being in the intersection of Melrose Avenue with East Orangeburg Avenue; thence East along the South line of the Northeast quarter of the Northwest quarter of said Section 21, being the centerline of East Orangeburg Avenue, a distance of 320 feet to the Southwest corner of existing P-D(473); thence North along the West line of existing P-D(473) which is parallel to the West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet to the Northwest corner of said P-D(473); thence East along the North line of said P-D(473) and parallel to the aforementioned centerline of East Orangeburg Avenue, a distance of 10.00 feet to the Point of Beginning of this Description; thence North and parallel to the West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 207 feet; thence East and parallel to the aforementioned centerline of East Orangeburg Avenue,
Avenue, a distance of 165 feet; thence south and parallel to the aforementioned West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 207 feet to the Northeast corner of said P-D(473); thence West along the North line of existing P-D(473) and parallel to the aforementioned centerline of East Orangeburg Avenue, a distance of 165 feet to the Point of Beginning.

and

WHEREAS, after a public hearing held on September 8, 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. 97-64, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D(473) expansion, by reason of its design layout, is compatible with existing and potential surrounding developments.

2. The proposed P-D(473) expansion conforms with the General Plan which provides for mixed use development on the subject property.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 7, 1997, 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. 97-64 and quoted above, and
WHEREAS, the Council has introduced Ordinance No. 3064-C.S. on the 7th day of October, 1997, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473).

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(473), as an addition to Planned Development Zone, P-D(473), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Stanislaus Orthopedic and Sports Medicine Expansion" as amended in red, stamped approved by the City Council on October 7, 1997.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the north, east, and west property lines. 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 (6), 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, east, and west property lines except that single board and pilaster construction is allowed on the west line adjacent to the building.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

6. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

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

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

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

10. All conditions of City Council Resolution No. 90-492 as amended by Planning Commission Resolution No. 91-35 not in conflict with this action shall remain in full force and effect.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473):

The entire construction program be accomplished in one phase, construction to begin on or before September 8, 1999, and completion to be not later than September 8, 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(473), as an addition to Planned Development Zone, P-D(473), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

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. 97-551-A

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(473), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(473), PROPERTY LOCATED TO THE REAR OF 609 EAST ORANGEBURG AVENUE, NORTH OF EAST ORANGEBURG AVENUE, WEST OF SUNRISE AVENUE. (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 to the rear of 609 East Orangeburg Avenue, north of East Orangeburg Avenue, west of Sunrise Avenue be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473), property located to the rear of 609 East Orangeburg Avenue, north of East Orangeburg Avenue, west of Sunrise Avenue, in the City of Modesto ("the project"), and

WHEREAS, on August 26, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-88 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 September 8, 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 August 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 7th day of October, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

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 proposal to rezone from R-1 to Planned Development Zone, P-D(473) as an addition to P-D(473). 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 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, P-D(473) as an Addition to P-D(473), Property Located on the Rear and North of 609 East Orangeburg Avenue.

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

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

D. Project Location:
property located on the rear and north of 609 East Orangeburg Avenue

E. Project sponsor:
Jondy Cohen
609 East Orangeburg Avenue
Modesto, CA

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
Existing R-1
H. Description of Proposed Project:
This is an application to rezone from R-1 to P-D(473) as an addition to P-D(473), a 0.78 acre landlocked parcel located to the rear and north of 609 East Orangeburg Avenue, west of Sunrise Avenue. The rezoning will facilitate a two-story 13,000-square-foot building to expand the Stanislaus Orthopedic and Sports Medicine facilities. The building is proposed at the southwest corner of the expansion area and will have 71 parking spaces arranged along the north and east sides with a circulating aisleway. All access will remain as it is on East Orangeburg Avenue.

I. Surrounding land uses:
North immediately north is an undeveloped lot, zoned R-1, Low Density Residential
South P-D(473), allowing professional offices (Orthopedic and Sports Medicine facilities)
East R-1, Low Density Residential (dwellings)
West R-1, Low Density Residential (convalescent care facility)

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 expansion will generate an increase of traffic in the area. No site traffic mitigation study was required as a result of the proposed planned development for the professional office. Development of this parcel as a part of the development of P-D(473) 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. P-D(473) 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.
O. **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-17-11) 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 P-D(473) zoning expansion is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 92052017).

B. The project 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 zone change to expand P-D(473) 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: 8/26/97
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING NINE (9) NEW VARIOUS TYPES OF 1/2 TON PICKUP TRUCKS

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 nine new various types of 1/2 ton pickup trucks, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 24, 1997 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 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ADAMS, City Clerk
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING MODESTO AREA EXPRESS RIDE GUIDES FOR UP TO THREE YEARS

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 Modesto Area Express Ride Guides for up to three years, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 21, 1997 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 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION ACCEPTING THE BID OF D.C. VIENT INC. FOR THE MCHENRY MANSION EXTERIOR PAINTING

WHEREAS, the bids received for the McHenry Mansion Exterior Painting were opened at 11:00 a.m. on September 23, 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 $42,426.00 from D.C. Vient 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 D.C. Vient Inc. be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, 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
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-555  


WHEREAS, the bids received for printing of the monthly utility bill insert for Fiscal Year 1997-98, November 1997 through June 30, 1998, and for the printing of the bi-monthly employees' newsletter for Fiscal Year 1997-98, November 1997 through June 30, 1998 were opened at 11:00 a.m. on August 12, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Seeger's Printing for the monthly utility bill insert for the total price of between $13,016.00 and $21,383.00; the bid of Artistic Printing, Inc. for the bi-monthly printing of the employees' newsletter for the total price of $1,202.00; and the authorization of the purchase of printing of the monthly utility bill insert and the bi-monthly employees' newsletter for additional years, up to and including 1999-2000, for a total three-year cost of between $58,057.00 and $91,682.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Seeger's Printing and the bid of Artistic Printing Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JElAN Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-556

A RESOLUTION ACCEPTING THE BID OF KEYSTONE ELEVATOR AS SOLE BIDDER FOR THE PURCHASE OF THE JOHN THURMAN FIELD PRESS BOX ELEVATOR

WHEREAS, the bids received for purchase of the John Thurman Field press box elevator were opened at 11:00 a.m. on September 24, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $39,600.00 from Keystone Elevator be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Keystone Elevator be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODesto CITY COUNCIL
RESOLUTION NO. 97-557

A RESOLUTION ACCEPTING THE PROJECT TITLED JENNIE STREET AND FAIRVIEW AVENUE WATER AND SEWER IMPROVEMENT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Jennie Street and Fairview Avenue Water and Sewer Improvement Project, has been completed by Rolfe Construction, in accordance with the contract agreement dated July 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Jennie Street and Fairview Avenue Water and Sewer Improvement Project be accepted from said contractor, Rolfe Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $143,215.22 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 October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-558

A RESOLUTION ACCEPTING THE PROJECT TITLED ROOSEVELT PARK TENNIS COURT LIGHTING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Roosevelt Park Tennis Court Lighting, has been completed by Bowden Electric, in accordance with the contract agreement dated August 20, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Roosevelt Park Tennis Court Lighting be accepted from said contractor, Bowden Electric; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $104,249.89 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 October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-559

A RESOLUTION ACCEPTING THE PROJECT TITLED CANNERY SEGREGATION SECTION IV PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Cannery Segregation Section IV Project, has been completed by Mauldin-Dorfmeier Construction Inc., in accordance with the contract agreement dated July 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Cannery Segregation section IV Project be accepted from said contractor, Mauldin-Dorfmeier Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $446,144.00 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 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-560

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF EIGHT (8) USED, LATE MODEL SEDANS FROM GOLDEN GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of eight used, late model sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of eight used, late model sedans for a not to exceed price of $129,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-561

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO (2) SETS OF ROTARY DISTRIBUTOR SPRAY ARMS FROM HOGAN MANUFACTURING INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of two sets of rotary distributor spray arms is hereby waived.

BE IT FURTHER RESOLVED that purchase of two sets of rotary distributor spray arms from Hogan Mfg. for a not to exceed price of $143,038.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $154,200.00 TO FULLY FUND THE PURCHASE OF TWO SETS OF ROTARY DISTRIBUTOR SPRAY ARMS FROM HOGAN MANUFACTURING INC.

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

FROM: 621 480 F715 6040 $154,200.00

TO: 621 480 J880 6010 4,000.00
     621 480 J880 6040 143,038.00
     621 480 J880 6050 7,162.00

The arms on the rotary distributors for Fixed Film Reactors Nos. 1 & 2 at the secondary wastewater treatment site have exhibited severe leakage attributable to corrosion of the galvanized steel arms. WQC staff have applied temporary patches to the arms to allow the FFRs to continue to operate until the end of cannery season. Based on the deterioration of the arms, it is probable that a complete structural failure of the arms would occur if they are not replaced soon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-563

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF THE MODERNIZATION OF THE CITY HALL ELEVATOR #34000 FROM THYSSEN ELEVATOR CORPORATION DUE TO EXIGENT CIRCUMSTANCES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of the modernization of the City Hall elevator #34000 from Thyssen Elevator Corporation due to exigent circumstances is hereby waived.

BE IT FURTHER RESOLVED that purchase of the modernization of the City Hall elevator #34000 from Thyssen Elevator Corp. for a not to exceed price of $85,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO CREATE A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT (CITY HALL ELEVATOR UPGRADE) FROM THE BUILDING SERVICES INTERNAL SERVICE FUND

WHEREAS, the passenger elevator in the City Hall building was installed 37 years ago and over the past 12 months has experiencing excessive and unacceptable down times resulting in citizens and employees being trapped in the elevator; and

WHEREAS, the modernization of the elevator would upgrade the unit to the current safety codes. Upgrades would include new microprocessor controllers and digital operation panels to accommodate the Americans with Disabilities Act Code compliance.

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>Transfer from Acct</th>
<th>Transfer to Acct</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#780-800-8000-8003</td>
<td>#780-350-J193-6040</td>
<td>$(85,000)</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 7th day of October 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 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 Feathers, Budget Officer
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017): APPROVING AN AMENDMENT TO BEYER PARK MASTER PLAN TO ALLOW A SKATEBOARD PARK IN THE BEYER COMMUNITY PARK, WHICH IS LOCATED AT THE SOUTHEAST CORNER OF BEYER PARK DRIVE AND SYLVAN MEADOWS DRIVE IN THE CITY OF MODESTO.

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

WHEREAS, on October 1, 1997, the City's Parks Planning and Development Manager of the Parks and Recreation Department, by Environmental Assessment Initial Study No. 97-124, reviewed the proposed amendment to the Beyer Park Master Plan to allow a skateboard Park in the Beyer Community Park, which is located at the southeast corner of Beyer Park Drive and Sylvan Meadows Drive, in the City of Modesto, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on October 7, 1997, 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 on October 1,
1997, for the proposed project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study, makes the following findings:

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

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

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

4. There are no special features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the 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 October, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
EXHIBIT “A”

Initial Study
1. Purpose of Initial Study:

This Initial Study, based on Appendix I of the CEQA Guidelines, provides environmental review under CEQA Section 21157.1. This Initial Study analyzes whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report for the Urban Area General Plan ("Master EIR") and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. Project Title: Beyer Skate Park

3. Lead Agency Name and Address: City of Modesto, P.O. Box 642, Modesto, CA 95354


5. Project Location: Beyer Community Park, southeast corner of Beyer Park Drive and Sylvan Meadows Drive.

6. Project Sponsor’s Name and Address: City of Modesto, P.O. Box 642, Modesto, CA 95353

7. General Plan Designation: Residential

8. Zoning: R-1, Single family residential

9. Description of Project: (Describe the whole action involved, including, but not limited to, later phases of the project and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The Beyer Skate Park will provide a 13,000 square foot skate park in Beyer Community Park, which is located at the southeast corner of Beyer Park Drive and Sylvan Meadows Drive. The concrete structure will include ridges, bowls, steps, and other elements desired by skaters.
There may be a later phase of the project that adds area lighting. This phase will not be implemented until the use of the facility justifies the addition of lighting.

No secondary support or off-site features are necessary for the implementation of this project.

10. Surrounding Land Uses and Setting: (Briefly describe the projects surroundings.)

The project is located entirely within Beyer Community Park.

North: Residential neighborhood
East: Beyer High School
South: Residential neighborhood
West: Undeveloped lot, zoned commercial

11. Other Public Agencies whose approval is required (e.g. permits, financing approval, or participation agreement): None
DESCRIPTION OF SUBSEQUENT PROJECT (Indicate Assessor’s Parcel Number and include attachments as necessary)

APN# 52-13-23
This project will provide a 13,000 square foot skate park in Beyer Community Park, which is located at the southeast corner of Beyer Park Drive and Sylvan Meadows Drive. The concrete structure will include ridges, bowls, steps, and other elements desired by skaters.

EVALUATION OF ENVIRONMENTAL IMPACTS

A. TRAFFIC AND CIRCULATION NEEDS

Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to traffic and circulation needs. Substantial evidence for this conclusion is as follows:

1. Pages IV-1-1 through IV-1-37 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The construction and operation of the subsequent project will result in minimal increase in vehicle trips per day to the site. The majority of the skaters will be using public transit to access the site and the remaining users will utilize skateboards and in-line skates as their primary mode of transportation.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

B. DEGRADATION OF AIR QUALITY

The skate park, as a subsequent project, does not require supplemental environmental analysis with regard to degradation of air quality and generation of odors. Substantial evidence for this conclusion is as follows:

1. Pages IV-2-1 through IV-2-25 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. Construction of the subsequent project would result in approximately 0 pounds per day and 0 tons per year of NOx, below the significance levels of 55 pounds per day and 10 tons per year. Operation of the subsequent project would not result in air pollutant emissions substantially in excess of those analyzed in the Master EIR and, therefore, would not result in any additional exceedences of SJVUAPCD thresholds.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

C. GENERATION OF NOISE

Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to generation of noise. Substantial evidence for this conclusion is as follows:

1. Pages IV-1-31 through IV-3-33 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project would not generate significant noise beyond the levels described in the General Plan Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. The Contractor shall install noise reduction equipment (mufflers) when construction is near homes or schools.

2. Equipment staging areas shall be located as far from residences as possible.

D. LOSS OF PRODUCTIVE AGRICULTURAL LAND

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to loss of agricultural land. Substantial evidence for this conclusion is as follows:

1. Pages IV-4-1 through IV-4-16 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is located within the General Plan boundary and the potential for loss of productive
agricultural lands has already been anticipated and fully addressed in the Master EIR page VI-48.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

E. INCREASED DEMAND FOR WATER SUPPLIES

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for water supplies. Substantial evidence for this conclusion is as follows:

1. Pages IV-5-1 through IV-5-11 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not use large amounts of water or significantly waste water in a way not described in the General Plan.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

F. INCREASED DEMAND FOR SANITARY SEWER SERVICES

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for sanitary sewer services. Substantial evidence for this conclusion is as follows:

1. Pages IV-6-1 through IV-6-9 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City’s Parks Planning and Development Manager has confirmed that the subsequent project would not create the need for sanitary sewer services beyond that analyzed in the General Plan.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a
G. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to loss of sensitive wildlife and plant habitat. Substantial evidence for this conclusion is as follows:

1. Pages IV-7-1 through IV-7-30 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Project is located within the current General Plan. The park is located in a fully developed urban environment.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

H. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORIC SITES

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to disturbance of archaeological or historic sites. Substantial evidence for this conclusion is as follows:

1. Pages IV-8-1 through IV-8-21 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not affect any structure or artifact of known historical importance or significance.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

I. DRAINAGE, FLOODING, AND WATER QUALITY

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to drainage, flooding, and water quality. Substantial evidence for this conclusion is as follows:

1. Pages IV-9-1 through IV-9-23 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project would not locate any structures within a 100-year flood plain and will not contribute to substantial flooding.

3. The subsequent project would not create any discharges in addition to those analyzed in the Master EIR that could result in a violation of water quality standards.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

J. INCREASED DEMAND FOR STORM DRAINAGE

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for storm drainage. Substantial evidence for this conclusion is as follows:

1. Pages IV-10-1 through IV-11-1 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not cause the drainage system to unsafely convey and dispose of storm flows.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

K. INCREASED DEMAND FOR PARKS AND OPEN SPACE

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for parks and recreation. Substantial evidence for this conclusion is as follows:

1. Pages IV-11-1 through IV-11-11 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Parks and Recreation director has confirmed that the subsequent project would not result in the long-term disruption of the normal use or require the reduction in size of an existing park.
Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

L. INCREASED DEMAND FOR SCHOOLS

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for schools. Substantial evidence for this conclusion is as follows:

1. Pages IV-12-1 through IV-12-11 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The Director of Planning and Research of Modesto City Schools has confirmed that the subsequent project would not result in a substantial increase in the demand for schools in addition to that described in Chapter IV, Section 12 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

M. INCREASED DEMAND FOR POLICE SERVICES

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for police services. Substantial evidence for this conclusion is as follows:

1. Pages IV-13-1 through IV-13-8 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Police Chief has confirmed that construction and operation of the subsequent project would not exceed the capacity of local police services beyond that described in Chapter IV, Section 13 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a
N. INCREASED DEMAND FOR FIRE SERVICES

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for fire services. Substantial evidence for this conclusion is as follows:

1. Pages IV-14-1 through IV-14-9 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Fire Chief has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for fire services in addition to that described in Chapter IV, Section 14 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

O. GENERATION OF SOLID WASTE

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to generation of solid waste. Substantial evidence for this conclusion is as follows:

1. Pages IV-15-1 through IV-15-10 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the generation of solid waste in addition to that described in Chapter IV, Section 15 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

P. GENERATION OF HAZARDOUS MATERIALS

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to generation of hazardous waste. Substantial evidence for this conclusion is as follows:
1. Pages IV-16-1 through IV-16-14 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not potentially result in an unauthorized release of a hazardous substance or generate, use, store, or transport any hazardous waste substantially in addition to that described in Chapter IV, Section 16 of the Master EIR, or violate federal, state, or local laws or regulations for hazardous materials or hazardous wastes.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

Q. LANDSLIDES AND SEISMIC ACTIVITY

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to landslides and seismic activity. Substantial evidence for this conclusion is as follows:

1. Pages IV-17-1 through IV-17-11 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not located in an area in which landslides and seismic activity threaten the public health and safety.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

R. ENERGY

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to energy. Substantial evidence for this conclusion is as follows:

1. Pages IV-18-1 through IV-18-6 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The City Public Works Director confirms that the subsequent project would not create a significant increase in demand for energy beyond that analyzed in Chapter IV, Section 18 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

CONFORMANCE WITH GENERAL PLAN AND ZONING (SECTION 15063 (D)(5))

The Beyer Skate Park is consistent with R-1 zoning, which allows parks and recreational facilities. The Skate Park is similarly consistent with the Modesto Urban Area General Plan, which promotes recreational uses.

DETERMINATION

The City of Modesto, based upon the information contained in this Initial Study, determines that this 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 EIR and that no new or additional mitigation measures or alternatives will be required.

The City of Modesto, based upon the information contained in this Initial Study, finds that this subsequent project is within the scope of the project covered by the Master EIR.

Therefore, pursuant to Section 21157.1(c) of CEQA, no new environmental document nor findings pursuant to Section 21081 of CEQA shall be required.

Signature/Title: Parks Planning & Development Manager
Date: Oct. 1, 1997
MODESTO CITY COUNCIL
RESOLUTION NO. 97-566

A RESOLUTION APPROVING AN AMENDMENT TO THE BEYER PARK MASTER PLAN TO ALLOW A SKATEBOARD PARK AT THE SOUTHWEST CORNER OF BEYER COMMUNITY PARK, WHICH IS BOUNDED BY BEYER PARK DRIVE, FOREST GLEN DRIVE, SYLVAN AVENUE AND SYLVAN MEADOWS DRIVE, IN THE CITY OF MODESTO.

WHEREAS, in May, 1995, a Skateboard Task Force, which was formed to address the concerns of the skating community, recommended that a skate park be built in the undeveloped southwest area of Beyer Community Park, and

WHEREAS, at its meeting of October 7, 1997, the City Council considered
City staff’s recommendation to approve modification of the Beyer Park Master Plan to allow a skateboard park in the Beyer Community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that modification of the Beyer Park Master Plan to allow a skateboard park at the southwest corner of Beyer Community Park, bounded by Beyer Park Drive, Forest Glen Drive, Sylvan Avenue and Sylvan Meadows Drive, in the City of Modesto, is hereby approved as set forth on the drawing marked 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 7th day of October, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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

10/13/97
EXHIBIT “A”

BEYER PARK MASTER PLAN AMENDMENT

TO ALLOW SKATEBOARD PARK
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO. (JOB AUDIT - PHASE II)

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, pursuant to the Ralph Andersen and Associates Study, Phase II, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

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

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

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

- Public Works Supervisor I
- Parks Maintenance Supervisor I
- Trees Maintenance Supervisor I
- Buyer
- Community Development Program Specialist I/II
- Administrative Clerk I
Customer Services Supervisor

Senior Wastewater Treatment Plant Operator

The job specifications for the classification of Public Works Supervisor I (Range 428), as shown on the attached Exhibit "A"; Parks Maintenance Supervisor I (Range 428), as shown on the attached Exhibit "B"; Trees Maintenance Supervisor I (Range 428), as shown on the attached Exhibit "C"; Buyer (Range 428), as shown on the attached Exhibit "D"; Community Development Program Specialist I/II (Range 124/128), as shown on the attached Exhibit "E"; Administrative Clerk I (Range 103), as shown on the attached Exhibit "F"; Customer Services Supervisor (Range 420), as shown on the attached Exhibit "G"; and Senior Wastewater Treatment Plant Operator (Range 123), as shown on the attached Exhibit "H", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Legal Services Administrator

Senior Community Development Program Specialist

Assistant Buyer

Senior Buyer

Workers’ Compensation Claims Examiner I/II

Organizational Development Specialist

Police Support Services Supervisor

Community Service Officer I/II
Hazardous Materials Program Coordinator

Laboratory Analyst I/II

Laboratory Manager

Water Distribution System Operator

The job specifications for the classification of Legal Services Administrator (Range 427), as shown on the attached Exhibit “I”; Senior Community Development Program Specialist (Range 131), as shown on the attached Exhibit “J”; Assistant Buyer (Range 119), as shown on the attached Exhibit “K”; Senior Buyer (Range 428), as shown on the attached Exhibit “D”; Workers’ Compensation Claims Examiner I/II (Range 420/424), as shown on the attached Exhibit “L”; Organizational Development Specialist (Range 433), as shown on the attached Exhibit “M”; Police Support Services Supervisor (Range 423), as shown on the attached Exhibit “N”; Community Service Officer I/II (Range 115/119), as shown on the attached Exhibit “O”; Hazardous Materials Program Coordinator (Range 130), as shown on the attached Exhibit “P”; Laboratory Analyst I/II (Range 120/124), as shown on the attached Exhibit “Q”; Laboratory Manager (Range 433), as shown on the attached Exhibit “R”; and Water Distribution System Operator (Range 116), as shown on the attached Exhibit “S”, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Legal Services Supervisor

Workers’ Compensation Claims Examiner
Training Coordinator
Community Service Officer
Hazardous Materials Inspector
Laboratory Technician
Assistant Laboratory Technician
Laboratory Supervisor
Meter Reader/Repair Worker
Water Lineworker
Parks Construction Supervisor I

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after September 30, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill, Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
PUBLIC WORKS SUPERVISOR

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

DEFINITION

To assign and supervise the work of crews engaged in a variety of water, wastewater and street operations, maintenance, repair and/or reconstruction work; and to perform the more complex and difficult duties assigned to the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

Essential Functions:

Plan, prioritize, assign, supervise and review the work of staff involved in water or wastewater line maintenance, repair and reconstruction, meter operations and maintenance, pumping systems operations and maintenance, water production and storage or street maintenance, repair and reconstruction.

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

Assist in developing and administering Division budget.

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

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.
Essential Functions: (Continued)

Participate in the full range of operations, maintenance, repair and construction duties including performing the most difficult duties assigned to the work unit.

Operate a full range of heavy and light equipment such as backhoes, loaders, dump trucks, rollers, tractors, and various trucks.

Check water or wastewater lines, pumping systems, streets, sidewalks and related facilities and equipment for needed maintenance and repairs.

Inspect work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in water, wastewater or street system operations, construction, maintenance and repair activities.

Types and level of maintenance and repair activities generally performed in a water, wastewater or street system operations, construction, maintenance and repair program.

Elements of construction technology as they relate to the assigned construction maintenance and repair activities.

Principles of supervision, training and performance evaluation.

Safe work practices.
QUALIFICATIONS (Continued)

Ability to:

Interpret and work from sketches, penciled layouts and blueprints and prepare plans for minor projects.

Keep records and make reports.

Operate and maintain water purification treatment machinery and equipment required for specific positions.

Supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

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:

Four years of increasingly responsible experience performing utility operations, construction and maintenance work in the assigned area of responsibility, including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade, supplemented by specialized training in personnel supervision and/or construction-related subjects.
License or Certificate:

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

Possession of, or ability to obtain, a Grade III water treatment certificate issued by the State of California is required for specific positions.

Possession of, or ability to obtain, a Certificate issued by the State of California for backflow device testing is required for specific positions.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

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.
PARKS MAINTENANCE SUPERVISOR

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

DEFINITION

To assign, supervise and participate in the operation and maintenance of City parks; and to provide staff assistance to higher level supervisory staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

Essential Functions:

Plan, prioritize, assign, supervise and review the work of maintenance crews involved in park grounds maintenance and minor repair.

Assist in budget preparation and administration.

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

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

Coordinate a full range of grounds maintenance and minor repair.

Monitor insect level and take appropriate corrective actions.

Check park facilities and equipment for needed maintenance and repairs; and check assigned equipment for needed maintenance and repairs.
Essential Functions: (Continued)

Supervise maintenance staff in the application and use of pesticides, fungicides, herbicides and fertilizers.

Inspect the work of crews while in progress; provide technical advice and assistance to subordinate staff.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Supervise, train and evaluate subordinates.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in park grounds maintenance and minor repair activities.

Types and level of maintenance and repair activities generally performed in a park grounds, maintenance and repair program.

Principles of supervision, training and performance evaluation.

Safe work practices.

Ability to:

Interpret and work from sketches, penciled layouts and blueprints and prepare plans for minor projects.

Keep records and make reports.

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

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.
QUALIFICATIONS (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:

Four years of increasingly responsible experience performing parks maintenance, commercial landscaping, or professional tree maintenance, including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of 30 college units desirable, supplemented by specialized training in horticulture, personnel supervision and related subjects.

License or Certificate:

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

Possession of a Pesticide Applicator's Certificate, within one year of appointment.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.
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.
CITY OF MODESTO
No. 2753

OCTOBER 1997

TREES MAINTENANCE SUPERVISOR

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

DEFINITION

To assign, supervise and participate in the operation and maintenance of City trees; and to provide staff assistance to higher level supervisory staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

Essential Functions:

Plan, prioritize, assign, supervise and review the work of maintenance crews involved in tree maintenance, planting and preservation.

Assist in budget preparation and administration.

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

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

Coordinate a full range of tree maintenance, including tree trimming, tree planting duties, and tree preservation activities.

Monitor insect level and take appropriate corrective actions.

Check City trees and assigned equipment for needed maintenance and repairs.
Essential Functions: (Continued)

Supervise maintenance staff in the application and use of pesticides, fungicides, herbicides and fertilizers.

Inspect the work of crews while in progress; provide technical advice and assistance to subordinate staff.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Supervise, train and evaluate subordinates.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

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

Types and level of maintenance and repair activities generally performed in tree planting, preservation and maintenance program.

Elements of tree technology as they relate to the assigned tree planting, preservation and repair activities.

Principles of supervision, training and performance evaluation.

Safe work practices.

Ability to:

Interpret and plan work from field trips and prepare plans for minor projects.

Keep records and make reports.

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

Communicate clearly and concisely, both orally and in writing.

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

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:

Four years of increasingly responsible experience performing tree maintenance, including one year of supervisory or lead responsibility.

Training:

Equivalent to 60 college units desirable, supplemented by specialized training in horticulture, personnel supervision and/or arboriculture subjects.

License or Certificate:

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

Possession of a Pesticide Applicator’s Certificate.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.
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.
BUYER
SENIOR BUYER

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 technical duties in the purchasing of supplies, materials and equipment in order to obtain maximum efficiency and economy in buying and utilizing materials, supplies, equipment, and services in order to support and enhance the delivery of City services; to supervise the storing inventorying, disposal and auction of obsolete and surplus equipment and supplies.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Buyer - This is the entry level in the professional Buyer series. Incumbents are responsible for purchasing a full array of supplies, materials, complex equipment and services. This class is distinguished from the Senior Buyer by the performance of the more routine duties assigned. Since this class is typically used as the entry class, employees may have only limited purchasing experience in governmental setting.

Senior Buyer - This is the full journey level class within the professional Buyer series. This class is distinguished from the Buyer by handling the more complex purchases, working independently and as required, supervising technical and/or support staff. Employees at this level receive only occasional instruction or assistance as unusual situations arise, and are fully aware of the procedures of the work unit.
SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Purchasing Officer or from management staff.

May exercise functional and technical supervision over clerical or technical staff.

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

ESSENTIAL FUNCTIONS:

Receive, examine and process purchase requisitions; check for correct ordering, accounting and departmental approval information; issue purchase orders.

Purchase all inventory office supplies; maintenance, repair and operating (MRO); complex, highly sophisticated equipment and services; solicit bids and proposals from vendors; select or recommend appropriate vendors.

Research and identify new sources for use in bidding; obtain bid and price information by mail, phone, fax, computer, or direct contact with vendors; negotiate with vendors on behalf of the City; interview and correspond with vendors regarding their materials, services, and products; ascertain whether vendors meet business license, insurance and other requirements of the City.

Assist in the development and achievement of division goals; assist in the development of and achievement of department goals; assist in implementing more effective procurement techniques.

Keep current on laws, regulations, ordinances, principles, practices and procedures for purchasing and application related to purchasing.

Prepare equipment, materials and services specifications and other necessary documents related to the purchase of supplies, equipment, services and materials.

Supervise the ordering, receiving, storing marking, issuing and inventory of supplies through the Purchasing Division’s Stores/Warehouse.
Essential Functions: (Continued)

Assist in the development and preparation of instructions and forms related to purchasing and stores.

Confer with departmental representatives to determine purchasing needs; coordinate with vendors and receiving departments regarding deliveries.

Maintain and prepare periodic reports, including warehouse inventory and monthly activity report. Prepare other reports when directed by the Purchasing Officer.

Assist in the development and review of purchasing procedures and methods.

Interpret and apply City purchasing policies and procedures.

Prepare price, quality and value comparisons in the evaluation of bids, materials, services and equipment needs.

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

Supervise the storing, inventorying, disposing of and accounting for the sale or disposal of goods and equipment.

Use a personal computer to create professional documents.

Prepare Council agenda staff reports and perform complex staff analyses.

Marginal Functions:

Make presentations to the City Council, committees and other groups as necessary.

Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Purchasing procedures and negotiation techniques in a government setting.
Knowledge of: (Continued)

Office and warehouse procedures and practices.

Principles of supervision, training and leadership.

Principles and practices of a central purchasing operation, including specification writing.

Materials, supplies and equipment typically used in municipal services and the sources for such products.

General laws and regulations applicable to bidding procedures and purchasing operations.

Understanding of Federal and State purchasing laws and requirements.

Storekeeping and warehousing methods and practices including inventory control procedures.

Budgeting procedures and techniques.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.

Advanced purchasing principles and techniques including multi-step procurement, life-cycle costing analysis, systems contracting and alternative procurement methods.

Management information systems including personal computers and associated hardware/software.

Ability to:

Supervise the purchase of a variety of supplies, materials, services and equipment.

With input from City departments, assist with the preparation of equipment, material and service specifications.

Prepare equipment and material specifications.
Ability to: (Continued)

Evaluate quality and price of products to judge suitability of goods and alternatives offered.

Prepare and administer a budget.

Develop new sources of supply.

Assist in analyzing, evaluating and modifying purchasing methods and procedures.

Supervise and train assigned staff.

Maintain accurate records and controls.

Make rapid and accurate arithmetical calculations.

Use modern office equipment and personal computers.

Present a positive, professional image.

Communicate effectively, both orally and in writing.

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

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:

Buyer

Experience:

Two years of increasingly responsible purchasing experience including one year purchasing supplies and equipment, inventory stock control or warehousing experience.

Training:

Equivalent to an Associate of Arts degree from an accredited college with emphasis in business administration, public administration, purchasing, materials management or a related field. Possession of a purchasing certificate may be substituted for the required education.

License or Certificate:

Possession of, or the ability to obtain, an appropriate, valid California Driver’s License.

Senior Buyer

Experience:

Four years of increasingly responsible complex purchasing experience, two years of which must include governmental purchasing. Experience must include the purchasing of a variety of services, the purchasing of repair and maintenance items, supplies and equipment, inventory stock control, or warehousing. Possession of a "Purchasing Certificate" from any state chartered purchasing association or accredited college may be substituted for one (1) year of the required experience.
Experience and Training Guidelines (Continued)

Training:
Equivalent to graduation from an accredited college or university with a Bachelor of Arts Degree in public administration, business administration, accounting, finance or a closely related field.

License or Certificate
Possession of a certificate as a Certified Purchasing Manager (CPM), Certified Public Purchasing Buyer (CPPB), or Certified Public Purchasing Officer (CPPO) is highly desirable.

Experience and Training Guidelines
Possession of, or ability to obtain, an appropriate, valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:
Office environment; occasional warehouse environment.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time.
COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/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

Under general direction from the Housing and Neighborhoods Division Manager, provides administrative and technical support to the Housing and Neighborhoods Program Office. Also initiates and maintains contact with property owners, residents, organizations and governmental entities involved in community development programs offered through the Housing and Neighborhoods Program Office.

DISTINGUISHING CHARACTERISTICS

Community Development Program Specialist I - This position is distinguished from the Community Development Program Specialist II by the performance of the more routine tasks and duties assigned to the position.

Community Development Program Specialist II - Employees within this class are distinguished from the Community Development Program Specialist 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. Positions in this class are flexibly staffed and are normally filled by advancement from the I level, or when filled from the outside, require prior work experience directly related to the area of assignment.

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

Essential Functions:

Provide administrative and technical support to the Housing and Neighborhoods Program Development Manager.

Assist in preparation of the division budget.

Assist in the preparation of annual reports and funding applications.

Provide statistical methodology for major projects.
Essential Functions: (Continued)

Coordinate informational seminars and workshops.

Prepare data and reports for citizen committees, primarily the Economic Development Loan Committee and Citizens Housing and Community Development Committee.

Assist in the marketing of community development programs administered through the Housing and Neighborhoods Program Office; write and prepare brochures and flyers, video tape segments, newspaper and magazine advertising copy.

Assist in monitoring Mortgage Revenue Bonds and other tax-exempt financing.

Monitor small-business loans, nonprofit organizations and other governmental entities for proper expenditures according to loan or grant agreements and Federal regulations.

Responsible for the implementation of the Affordable Housing Task Force and Housing Trust Fund.

Develop and maintain automated systems for compilation of economic data, housing data and participant files.

Monitor the low income benefit and the effectiveness of existing community development programs, and recommend the addition, expansion, or modification of programs and public outreach to respond to diverse and changing community needs.

Review and analyze proposals and make funding recommendations.

Advise prospective first-time home buyers about the availability of local, state and federal housing programs.

Prepare and/or update policies and procedures of existing community development programs.

Assist residents with relocation under the Housing Rehabilitation Program.

Assist with loan package preparation to applicants under the Small Business Loan Program.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Community Development Program Specialist I

Knowledge of:

Federal, State and local housing and community development programs and regulations.

Effective communication skills with a diversity of clients.

Technical report writing.

Basic statistical and record-keeping methods.

Principles and practices of basic small business operations.

Basic computer skills and operations.

Ability to:

Gather data and prepare recommendations

Prepare statistical charts, graphs and exhibits.

Foster cooperative working relationships with the general public.

Deal effectively with individuals from a variety of ethnic and socio-economic groups.

Prepare and present reports for public meeting and funding workshops.

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

Communicate clearly and concisely, both orally and in writing.

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.
Community Development Program Specialist II

In addition to the Desirable Qualifications for the Community Development Program Specialist I:

**Knowledge of:**

- Principles and practices of loan packaging and underwriting.
- Principles and practices of contract monitoring.
- Principles and practices of budget preparation and administration.
- Computer and software knowledge, including spreadsheets.

**Ability to:**

- Organize and implement comprehensive reports and community development programs.
- Interpret and apply Federal, State, and local policies, procedures, laws and regulations.
- Ability to analyze pro-formas and financial statements.

**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:

**FOR BOTH COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I AND II:**

**Education:**

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

**License:**

Possession of, or the ability to obtain, an appropriate and valid California driver’s license.
Experience: (Continued)

SPECIALIST I:

Two years of increasingly responsible experience in finance, community development, or related field. Familiarity with housing programs is highly desirable.

SPECIALIST II:

At least three years of increasingly responsible experience in finance, community development, or a related field with a minimum of one year in a community development or housing agency.

WORKING CONDITIONS

Environmental Conditions:

Both office and field environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition for walking, standing and sitting for prolonged periods of time.
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 wide variety of general and routing typing, clerical, receptionist and micrographic duties.

DISTINGUISHING CHARACTERISTICS

This is the entry level class in the Administrative Clerk series. This class is distinguished from the Administrative Clerk II by the performance of the more routine tasks and duties assigned to positions within the series including the performance of routine and repetitive typing. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

SUPERVISION RECEIVED AND EXERCISED

Receives immediate supervision from management, professional, technical or secretarial staff.

IMPORTANT RESPONSIBILITIES AND DUTIES MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

Essential Functions:

Receive incoming calls; route them to proper parties; take and transmit messages.

Place, receive and complete long distance calls.

Receive and greet visitors; provide information and assistance; direct them to proper personnel and locations.

Assure proper scheduling and training of relief operator.

Collect pamphlets and brochures for information packets.

Compute and type information for recovering of City losses.

Microfilm documents received; provide a duplicate copy should the original be damaged; clean and load microfilm cameras; complete necessary forms for micro-filming projects.
Essential Functions: (Continued)

Mix chemicals and operate film processor; load film in editing machines; splice and duplicate film.

Type letter, memorandums, reports or other material form oral direction, rough draft, copy, notes or transcribing machine recordings.

Search and retrieve material from files.

Post information on cards and records from well defined sources.

Maintain an accurate filing system.

Pick up, sort and distribute U.S. and inter-office mail; maintain related postage records to assure prompt mail delivery.

Meter out-going mail, prepare special mailings and perform related postage meter maintenance.

Marginal Functions:

Report phone and elevator malfunctions for proper repair.

Assist Mayor with visitors and schedules.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

English usage, spelling, grammar and punctuation.

Modern office procedures, methods and computer equipment.

Receptionist and telephone techniques.

Principles and procedures of record keeping.

Policies and procedures of the assigned department.

Basic math and accounting principles.

Basic work processing methods, techniques and programs.
Ability to:

Learn and correctly interpret and apply the policies and procedures of the function to which assigned.

Learn to operate a central incoming telephone call director.

Learn to operate office machines, postage meter and word processor.

Train relief receptionist.

Perform general clerical work including maintenance of appropriate records and compiling information for reports.

Type or work process at a speed necessary for successful job performance.

Understand and carry out oral and written directions.

Perform simple mathematical calculations.

Communicate clearly and concisely, both orally and in writing.

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

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:**

No experience is necessary.

**Training:**

Equivalent to completion of the twelfth grade.

WORKING CONDITIONS

**Environmental Conditions:**

Office environment; exposure to computer screens.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; operating various office equipment.
CUSTOMER SERVICES SUPERVISOR

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

DEFINITION:

To plan, coordinate and administer assigned sections of the Customer Services Division to include Utilities, Collections, Cashiering, and Business License.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from upper management staff.

Exercises direct supervision over technical and clerical staff.

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

Essential Functions:

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

Prepare and coordinate completed staff work in the areas of utilities, collections, cashiering, and business license operations.

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

Respond to requests for information and advise City Departments, governmental agencies, and the public of City utility, collections, cashiering, and business license policies.

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

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in intergovernmental meetings for the purpose of developing cooperative methods and practices.
Essential Functions: (Continued)

Confer with members of the public to respond to complaints and requests for information. Refer difficult cases to the Customer Services Specialist.

Assist in the development and implementation of utility, collections, and licensing systems and reporting procedures.

Review, develop, and modify collections and utility control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Marginal Functions:

Conduct fiscal analyses and studies.

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

Principles and practices of organization and public administration.

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

Laws regulating public utilities, collections, cashiering, or business license activities. Pertinent Federal, State, and local laws, codes, and regulations.

Budget procedures and techniques.

Mainframe and personal computer applications.

Methods and techniques of effective technical report preparation and presentation.

Ability to:

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.
Ability to: (Continued)

Interpret and apply complex rules, regulations, and policies.

Prepare and analyze technical and administrative reports, statements, and correspondence.

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

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:

Four years of increasingly responsible financial experience in a public or utility agency with emphasis in professional utility, collections, cashiering, or business license work; including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college in business administration, accounting, or a related field.

License:

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

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
SENIOR WASTEWATER TREATMENT PLANT 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

To operate, monitor and otherwise maintain the facilities of a wastewater treatment plant to ensure effective treatment of domestic and industrial wastewater; and to maintain discharge quality in accordance with State and Federal requirements.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Wastewater Treatment Plant Operator Supervisor.

Exercises technical supervision over plant operators and attendants.

DISTINGUISHING CHARACTERISTICS:

When required, may act as shift supervisor as defined by the State Water Resources Control Board, California Code of Regulations, Title 23: a certified operator who oversees and directs the operation or a phase of operation of a wastewater treatment plant during a specific work period and who reports to a supervisor or a chief plant operator.

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

Essential Functions:

Monitor the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

Make calculations to determine if plant is operating correctly and effectively; make necessary adjustments to maintain chemical balances and flow requirements; adjust treatment plant equipment to obtain maximum efficiency and treatment results.
Essential Functions: (Continued):

Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment.

Collect various water and sewage samples for laboratory tests; on occasion may perform some of the more routine laboratory analyses.

Inspect wastewater treatment plant equipment and facilities to locate needed repairs to various plant equipment; perform general plant maintenance work.

Inspect and maintain wastewater collection facilities; report all suspected problems; prepare maintenance requests.

Prepare daily treatment plant log sheets; identify equipment status and lab sampling schedules; submit daily log sheets for evaluation by City, State, and County agencies.

Conduct tours of the treatment plant to visitors, civic organizations and other interested parties.

May assign work and provide training to other wastewater treatment plant staff.

Monitor pump lift station and water computer for alarms; notify response team to correct problem; operate two-way radio to coordinate with lift stations.

May be required to work irregular shifts.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Principles and methods of bacteriological and chemical sewage analyses.
QUALIFICATIONS (Continued)

Knowledge of: (Continued):

Wastewater discharge requirements. Grit disposal unit.
Safe work practices.

Ability to:

Use and maintain self-contained breathing apparatus (safety mask) per annual physical examination.

Perform heavy manual labor, including but not limited to lifting and carrying seventy-five (75) pounds of weight, climbing, bending, stooping, etc.

Operate, repair, and maintain wastewater treatment plant equipment.

Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Take wastewater and sludge samples and perform some routine laboratory tests.

Diagnose operating problems and take effective courses of action.

Make independent technical decisions to maintain proper treatment process.

Keep records and maintain reports.

Understand and carry out oral and written instructions.

Train and supervise assigned staff.

Work irregular work shifts.

Communicate clearly and concisely, both orally and in writing.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.
Ability to: (Continued)

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:

Two years experience in wastewater treatment plant operations.

Training:

Equivalent to the completion of the twelfth grade.

License or Certificate

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

Possession of a valid Grade III certificate from the California State Water Resources Control Board.

WORKING CONDITIONS

Environmental Conditions:

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

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 75 pounds of weight, maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
CITY OF MODESTO
NO. 2630
LEGAL SERVICES ADMINISTRATOR

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 highly responsible, confidential and complex secretarial and administrative duties for the City Attorney; to supervise, coordinate, plan, and evaluate all clerical activities and staff of the City Attorney's Office; and to manage quality control of the City Attorney's Office work product including monitoring office systems, policies and procedures and administering the records system.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Attorney.

Exercises direct supervision over technical and clerical staff.

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

Essential Functions:

Perform a wide variety of complex, responsible and confidential secretarial and administrative duties for the City Attorney.

Interpret City policies, procedures, laws and regulations in response to inquiries and complaints; refer inquiries as appropriate.

Independently analyze problems, identify alternative solutions, provide guidance and instruction to the legal support staff as well as other City employees.

Analyze the Council Agenda and independently determine which documents shall be prepared by the City Attorney's Office.

Prepare and oversee the preparation and composition of certain complex documents required for adoption by the City Council.
Essential Functions: (Continued)

Serve as liaison to other departments, professional legal staff, clerical staff and other City employees; respond to inquiries and requests for assistance from other employees, citizens, and office staff.

Create word processing documents, calendar, and use other automated office equipment typical to a City Attorney's Office.

Independently respond to letters and general correspondence of a routine nature.

Take and transcribe dictation; type and assemble reports, manuals, newsletters and other materials and distribute to staff.

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

Implement new procedures for the legal support staff to follow, and occasionally, for other City employees to follow.

Research, compile and analyze data for special projects and various reports as needed by the City Attorney.

Confer with other City personnel regarding environmental issues, strategic planning, zoning, and other land use matters.

Conduct briefing sessions for various City employees on procedures relating to agenda items, contracts and subdivisions.

Analyze and prepare budget projections and the Proposed Budget for the City Attorney's Office.

Administer and control the City Attorney's Office Budget: directing purchases, payments, appropriation transfers, and evaluating status of the budget throughout each fiscal year.

Screen visitors and telephone calls; refer to appropriate person.

Conduct coaching sessions, prepare pay for performance standards, and prepare evaluations for each employee supervised.

Process contracts and subdivisions; check bonds and insurance requirements; coordinate with insurance representatives, attorneys and other departments.
Essential Functions: (Continued)

Initiate and maintain a variety of files and records for information related to the City Attorney's office; maintain manuals and update resource materials.

Direct, assist, and formulate the development of short and long range planning for the Office of the City Attorney; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Compose, prepare or supervise the preparation of technical and legal documents.

Commissioned notary public.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Legal terminology, forms, and procedures.

Accounting and bookkeeping procedures, City's budget adoption process, and city's purchasing procedures.

Functions and organization of municipal government.

Legal requirements for City Council agenda and City's internal agenda preparation process.

Various technical requirements used in the preparation of both resolutions and ordinances.

English usage, spelling, grammar and punctuation.

Word processing computer software, calendaring systems and other litigation support software.

Business letter writing and basic report preparation.

Principles and procedures of record keeping.
Knowledge of: (Continued)

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

CEQA requirements and City and State requirements for subdivision and other land use approvals.

Principles of supervision, training and performance evaluation.

Budgeting procedures and techniques.

Ability to:

Learn the organization and operating procedures of the City.

Assume a leadership role in the overall management and delivery of legal services by the City Attorney’s Office.

Interpret and apply administrative and departmental policies, procedures, laws and regulations.

Manage quality control of the City Attorney’s Office work product.

Work cooperatively with other departments, City officials and outside agencies.

Perform responsible and difficult secretarial work involving the use of independent judgment and personal initiative.

Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.

Prepare, compose, or oversee the preparation of accurate and appropriate required documents adopted by the Council.

Analyze situations carefully and adopt effective courses of action.

Analyze the Council Agenda in advance of the Council meeting to anticipate required documents.

Compile and maintain complex and extensive records and prepare reports.
Ability to: (Continued)

Maintain confidential data and information for executive staff.

Independently prepare correspondence and memorandums.

Perform word processing, systems calendaring, and to be creative and effective in coordinating implementation of document management technology.

Type and transcribe at a speed necessary for successful job performance.

Take and transcribe dictation at a speed necessary for successful job performance.

Work independently in the absence of supervision.

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

Prepare and administer a budget.

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

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

Experience:

Five years of increasingly responsible legal secretarial experience including one year of lead supervision.
Experience and Training (Continued)

Training:

Equivalent to completion of the twelfth grade supplemented by specialized secretarial course work.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time.
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 provide administrative and technical support to the Housing and Neighborhood Division of the Community Development Department; to perform research, statistical and other analytical work; and to fulfill other assignments in functional areas such as budget and financial accounting/monitoring and grant-related activities.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from a division manager.

May exercise technical and functional supervision over administrative staff.

DISTINGUISHING CHARACTERISTICS

This single position class is distinguished from the Community Development Program Specialist II by the performance of journey-level duties involving budgetary and financial responsibilities and providing administrative support to the Department in specific areas of responsibility including grant programs and budgeting.

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

Essential Functions:

Act as Budget Officer for the division; prepare and administer the division budget; manage the day-to-day fiscal operation and funding allocation; responsible for budget monitoring; responsible for gathering and compiling financial data for annual reports.

Undertake independent analysis, program development and research, making recommendations and preparing corresponding staff reports.

Coordinate preparation of required annual HUD grant applications, reports and documents; compile, analyze and prepare annual funding reports.
Essential Functions: (Continued)

Compile and analyze data and prepare annual reports including the Grantee Performance Report, Community Development Block Grant (CDBG) Application, HOME Application and Comprehensive Housing Affordability Strategy (CHAS).

Negotiate terms and conditions of contracts; administer and monitor contracts with various sub-contractors.

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

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications.

Attend various City Council, commission, board and other governmental meetings; prepare and present agenda items to the City Council.

Assist in marketing of community development programs administered through the Housing and Neighborhoods Office including writing and preparing brochures and flyers.

Monitor small-business loans, nonprofit organizations and other governmental entities for proper expenditures according to loan or grant agreements and Federal regulations.

Assist in packaging and underwriting loans under the Down Payment Assistance Program.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Federal, State and local housing and community development programs and regulations.

Effective communication skills with a diversity of clients.

Technical report writing procedures and grant proposal development.

Statistical methods and graphic presentation.
QUALIFICATIONS: (Continued)

Principles and practices of loan packaging and underwriting.

Principles and practices of contract monitoring.

Knowledge of:

Principles and practices of budget preparation and administration.

Computer and software knowledge, including spreadsheets.

Ability to:

Prepare and present completed staff reports including statistical charts, graphs and exhibits.

Deal effectively with individuals from a variety of ethnic and socio-economic groups.

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

Communicate clearly and concisely, both orally and in writing.

Estimate and project revenues and expenditures.

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

Ability to analyze pro-formas and financial statements.

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:

Education:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in finance, business or public administration or related field.
Experience and Training Guidelines: (Continued)

Experience:

At least four years of increasingly responsible experience in finance, community development, or a related field with a minimum of one year in a community development or housing agency.

License:

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

WORKING CONDITIONS:

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
CITY OF MODESTO
No. 3723

ASSISTANT BUYER

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 staff procurement, clerical and reception support services in the City's purchasing division; review purchase orders, purchase requisitions, bids, specifications, and invoices for accuracy and appropriateness; perform monitoring of contracts to ensure compliance with purchasing and related requirements; prepare and maintain a variety of purchasing related records, files, lists and forms; respond to inquiries and provide information regarding purchasing activities.

DISTINGUISHING CHARACTERISTICS

This is a para-professional bridge classification within the Buyer series designed to provide on-the-job training opportunities. Incumbents typically have appropriate specialized training with little or no job-related experience.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory or upper level management staff.

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

Essential Functions:

Review purchase requisitions for completeness and accuracy.

Solicit, calculate and evaluate bids for price and quality; assist in the preparation of bid specifications.

Monitor contracts for compliance, correcting any non-compliance bidding of services for annual contracts, and compiling of cost projections for budget purposes.

Coordinate blanket purchase order issuance, research of requests, evaluation of past usage, and contact of vendors for pricing and terms.

EXHIBIT K
Essential Functions: (Continued)

Project future pricing on frequently purchased items and services for budget preparation purposes.

Respond to inquiries and clarify information from departments regarding purchasing process, supplies, equipment, and problems with invoices and purchase requisitions.

Maintain vendor files; contact established sources of supply to obtain specifications and price quotations.

Maintain a variety of files, records, lists and manuals.

Type purchasing related forms, lists and reports as assigned.

Train users city-wide on the use of the Extended Purchasing System (EPS) for electronic requisition input and budget referral.

Marginal Functions

Perform other related duties as required.

QUALIFICATIONS

Knowledge of:

Principles, practices, methods, and techniques used in purchasing.

Materials, supplies, and equipment typically used in local government services.

Personal computers and related software.

General methods and practices of bookkeeping and financial and statistical record keeping.

Ability to:

Perform responsible purchasing activities in a local government environment.

Learn City purchasing procedures and appropriate government codes applicable to purchasing.
Ability to: (Continued)

Make arithmetic calculations with speed and accuracy. Perform statistical analysis.

Establish and maintain cooperative working relationships with both internal and external customers.

Communicate effectively, both orally and in writing.

Operate a computer, calculator, and other basic office equipment.

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:

Three years of progressively responsible experience performing directly-related purchasing, bookkeeping, and clerical functions.

Training:

Equivalent to completion of the twelfth grade, supplemented by specialized training, possession of a purchasing certificate or the completion of college level coursework in business administration, purchasing, materials management, or a closely related field.
License or Certificate:

Possession of, or the ability to obtain, an appropriate, valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasional warehouse environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time.
WORKERS' COMPENSATION CLAIMS EXAMINER I/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 claims adjusting work in support of the City's self-administered Worker's Compensation program; and to provide technical assistance to the Risk Management Office.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Workers' Compensation Claims Examiner I - This is the entry level class in the Workers' Compensation Claims Examiner series. This class is distinguished from the Workers' Compensation Claims Examiner II by the performance of the more routine tasks and duties assigned. When appropriate, incumbents may also perform the full scope of duties under close supervision. Since this class is typically used as a training class, employees may have only limited claims processing experience.

Workers' Compensation Claims Examiner II - This is the full journey level class within the Workers' Compensation Claims Examiner series. This class is distinguished from the Workers' Compensation Claims Examiner 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 procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direct supervision from higher level supervisory and management staff.

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

Essential Functions:

Review a variety of reports to determine proper action under workers' compensation laws and regulations, including accident and injury.

Serve as a technical resource interpreting laws, rules and regulations and advising internal customers.
Essential Functions: (Continued)

Adjust Workers' Compensation claims in accordance with applicable laws and regulations.

Establish and maintain monetary reserves to cover medical costs and projected compensation costs.

Initiate and review all payments on workers' compensation claims, including temporary disability and permanent disability payments in accordance with applicable laws and regulations.

Perform periodic review of assigned Workers' Compensation claims to assure proper and timely payments.

Respond to questions from injured workers, physicians, attorneys, insurance claims representatives, and others regarding assigned Workers' Compensation claims.

Contact public agencies, insurance adjusters, attorneys, claimants and City staff to obtain and provide claims information in the Workers' Compensation area.

Conduct special surveys and projects; analyze information and prepare various City, State and Federal reports.

Marginal Functions:

Perform general clerical duties as required.

Perform related duties and responsibilities as assigned.

QUALIFICATIONS

Knowledge of:

Workers' Compensation laws and benefit administration.

Basic principles of statistics and mathematics.

City, State and Federal record keeping procedures.

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Ability to:

Analyze and interpret a variety of medical and legal documents, procedures, policies, rules and regulations.
Ability to: (Continued)

Respond to the public tactfully and courteously.

Prepare permanent disability rating estimates.

Prepare clear and concise reports.

Maintain confidential records.

Communicate clearly and concisely, both orally and in writing.

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

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:

Workers' Compensation Claims Examiner I

Experience:

Two years of experience in the adjustment and evaluation of workers' compensation claims or a closely related field.

Training:

Equivalent to completion of the twelfth grade, supplemented by college level coursework in insurance, business administration, or a closely related field.

License or Certificate:

Possession of, or the ability to obtain, a valid California driver's license.
Workers' Compensation Claims Examiner II

Experience:

A minimum of four years of experience as a Claims Examiner.

Training:

Equivalent to completion of the twelfth grade, supplemented by college level coursework in insurance, business administration, or a closely related field.

License or Certificate:

Possession of a self-insurance plans certificate to administer workers' compensation claims issued by the State of California, Department of Industrial Relations.

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

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screen.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
ORGANIZATIONAL DEVELOPMENT SPECIALIST

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 design, plan and implement organization-wide initiatives, employee development programs and training classes for City employees; to coordinate activities with other City departments and the public; and to provide responsible and complex administrative support to the Personnel Director and Senior Executive Team.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Personnel Director.

May exercise technical and functional supervision over administrative staff.

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

Essential Functions:

Design, plan and implement organization-wide initiatives, employee development programs and training classes.

Develop and direct employee motivational programs that improve morale and employee relations, including the Recognition, Suggestion and Educational Partnership programs.

Design, plan and coordinate organization-wide events such as the Retirement and Recognition Banquet, the Management Forum, and others as directed.

Lead and participate in inter-departmental project teams; provide facilitation support to teams; instruct teams on team process skills and guide team development and productivity.

Confer with management and supervisory staff to determine training needs; develop course work and advise staff or contract instructors as they deliver training programs.

Review operating procedures, systems and services; recommend and implement changes.
Essential Functions: (Continued)

Maintain a system for tracking and reporting training participation in order to provide statistical data and monitor individual progress toward training goals.

Organize and prepare instructional materials utilizing available technology and multimedia equipment to enhance learning.

Advise management and supervisory staff on training methods and issues.

Prepare the training program budget; assist in budget implementation; participate in the forecast of additional funds needed for training materials and supplies.

Monitor training expenses; process check and cash advance requests.

Review contracts and trade materials relating to organizational and employee development and training.

Respond to questions from employees regarding training and mobility within the City structure.

Compose and type correspondence, agendas and reports; and maintain a variety of files and documents.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Effective organizational and employee development strategies and techniques.

City programs, policies, organization and practices.

Effective training techniques and learning processes.

Communication skills and interpersonal relations.

Principles and practices of budget preparation and administration.
Ability to:

Plan, organize and conduct training programs; prepare promotional materials for course work, advertise training schedules and encourage participation.

Make effective, tactful presentations to both individuals and public groups.

Analyze, evaluate and make recommendations for organization-wide initiatives, employee development programs and training classes.

Prepare written materials, manuals, handbooks, lesson plans, audio and visual aids such as charts, graphs, and diagrams.

Identify training needs; evaluate and modify training program as necessary.

Assist in accomplishment of City's goals and objectives.

Develop and maintain a relationship with trainers, facilitators, business and professional associations.

Prepare and administer the training program budget.

Communicate clearly and concisely, both orally and in writing.

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

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:

Three years of increasingly responsible experience in workplace training, employee development, organizational development, public speaking, or other managerial work.

Training:

Equivalent to a Baccalaureate Degree from an accredited college or university with major course work in education, communication or a related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
POLICE SUPPORT SERVICES SUPERVISOR

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

DEFINITION
Plan, organize and supervise the operations of a shift or unit of the Support Services Bureau, and to perform a variety of community relations, administrative and technical duties. Works a variety of shifts including days, evenings, weekends and holidays.

SUPERVISION RECEIVED AND EXERCISED
Receives direction from the Police Records Manager or other second level management staff. Exercises direct and indirect supervision over subordinate technical and clerical staff and community services officers.

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

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

Schedule personnel for shifts, including contacting off-duty employees to make necessary adjustments in shift schedules to fill vacancies, determining overtime needs and authorizing expenditure.

Supervise the training of employees in procedures, automated systems, and the use of equipment.

Recommend, coordinate and implement policy and procedures.

Participate in the development, supervision and maintenance of records and files necessary to the Police Records Section functions.

Investigate internal or citizen problems and complaints and respond in a manner resulting in appropriate resolution, and write reports related to the internal investigation of complaints.
ESSENTIAL FUNCTIONS: (Continued)

Manage, facilitate and mediate workplace conflict issues.

Review, implement and interpret operating procedures and make recommendations for revisions to procedure manuals and other training materials as necessary.

Maintain and coordinate updates of automated files for records management system.

Supervise the accountability of incoming fees.

Compile and edit various monthly and annual reports including statistical, internal and administration reports.

Work with other department personnel, city staff and the public in the areas of assigned functional responsibilities.

Monitor all statistical reporting to determine any discrepancies and correct them prior to public announcements or state reporting.

Act as Custodian of Records as assigned, including court appearances for both civil and criminal cases.

Marginal Functions:
Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training and performance evaluation.

Computer systems, including CLETS and Police network.

Principles and practices of office management, record keeping and scheduling.

Principles of police records, property/evidence management and maintenance.

Departmental rules and regulations and any governing MOU’S.
Knowledge of: (Continued)

Police methods and procedures related to patrol, traffic and investigative reporting, evidence requirements, documentation, and Identification work.

California Department of Justice policies, principles, codes, regulations and laws governing records management, and all federal requirements.

Criminal law with particular reference to the data needed for prosecution and recording of information, including rules of identification and evidentiary requirements, record keeping, computer entries and release of information.

A variety of additional codes, specifically Code of Civil Procedure, Government Code, Health and Safety Code, and Vehicle Code as they apply to duties within the division.

California Peace Officers Standards requirements of records and evidence, and identification.

Ability to:

Supervise, train, plan, organize and review the work of assigned staff.

Gather, assemble, analyze and evaluate facts and evidence.

Exercise independent judgment and make sound decisions in emergency situations.

Communicate clearly and concisely, both orally and in writing.

Handle simultaneous events effectively.

Operate computer equipment and other office equipment quickly and accurately.

Maintain attention to detail despite frequent interruptions.

Prepare and administer a budget.
Ability to: (Continued)

Work cooperatively with other departments, outside agencies and the public including the ability to resolve conflicts.

Compile and maintain complex and extensive records and prepare reports.

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:

Four years of increasingly responsible experience in a law enforcement agency performing technical support duties, including one year of supervisory or lead responsibility.

Education:

Equivalent to an Associate of Arts Degree in Business Administration, Behavioral Science, Criminal Justice or a related field.

License or Certificate:

Successful completion of a POST certified Supervisory course within one year of appointment.

Successful completion of the POST Records management course within two years of appointment.
WORKING CONDITIONS:

Environmental Conditions:
Office environment; exposure to computer screens.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.

Work Assignment:
Must be willing to work various shifts as assigned including weekends and holidays.
CITY OF MODESTO
No. 7161
No. 7162

COMMUNITY SERVICE OFFICER I
COMMUNITY SERVICE OFFICER 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 non-Peace Officer field and office law enforcement tasks including parking enforcement and traffic control, evidence and fingerprint collection, photography, non-injury traffic accident investigation, abandoned vehicle abatement, coordinating neighborhood watch activities, making public presentations, processing narcotics, taking telephone reports and providing general staff support to Police Department staff.

DISTINGUISHING CHARACTERISTICS

Community Service Officer I: This is the entry level class in the Community Service Officer series. This class is distinguished from Community Service Officer 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 or no directly related work experience.

Community Service Officer II: This is the full journey level class within the Community Service Officer series. Employees within this class are distinguished from Community Service Officer 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, demonstrate job proficiency, and train new Police Department employees. Positions in this class are flexibly staffed and are normally filled by advancement from the I level class after a minimum of 24 months and a proficiency standards rating. (Flexing may occur after 12 months, with two years directly related experience in another law enforcement agency.)

SUPERVISION RECEIVED AND EXERCISED

Community Service Officer I: Receives immediate supervision from sworn and non-sworn police supervisory staff.

Community Service Officer II: Receives general supervision from sworn and non-sworn police supervisory staff.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Duties may include, but are not limited to, the following:

Essential Functions:

Write a variety of reports relating to assigned area of responsibility.

Direct traffic at special events, fire, crime and accident scenes and signal outages.

Testify in court.

Recover stolen vehicles when found unattended.

Observe and report hazardous conditions, obstructions to traffic, and other emergencies.

Patrol city streets and enforce parking laws and regulations applicable to non-moving vehicles and issue citations.

Identify and tow abandoned vehicles as authorized.

Collect, receive, and store property and evidence according to prescribed procedures.

Photograph crime scenes, victims, evidence and property.

Process crime scenes and evidence for fingerprints; analyze evidence and fingerprints.

Serve as court and District Attorney liaison; assemble reports; maintain files, subpoenas, citations, warrants, logs, permits and a variety of other documents; submit information to other agencies and departments as necessary.

Coordinate scheduled court appearances for department personnel; maintain records and statistics; process court papers and serve subpoenas.

Serve as a liaison between the Department and the public; coordinate and publicize a variety of events and programs including National Night Out, neighborhood watch activities, public awareness programs; conduct neighborhood security checks; coordinate "McGruff The Crime Dog" appearances and tours of the Department.

Respond to questions from the public regarding law enforcement activities and Community Oriented Policing.

Contact the public in person and via telephone to take a variety of reports where there are no suspects including, but not limited to, runaways, missing persons, fraud, theft, vandalism, burglary and auto theft.
Essential Functions:
Search prisoners.
Perform clerical and data entry functions as required.

Marginal Functions:
Perform other related duties as assigned.

QUALIFICATIONS

Community Service Officer I

Knowledge of:
Basic personal computer operations.
Basic organization and functions of a municipal law enforcement agency.
Procedures and work methods required to perform the full range of assigned duties safely and efficiently.
Procedures and techniques for dealing with the public in a tactful but firm manner.
Techniques of photography and fingerprinting.
Modern office procedures, practices and equipment.

Ability to:
Learn to interpret and apply pertinent laws, codes and regulations with impartiality and efficiency.
Think and act quickly in emergency situations.
Prepare and maintain accurate and grammatically correct written reports and records.
Understand and carry out oral and written directions.
Establish and maintain cooperative working relationships with coworkers and the public.
Communicate clearly, accurately, and concisely, both orally and in writing.
Deal with the public in general and in difficult work situations.
Ability to: (Continued)

Read maps and learn the city’s geography.

Use sound judgment in decision making.

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.

Community Service Officer II

In addition to the qualifications for Community Service Officer I:

Knowledge of:

The structural organization of the Police Department and it’s Chain of Command; department policies and procedures; police staff; and location of all police facilities.

Proper principles, practices, methods and techniques of photography and fingerprinting.

Proper principles, practices, methods and techniques of evidence collection, packaging, storage and preservation; safety procedures for blood and biological evidence.

City services, organization and geographic layout, including location of facilities, offices, city boundaries, major streets and beat alignment.

Police radio 10-code, and codes and ordinances frequently used on the radio.

Ability to:

Enforce all laws, codes and ordinances applicable to Community Service Officers.

Operate manual and automatic cameras with all film mediums to photographically preserve evidence; select appropriate fingerprinting processes, powders or chemicals to develop prints; collect identifiable latent and inked finger and palm prints; accurately and completely document photo and fingerprint evidence.
Community Service Officer II (Continued)

Ability to: (Continued)
Identify and collect evidence after complete documentation, and maintain a chain of custody.

Complete traffic accident investigations according to department regulations, including assessing involved persons for medical response, maintaining a safe scene and clearing it, preparing an accurate written report with correct DMV interpretation, and a diagram.

Formally train new employees utilizing knowledge, skill, experience and enthusiasm: effectively explain policies and procedures; demonstrate tasks and equipment operation consistent with department proficiency standards; provide constructive criticism and feedback; complete written documentation of the new employee's progress and level of performance.

Organize, coordinate and make public presentations.

Perform all assigned duties with little or no supervision; demonstrate leadership and problem solving abilities; understand and practice officer safety techniques.

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:

Community Service Officer I

Experience:
One year of experience dealing with the public in an enforcement, inspection, investigation or customer service capacity. Experience including the enforcement of municipal codes is highly desirable.

Training:
Equivalent to the completion of the twelfth grade.

License or Certificate
Possession of a valid California driver's license at the time of appointment.
Community Service Officer II

Experience:

Two years of experience as a Community Service Officer I in the City of Modesto,

OR

Two years of experience as a Community Service Officer in another police agency, and one year of experience as a CSO I in the City of Modesto.

Training:

Equivalent to the completion of the twelfth grade.

Any formal photography, fingerprint, traffic accident investigation, FTO course, report writing, crime prevention, or other law enforcement training classes are desirable, but not required.

License or certificate:

Possession of a valid California driver’s license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 75 pounds of weight, maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

Work Assignment:

Required to work evenings, weekend and holidays, with rotating shifts.
HAZARDOUS MATERIALS PROGRAM COORDINATOR

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

DEFINITION

To conduct investigations, inspections, and site mitigations in the enforcement of the City Fire Code and hazardous materials regulations, and to perform other related duties as required.

SUPERVISION RECEIVED

Receives supervision from the Fire Marshal.

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

Essential Functions:

Inspect hazardous material handling facilities to ensure compliance with material storage, underground tank, and sanitation codes.

Respond to complaints and/or emergency incidents to assess the health or safety risks, and take action to mitigate the hazards.

Act as technical hazardous material environmental compliance expert/coordinator for City staff; provide employee training.

Identify industries which produce or use hazardous materials, or operate underground storage tanks.

Regulate the installation, removal, or modification of underground storage tanks to ensure compliance with applicable laws and regulations.

Conduct environmental survey, assessments, field investigations, monitoring programs, data collection, chemical testing, and sampling. Assess the degree of contamination of hazardous waste sites; coordinate follow-up of abatement and mitigation activities.

Review and approve Hazardous Material Business Plans for proper inventory of chemicals, emergency preparedness plans, and training components.
Essential Functions: (Continued)

Prepare legal complaints and draft compliance orders, summaries, and reports for legal action by the City or District Attorney’s Office.

Review construction, assessment, and mitigation plans for compliance with Hazardous Material Codes, standards and policies.

Conduct environmental impact review analysis as part of the CEQA process for selected city and development projects.

Provide legislative review and analysis applicable to fire, environmental, and hazardous materials compliance laws and regulations.

Develop, initiate, and monitor cost recovery for hazardous material incidents.

Marginal Functions:
Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Environmental and hazardous materials management techniques.

State and Federal laws and regulations governing hazardous material use, storage and management.

Methods and procedures used in investigating, inspecting, identifying and correcting hazardous conditions, emergency preparedness, toxicological, personal protection, risk assessment and risk mitigation.

Ability to:

Plan, organize, and conduct research, analysis, and data evaluation, and make recommendations based on findings.

Prepare clear and concise reports.

Consult with and instruct others individually or in a group setting.
QUALIFICATIONS (Continued)

Ability to:

Establish and maintain effective relationships with staff, other governmental agencies, and the public.

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:

Three years of field experience in Environmental Health; or

Three years of experience in Environmental Management with one year of experience in hazardous materials regulation.

Training:

 Possession of a Bachelor's Degree from an accredited college or university with a major in chemistry, biology, toxicology, or environmental health.

License or Certificate

Possession of a valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

Field and office environment; may work with hazardous materials; work on slipping or uneven surfaces.
Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, or sitting for prolonged periods of time; operating motorized equipment and vehicles.
Class specifications 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 physical, chemical, biological, bacteriological or some instrumental analyses on water, wastewater, industrial waste, storm waters, receiving waters, sludges and environmental samples. Samples may be analyzed for process control, regulatory compliance, public health, litigation, investigations or other studies as required.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Laboratory Analyst I - This is the entry level class in the Laboratory Analyst series. Incumbents are responsible to evaluate, archive and report by manual or electronic means all data obtained from the analyses performed. This class is distinguished from the Laboratory Analyst II by the performance of the more routine duties assigned. Since this class is typically used as a training class, employees may have only limited experience in the required laboratory analysis.

Laboratory Analyst II - This is the full journey level class within the Laboratory Analyst series. This class is distinguished from the Laboratory Analyst 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 procedures and protocol of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from and reports to the Laboratory Manager.

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

Analyses of drinking water, wastewater, industrial waste waters, sludges, receiving waters, treatment processes, or environmental samples as directed for the following:

- Microbiological analyses such as total coliform, fecal coliforms, e.coli, MPN coliform testing, membrane filtration techniques, heterotrophic plate count, speciation of gram negative bacteria, gram stain, water suitability, toxic residues, sterility, microscopic examinations, or other analyses as required.

- Physical analyses such as pH, temperature, conductance, total dissolved solids, total solids, total volatile solids, suspended solids, volatile suspended solids, % moisture, % solids, % volatile solids, settleable solids, density, brix or other analyses as required.

- Chemical analyses by manual or instrumental means such as alkalinity, dissolved oxygen, calcium, hardness, volatile acids, grease and oil, oxygen demand, chlorine residual, chloride, etc.

- Biochemical analyses such as B.O.D., chlorophyll, or bio-toxicity.

Operate equipment including pH meters, conductivity meters, D.O. meters, balances, water baths, ovens, furnaces, burets, pipettes, incubators, autoclaves, distillation units, digestion units, UV-Vis spectrophotometer, calculators, computers, or other laboratory instrumentation as required.

Collect field samples using proper procedures for sampling, sample handling, chain of custody requirements, laboratory or field analyses of samples.

Perform research activities including the development and the implementation of new test procedures.

Research and advise staff on equipment purchases, write specifications or justifications and order material or services for the laboratory.

Maintain laboratory records, prepare laboratory documentation and agency reports using manual or electronic means.
Essential Functions: (Continued)

Clean, maintain, and care for equipment, materials, and the laboratory environment in a safe, efficient, effective and conservative manner.

Marginal Functions:

Train laboratory personnel, treatment plant and field personnel and outside agencies in laboratory procedures, sampling, and sample handling.

Develop and implement new test procedures as required.

May write computer programs to automate reports.

Perform other duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of chemistry, biology, physics, and related sciences as they pertain to water/wastewater treatment and environmental science.

Principles of mathematics and statistics used for laboratory and field calculations.

Laboratory safety; appropriate use, care, and maintenance of various equipment used in the laboratory setting.

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

Basic computer operation.

Ability to:

Learn procedures and materials used in chemical, biochemical, bacteriological, physical and instrumental analyses.

Operate laboratory equipment and understand use of materials.

Analyze data and draw sound conclusions.

Understand and carry out oral and written instructions.
Ability to: (Continued)

Communicate in a clear, concise, and appropriate manner both orally and in writing.

Maintain the laboratory environment at an appropriate level.

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

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:

Laboratory Analyst I

Experience:

Experience in the water quality field or in a laboratory environment conducting chemical analyses is desirable.

Training:

Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.
Laboratory Analyst I

License or Certificate:

Possession of a Grade I Laboratory Analyst Certificate, issued by the California Water Environmental Association is required within one year of date of appointment. Failure to obtain this certificate will constitute grounds for dismissal from City service.

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

Laboratory Analyst II

Experience:

A minimum of one year of laboratory experience in conducting chemical analyses related to the water quality field.

Training:

Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.

License or Certificate:

Possession of a Grade II Laboratory Analyst Certificate issued by the California Water Environmental Association.

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

WORKING CONDITIONS

Environmental Conditions:

Laboratory environment; exposure to potentially hazardous chemicals; work in or with water and wastewater.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; manual dexterity and the ability to distinguish color.
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 collect and analyze the more complicated chemical, biochemical, and bacteriological analyses of water, wastewater, and related solids and liquids, relevant to the operation of wastewater treatment and potable water systems; monitor, maintain and recommend improvements to the Laboratory's quality assurance/quality control programs; plan, organize, direct, and review the work of the subordinate laboratory staff; obtain and renew necessary laboratory procedure certifications; perform related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent. Exercises direct supervision over subordinate laboratory personnel.

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

Essential Functions:

Provides direction and supervision to staff; recommends selection of staff.

Reviews work performed and adjusts to schedules and available resources.

Provides for staff training and professional development.

Evaluates employee performances and conducts performance reviews.

Assists upper level management in the operation and organization of the laboratory and coordinates laboratory services to other divisions.

Develops and writes procedures for analytical laboratory methods.

Maintains and requisitions laboratory supplies and equipment.
Essential Functions: (Continued)

Develops and writes analytical laboratory procedures; instructs laboratory staff in performing all laboratory analyses.

Prepares reports to Federal, State, and Local agencies; maintains up-to-date knowledge of these agencies' regulations pertaining to laboratory, water quality, and wastewater discharge.

Recognizes, corrects, and reports safety hazards.

Uses personal computer to perform word processing, spreadsheet, and specialized functions.

Participates in budget preparation.

Marginal Functions:

Performs routine and non-routine chemical, biological, and microbiological laboratory analyses.

Performs the more technically complex laboratory tasks.

Collects routine and non-routine samples.

Trains laboratory staff and other staff in sample collection, as required.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern management principles and practices.

Principles and practices of water/wastewater laboratory operations, maintenance, and management.

Principles of chemistry, physics, biology, and microbiology.

Standard approved laboratory practices and procedures.

Laboratory safety.
Knowledge of: (Continued)

Mathematics required in a water and wastewater treatment laboratory.

Wastewater and water treatment processes.

Use of laboratory equipment.

Compilation and evaluation of laboratory data, and writing clear and accurate reports.

Applicable legal and regulatory codes and laws.

Effective communication techniques.

Ability to:

Cooperate and communicate effectively with other City employees, persons from other agencies, and the public.

Effectively plan, direct, and review the work of others.

Perform careful and accurate laboratory analyses and act on results as is appropriate.

Manage and communicate data using verbal, written, and electronic formats.

Work within City safety standards.

Make sound decisions regarding the proper operation of the laboratory.

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:**

Three years of laboratory analyses experience performing chemical, biological, or microbiological analyses or three years in water/wastewater laboratory operations, including one year in a supervisory capacity.

**Training:**

Possession of a Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a closely related field.

**License or Certificate**

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

Must possess a Grade III Laboratory Analyst Certificate issued by the California Water Environmental Association within one year from date of appointment.

**WORKING CONDITIONS**

**Environmental Conditions:**

Laboratory environment; exposure to potentially hazardous chemicals; work in or with water and wastewater.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; manual dexterity and the ability to distinguish color.
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.
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 seventy-five (75) 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.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-568

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 97-375 TO APPROVE A REVISED CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO APPROVE A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES. (JOB AUDIT - PHASE II)

WHEREAS, by Resolution No. 97-375, effective June 24, 1997, the City Council granted a salary increase to Management And Confidential Employees, Including Council Appointees, and

WHEREAS, pursuant to the Ralph Andersen and Associates Study, Phase II, the City Council desires to amend Exhibit "A" of Resolution No. 97-375, and

WHEREAS, Exhibit "A" of Resolution No. 95-26, approving a revised class range table for General Non-Sworn Classes, has been previously amended by Resolution Nos. 95-349, 95-449, 96-328, 97-116, 97-241, 97-310, 97-412, 97-495, and

WHEREAS, pursuant to the Ralph Andersen and Associates Study, Phase II, the City Council desires to further amend Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 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 September 30, 1997, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" changes the salary range for the following:

- **Buyer** from Range 428 to Range 424
- **Customer Services Supervisor** from Range 420 to Range 428
- **Deputy City Attorney I/II** from Range 435/439 to Range 437/441
- **Senior Deputy City Attorney I/II** from Range 441/448 to Range 443/449
- **Assistant City Attorney** from Range 452 to Range 453
- **Assistant Civil Engineer** from Range 433 to Range 434
- **Assistant Traffic Engineer** from Range 433 to Range 434
- **Associate Civil Engineer** from Range 439 to Range 440
- **Associate Traffic Engineer** from Range 439 to Range 440
- **Senior Civil Engineer** from Range 446 to Range 447
- **Traffic Engineer** from Range 446 to Range 447
- **Systems Analyst** from Range 430 to Range 431
- **Water Quality Control Superintendent** from Range 444 to Range 446
- **Budget Officer** from Range 435 to Range 438
- **Financial/Investment Officer** from Range 435 to Range 438

Said amended Exhibit "A" adds the following:

- **Legal Services Administrator** at Range 427
- **Senior Buyer** at Range 428
- **Workers’ Compensation Claims Examiner I/II** at Range 420/424
Organizational Development Specialist at Range 433

Police Support Services Supervisor at Range 423

Laboratory Manager at Range 433

Said amended Exhibit "A" deletes the following:

Legal Services Supervisor

Workers' Compensation Claims Examiner

Training Coordinator

Laboratory Supervisor

Parks Construction Supervisor I

Said amended Exhibit “A” reflects a title change for the following positions:

Public Works Supervisor from Public Works Supervisor I

Parks Maintenance Supervisor from Parks Maintenance Supervisor I

Trees Maintenance Supervisor from Trees Maintenance Supervisor I

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995", attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective September 30, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" changes the salary range for the following:

Senior Wastewater Treatment Plant Operator from Range 123 to Range 125

Said amended Exhibit "A" adds the following:
Assistant Buyer to Range 119
Senior Community Development Program Specialist to Range 131
Community Service Officer I/II to Range 115/119
Hazardous Materials Program Coordinator to Range 130
Laboratory Analyst I/II to Range 120/124
Water Distribution System Operator to Range 116

Said amended Exhibit "A" deletes the following:

Community Service Officer
Hazardous Materials Inspector
Laboratory Technician
Assistant Laboratory Technician
Meter Reader/Repair Worker
Water Lineworker

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after September 30, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill, Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Effective September 30, 1997

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<td>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>
<td>413</td>
<td>Senior Personnel Clerk</td>
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<tr>
<td></td>
<td>Administrative Technician (Confidential)</td>
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<td>414</td>
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<td>415</td>
<td>Secretary</td>
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<td>417</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></td>
<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>
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<td></td>
<td>Legal Services Technician</td>
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<td></td>
<td>Deputy City Clerk</td>
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<td>Executive Secretary</td>
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<td></td>
<td>Systems Technician</td>
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<td>Workers' Compensation Claims Examiner I</td>
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</table>
Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Custodian Supervisor
   Police Support Services Supervisor

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

425 Administrative Analyst I
   Executive Assistant

426 Stores Manager

427 Events Supervisor
   Legal Services Administrator

428 Parks Maintenance Supervisor
   Airport Maintenance Supervisor
   Trees Maintenance Supervisor
   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
   Social Services Program Supervisor

431 Administrative Analyst II
   Affirmative Action Officer
   Personnel Analyst
   Assistant Risk Manager
   Recycling Program Coordinator
   Senior Budget Analyst
   Systems Analyst

432 Plant Mechanic Supervisor
   Recreation Supervisor II
   Senior Accountant
   Youth Program Supervisor
   Industrial Waste Supervisor
433  Organizational Development Specialist
     Laboratory Manager

434  Senior Programmer Analyst
     Electrical Supervisor
     Engineering Systems Manager
     Sr. Housing Rehab. Specialist
     Secondary Treatment Site Supv.
     Operations Supervisor
     Arborist
     Land Surveyor
     Equipment Maintenance Supervisor II
     Systems Manager
     Assistant Civil Engineer
     Assistant Traffic Engineer

435  Management Analyst
     Senior Personnel Analyst
     Administrative Services Officer
     Integrated Waste Specialist
     Business Analyst
     Cultural Services Manager

436  Senior Planner

437  Deputy City Attorney I

438  Asst. Water Quality Control Supt.
     Transportation Planner
     Housing Program Supervisor
     Parks Planning and Development Manager
     Communications and Marketing Manager
     Property Agent
     Budget Officer
     Financial/Investment Officer

439

440  Purchasing Officer
     Associate Civil Engineer
     Associate Traffic Engineer
<table>
<thead>
<tr>
<th>Class Range Table</th>
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<tr>
<td>Management and Confidential Non-Sworn Class</td>
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<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 | |
| 449 | Sr. Deputy City Attorney II |
Class Range Table
Management and Confidential Non-Sworn Class
Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452

453 Assistant City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 101  | Custodian I  
      | Maintenance Aide |
| 103  | Administrative Clerk I |
| 104  | |
| 105  | |
| 106  | |
| 107  | Administrative Clerk II  
      | Animal Control Officer I  
      | Custodian II |
| 108  | |
| 109  | Police Clerk |
| 110  | Maintenance Worker I  
      | Equipment Service Worker I |
| 111  | Account Clerk  
      | Animal Control Officer II  
      | Evidence & Property Specialist |
| 112  | |
| 113  | Computer Operator  
      | Administrative Technician  
      | Drafting & Graphics Technician |
| 114  | Electrical Technician I  
      | Storeskeeper  
      | Maintenance Worker II  
      | Equipment Service Worker II |
| 115  | Accounting Technician  
      | Planning Technician I  
      | Wastewater Treatment Plant Attendant  
      | Community Service Officer I  
      | Assistant to the Events Coordinator  
      | Code Enforcement Officer I |
Class Range Table
General Non-Sworn Classes

Page 2

116 Equipment Operator
    Fire Prevention Technician I
    Motor Sweeper Operator
    Traffic Technician
    Traffic Painter
    Traffic Sign Worker
    Wastewater Collection System Operator
    Water Distribution System Operator

117 Electrical Technician II
    Storm Water Inspector

118 Fleet Procurement Specialist
    Senior Storeskeeper
    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
<table>
<thead>
<tr>
<th>Class</th>
<th>Title</th>
</tr>
</thead>
</table>
| 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   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Spec. II  
       | Hazardous Material Program Coordinator  
       | Senior Crime Analyst |
| 131   | Sr. Civil Engineering Asst.  
       | Sr. Community Development Program Specialist |
Class Range Table
General Non-Sworn Classes
Page 4

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133

134
Senior Building Inspector
Senior Construction Inspector
Fire Plan Checker
Plan Review Engineer
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND SEND TO SAAG THE CMP ANNUAL SELF-CERTIFICATION CHECKLIST FOR 1996/97

WHEREAS on July 1, 1992 the Stanislaus County Congestion Management Program (CMP) became effective.

WHEREAS one of the requirements of the CMP is an Annual Self-Certification Checklist demonstrating the City's compliance with the CMP.

NOW, THEREFORE, BE IT RESOLVED that the execution of said Checklist by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-570

A RESOLUTION SUPPORTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATION TO REDESIGNATE THE SAN FRANCISCO BAY AREA

WHEREAS, the San Joaquin Valley is heavily impacted by transported pollutants from the San Francisco Bay Area, and

WHEREAS, according to the California Air Resources Board, transported pollutants from the San Francisco Bay Area are responsible for 27% of the ozone concentration in the northern portion of the San Joaquin Valley, and are solely responsible for certain exceedances of the National Ambient Air Quality Standard in the northern portion of the San Joaquin Valley, and

WHEREAS, transported pollutants from the San Francisco Bay Area affect the attainment status of the San Joaquin Valley, and

WHEREAS, a nonattainment designation or an upgraded nonattainment status can have a serious economic impact on business, industry and the public, and

WHEREAS, it is unreasonable to impose the entire burden of emission reduction upon the San Joaquin Valley, where emissions from within the district can be insufficient to cause an exceedance of the National Ambient Air Quality Standards in the absence of the contribution from transported pollutants, and

WHEREAS, it is unreasonable to inflict such a heavy economic burden upon business, industry and the public in a downwind affected district where transported pollutants...
from an upwind air district overwhelmingly contribute to the pollution inventory in the
downwind air district, and

WHEREAS, transported pollutants impose a great impact upon environmental
quality and public health in the San Joaquin Valley, and

WHEREAS, transported pollution from the San Francisco Bay Area should be
considered when determining its attainment status, and

WHEREAS, the U.S. Environment Protection Agency classified the San
Francisco Bay Area as an attainment area in 1995, despite the fact that it has been classified by
the California Air Resource Board as being an overwhelming contributor to pollutants in the San
Joaquin Valley, and

WHEREAS, since being designated as an attainment area in 1995, the San
Francisco Bay Area has exceeded the National Ambient Air Quality Standard 43 times, resulting
in 17 violations of federal law, and

WHEREAS, the Bay Area's attainment status has relieved it from many of the
onerous and burdensome requirements that are imposed upon the San Joaquin Valley, despite the
fact that the Bay Area is an upwind contribution of pollutants to the San Joaquin Valley, and

WHEREAS, it is essential that the U.S. Environmental Protection Agency
recognize and respond to the tremendous inequities that exist under a system that allows an
upwind air district to be found in attainment by placing a significant burden of emission
reduction upon downwind air districts, and
WHEREAS, on August 21, 1997, the U.S. Environmental Protection Agency recommended that the San Francisco Bay Area be redesignated as a nonattainment area,

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the U.S. Environmental Protection Agency be commended for and fully supported in its August 21, 1997, recommendation to redesignate the San Francisco Bay Area as a nonattainment area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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. 97-571

A RESOLUTION OPPOSING 1998 BALLOT INITIATIVE
ENTITLED "GOVERNMENT COST SAVINGS AND
TAXPAYERS PROTECTION AMENDMENT".

WHEREAS, every day billions of dollars of critical building, engineering and
design projects are underway from seismic retrofitting to flood control to schools and
hospitals, and

WHEREAS, state, regional and local governments are currently allowed the
flexibility to contract with private firms, on a competitive basis, to design these projects, and

WHEREAS, this process allows government the essential flexibility to use
private firms to deliver a project on time and cost effectively, and

WHEREAS, the so-called "Government Cost Savings and Taxpayers Protection
Amendment" completely changes the process by giving the state bureaucracy a virtual
monopoly on designing every project, and

WHEREAS, this will thereby force cities, counties, schools, special districts,
regional governments and even many private businesses to use the state bureaucracy to design
roads, parks, hospitals, health clinics, schools, water treatment facilities, flood control walls
and other critical structures -- including all engineering, design, geological and environmental
work, and

WHEREAS, virtually every school and hospital has been designed by private
firms, not state government, and
WHEREAS, the proposed initiative eliminates local control and forces communities to rely on the out-of-town bureaucracy for their design work, and

WHEREAS, local governments would not be able to hold the state bureaucracy accountable, and

WHEREAS, the initiative gives one state politician enormous power to decide who gets tens of thousands of design and building projects worth billions of dollars, and

WHEREAS, the state controller would have to analyze tens of thousands of proposed contracts per year costing taxpayers hundreds of thousands of dollars, if not millions, in additional expenses, and

WHEREAS, to meet potential workload demands, hundreds, if not thousands of state employees would need to be employed and paid, even if no projects were underway, and

WHEREAS, taxpayers would pick up the tab for billions in extra costs for projects, lost jobs and more state employees to evaluate projects, and

WHEREAS, this could mean more delays on important projects such as the Bay Bridge retrofit and the Alameda Rail Corridor in Los Angeles County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby opposes the so-called “Government Cost Savings and Taxpayers Protection Amendment” that will cost our cities, counties, special districts and economy millions and we support the efforts of the growing coalition of Taxpayers Fed Up With More State Bureaucracy (Fed Up)!. 
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___7th___ day of ___October___ , 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ___Michael Milich___

MICHAEL D. MILICH, City Attorney
A RESOLUTION DESIGNATING THE PACIFIC TELEPHONE BUILDING AT 1012 11TH STREET AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: BRADLEY HAWN, ET AL.)

WHEREAS, Chapter 10 of Title IX 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 September 15, 1997, 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. 97-9, that the Pacific Telephone Building at 1012 11th Street is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and the current adaptive uses are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on October 14, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Pacific Telephone Building at 1012 11th Street 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 1012 11th Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Pacific Telephone Building at 1012 11th Street has architectural and historical significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architectural significance as a Renaissance Revival building of the downtown of 1992. It is in fine condition.

2. Historical significance as the second home of the Pacific Telephone Company in Modesto, at a time when manually operated switchboards and operator-assisted calls were the current state of technology.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
PACIFIC CENTER OFFICE BUILDING

1012 11th Street

Modesto, California

APN 105271452

EXHIBIT A

Legal Description:

The northwesterly 13 feet of lot 21 and all of lots 22 and 23 in block 35 of the City of Modesto, as per map filed December 21, 1942 in volume 15 of maps, Stanislaus County records.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-572-A

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 5) FOR THE PACIFIC TELEPHONE BUILDING AT 1012 11TH STREET, LANDMARK SITE NO. 39, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO.

(OWNERS: BRADLEY HAWN, ET AL.)

WHEREAS, Bradley Hawn, et al., owners of the Pacific Telephone Building at 1012 11th Street applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on September 15, 1997, and

WHEREAS, Chapter 10 of Title IX 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 the Pacific Telephone Building at 1012 11th Street, 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 September 15, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 5, by Resolution No. 97-10, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Pacific Telephone Building at 1012 11th Street, and

WHEREAS, after a public hearing held on October 14, 1997, 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 Pacific Telephone Building at 1012 11th Street, 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. 5) for the Pacific Telephone Building at 1012 11th Street 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 14th day of October, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

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 BUILDING PERMIT/LAND USE SOFTWARE AND RELATED INSTALLATION FOR THE COMMUNITY DEVELOPMENT DEPARTMENT’S DEVELOPMENT SERVICES DIVISION

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing building permit/land use software and related installation for the Community Development Department’s Development Services Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 10, 1997 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 14th day of October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
A RESOLUTION REJECTING BIDS FOR THE EIGHTH STREET/MID LATERAL NO. 4 CANAL EXTENSION, OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 16, 1997, AND DIRECT PUBLIC WORKS AND TRANSPORTATION TO REDESIGN THE CANAL EXTENSION

WHEREAS, bids received for Eighth Street/MID Lateral No. 4 Canal Extension, were opened on September 16, 1997; and

WHEREAS, during the bid evaluation process, staff was informed by the California Department of Transportation that State Highway 132 will be improved during 1998, necessitating realignment of the Kansas/Needham over­crossing to align with the improved State Route 132; therefor staff recommends bids be rejected and redesign of the project specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Eighth Street/MID Lateral No. 4 Canal Extension, opened in the office of the City Clerk on September 16, 1997, 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 October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-575

A RESOLUTION ACCEPTING THE PROJECT TITLED "PAVEMENT REHABILITATION - TAXIWAY C & E SLURRY SEAL AND GENERAL AVIATION APRON SEAL COST - AIP PROJECT NO. 3-06-0153-16, 17, AND 18" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Pavement Rehabilitation - Taxiway C & E Slurry Seal and General Aviation Apron Seal Coat - AIP Project No. 3-06-0153-16, 17, and 18, has been completed by Valley Slurry Seal Company, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Pavement Rehabilitation - Taxiway C & E Slurry Seal and General Aviation Apron Seal Coat - AIP Project No. 3-06-0153-16, 17, and 18, be accepted from said contractor, Valley Slurry Seal Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $213,159.72 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED AMERICAN LEGION HALL DECK RENOVATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled American Legion Hall Deck Renovation, has been completed by Barham Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the American Legion Hall Deck Renovation be accepted from said contractor, Barham Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $79,845.70 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
JEAN ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 CAPITAL IMPROVEMENT BUDGET TO FULLY FUND THE BRIGGSMORE-COFFEE INTERSECTION IMPROVEMENT PROJECT BY TRANSFERRING $71,400 FROM THE CLAUS/YOSEMITE AND YOSEMITE/NORSEMAN INTERSECTION ACCOUNT

WHEREAS, the City Council awarded a contract to widen the Coffee Road and Brigsmore Avenue intersection and to install a segment of the storm drain line on Coffee Road north of the intersection; and

WHEREAS, three purchases of right-of-way ($71,400) were previously authorized by Council, but unaccounted for in the encumbrance with the project at the time of award. This accounting has created a shortfall in the project account and a fund transfer is needed to complete construction of 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:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>141-430-E937-6040</td>
<td>$(36,400)</td>
</tr>
<tr>
<td>141-430-E937-6050</td>
<td>$(35,000)</td>
</tr>
<tr>
<td>141-430-F698-6040</td>
<td>$71,400</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 14th day of October 1997, 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 votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: [Signature]
JEAN ADAMS, City Clerk
(seal)

APPROVED AS TO SUFFICIENCY:
By: [Signature]
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-578

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, OR BY A 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 110 each obsolete traffic signal faces, 14 each obsolete 30' round tapered light poles, and 48 each 120 Volt/1500 Watt sport lights which has 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 those items 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 110 each obsolete traffic signal faces, 14 each obsolete 30' round tapered light poles, and 48 each 120 Volt/1500 Watt sport lights, which is 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 14th day of October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVEN GRANULATED ACTIVATED CARBON (GAC) FILTERS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of seven granulated activated (GAC) filters is hereby waived.

BE IT FURTHER RESOLVED that purchase of seven granulated activated (GAC) filters for a not to exceed price of $402,656.25.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-579A

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO PURCHASE GRANULATED ACTIVATED CARBON FILTERS TRANSFERRING FUNDS FROM FUND 615 AND 616 RESERVES IN ORDER TO PAY FOR THE TOTAL COST

WHEREAS, the Utilities Division has requested the purchase of seven GAC filters to be located in the Del Rio and Beard/Empire area where the DBCP levels in the drinking water are above the maximum contamination levels; and

WHEREAS, funds from reserve accounts include monies recovered under the DBCP Settlement Agreement for past damages, so it is appropriate that funds be used for these GAC filters.

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

<table>
<thead>
<tr>
<th>Expenditures (Fund 615)</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>615-480-5052-0215 Rental of Real Property</td>
<td>$(144,390)</td>
</tr>
<tr>
<td>615-800-8000-8003 Contingency Reserve</td>
<td>$(196,663)</td>
</tr>
<tr>
<td>615-480-5052-5101 GAC filters (6)</td>
<td>$341,053</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures (Fund 616)</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>616-800-8000-8003 Contingency Reserve</td>
<td>$(61,604)</td>
</tr>
<tr>
<td>616-480-5062-5108 GAC filters (1)</td>
<td>$61,604</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 14th day of October 1997, 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 votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: [Signature]
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: [Signature]
STAN FEATHERS, Budget Officer
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE GLOBAL POSITIONING SYSTEM (GPS) TOTAL STATION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one Global Positioning system (GPS) total station is hereby waived.

BE IT FURTHER RESOLVED that purchase of one Global Positioning system (GPS) total station for a not to exceed price of $50,923.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-580A

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO CONSOLIDATE FUNDS TO PURCHASE A GLOBAL POSITIONING SYSTEM (GPS)

WHEREAS, over the past three years, Utility Services Planning and Survey divisions have performed a variety of survey related work utilizing GPS technology on an experimental basis; and

WHEREAS, the GPS Total System will assist in converting paper utility maps into digital maps to show present utility infrastructure; and

WHEREAS, funds are available from several accounts and these funds need to be consolidated to purchase the total GPS system.

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

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>610-480-5012-0235 Services Professional and Other</td>
<td>$(15,000)</td>
</tr>
<tr>
<td>610-700-7000-7130 Transfer Out to Fund 130</td>
<td>$15,000</td>
</tr>
<tr>
<td>615-480-5051-0235 Services Professional and Other</td>
<td>$(10,000)</td>
</tr>
<tr>
<td>615-700-7000-7130 Transfer Out to Fund 130</td>
<td>$10,000</td>
</tr>
<tr>
<td>130-430-E484-6070 Geographic Info Systems - Equipment Acquis</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

Revenue

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>130-700-7000-9610 Transfer In</td>
<td>$15,000</td>
</tr>
<tr>
<td>130-700-7000-9615 Transfer In</td>
<td>$10,000</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 14th day of October 1997, 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 votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-581

A RESOLUTION APPROVING THE FINAL MAP OF THE
ROSE LANE NO. 2 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim
Properties, a California Corporation is possessed of a tract of land situate in the City of
Modesto, County of Stanislaus, consisting of 19.12 acres, known as Rose Lane No. 2
Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of
the City of Modesto on the 26th day of November, 1996, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final
map of said Rose Lane No. 2 Subdivision meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

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

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be
authorized to execute and attest, respectively, an agreement with subdividers as required by
Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-582

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF THE ALLEY IN BLOCK 57 AND THE ALLEY IN BLOCK 67 LOCATED WITHIN THE 10TH STREET PLACE PROJECT.

WHEREAS, the 10th Street Place Project approved by the City Council and Stanislaus County requires abandonment of a portion of the alley in Block 57 from “J” Street to “K” Street, and abandonment of the alley in Block 67 from “J” Street to “K” Street, and an application has been filed to conduct formal abandonment proceedings, and

WHEREAS, the proposed alley abandonments have been referred to affected City departments and local utility companies, and no objection to the abandonments have been received, and it is proposed that utility easements within the subject alleys will be retained temporarily, and

WHEREAS, on October 7, 1997, the City’s Community Development Department, by Environmental Assessment Initial Study No. 97-100, reviewed the proposed abandonments and made the determination that the proposed abandonments will have no additional significant effect on the environment that was not identified in the Initial Environmental Assessment No. 93-267 in relation to the 10th Street Place project (formerly called the “10th Street Plaza” project),

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

SECTION 1. The Council of the City of Modesto hereby declares its intention
to vacate and abandon a portion of the alley in Block 57 from “J” Street to “K” Street and the alley in Block 67 from “J” Street to “K” Street, located within the 10th Street Place project, subject to the condition that all public utility easements be retained temporarily.

Said proposed vacations and abandonments are more particularly shown on those certain maps entitled “Vacate and Abandon a Portion of the Alley in the City of Modesto Block 57 from ‘J’ Street to ‘K’ Street”, and “Vacate and Abandon the Alley in the City of Modesto Block 67 from ‘J’ Street to ‘K’ Street”, copies of said maps and written descriptions are attached hereto and incorporated herein by reference, which maps and written descriptions are also on file in the Office of the City Clerk.

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 provision of Chapter 3 of the State of California Streets and Highways Codes, (Sections 8300-8363).

SECTION 3. Notice is hereby given that November 4, 1997, at the hour of 7:00 p.m. in the City Council Chambers, 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 Public Works and Transportation Director is hereby directed to cause notices of the proposed vacations and abandonments of the two alleys to be posted
conspicuously at the entrance of each alley and mid-block at Block 57 and mid-block at Block 67, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe each 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 14th day of October, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Friedman, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

ALLEY ABANDONMENTS

BLOCKS 57 AND 67

TENTH STREET PLACE PROJECT
80' 11th ST.

20' ALLEY

80' 10th ST.

80' 9th ST.

TO BE ABANDONED

10TH STREET PLACE

KEVIN BECKER
C/10thstr/diagram
EXHIBIT "A"

VACATE AND ABANDON A PORTION OF ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM "J" STREET TO "K" STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 57 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 57, South 46°30'30" West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29'30" East 300 feet; thence South 46°30'30" West 20 feet to the southwesterly line of said alley; thence on said southwesterly line, North 43°29'30" West 300 feet to the northwesterly line of said Block 57; thence on said northwesterly line, North 46°30'30" East 20 feet to the point of beginning.

Containing 6,000 sq. ft. more or less.
80' 10th ST.

80' K ST.

20' ALLEY

88' 9th ST.

APPROVED BY: P.E.

DATE: EXP. DATE:

ASBUILT BY: DATE:

BUILT PLOTTED: DATE:

REVISED: DATE:

DATE: 09-30-97 DRAWN BY: Carl Lottman

CHECKED BY: FIELD BOOK: PAGE:

FILE NO.

CITY of MODESTO DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

ACTIVITY NO.

VACATE AND ABANDON A PORTION OF THE ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM "J" STREET TO "K" STREET
EXHIBIT “A”

VACATE AND ABANDON ALLEY IN CITY OF MODESTO BLOCK 67 FROM "J" STREET TO "K" STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 67 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 67, South 46°30'30" West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29'30" East 400 feet to the southeasterly line of said Block 67; thence on said southeasterly line, South 46°30'30" West 20 feet to the southwesterly line of aforesaid alley; thence on said southwesterly line, North 43°29'30" West 400 feet to the northwesterly line of said Block 67; thence on said northwesterly line, North 46°30'30" East 20 feet to the point of beginning.

Containing 8,000 sq. ft. more or less.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-583

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TO ACCEPT $10 MILLION IN FUNDING FOR THE KANSAS-NEEDHAM OVERHEAD CROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Transportation to accept $10 million in funding for the Kansas-Needham overhead crossing 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 October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR HUMAN SERVICES FOR A LOCAL CABLE TELEVISION PUBLIC ACCESS GRANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for Human Services for a local cable television public access grant 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 October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-585

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BAVA FARMS LTD. FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bava Farms Ltd. for the acquisition of property rights needed for the parallel outfall 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 October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk

JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ESTATE OF ALDO BAVA AND DOROTHY BAVA FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Estate of Aldo Bava and Dorothy Bava for the acquisition of property rights needed for the parallel outfall 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 October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-587

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH BAVA, DIANE EMILIA BAVA AMADOR, DEBRA BAVA VARNI, AND RALPH JOHN BAVA FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ralph Bava, Diane Emilia Bava Amador, Debra Bava Varni, and Ralph John Bava for the acquisition of property rights needed for the parallel outfall 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 October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-588

A RESOLUTION GRANTING THE REQUEST OF MODESTO GARBAGE COMPANY, INC., TO MERGE WITH U.S.A. WASTE SERVICES, INC., AND APPROVING THE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARBAGE CO., DBA MODESTO DISPOSAL SERVICE, A WHOLLY OWNED SUBSIDIARY OF U.S.A. WASTE OF CALIFORNIA, FOR THE COLLECTION OF SOLID WASTE IN THE CITY OF MODESTO, INCLUDING THE COLLECTION OF GARBAGE/RECYCLABLES, RECYCLABLES, INDUSTRIAL GARBAGE, CONTAINERIZED YARD WASTE, AND SALVAGEABLE WASTE.

WHEREAS, by Resolution No. 96-691 adopted on December 16, 1997, the Council approved a Service Agreement between the City of Modesto and Modesto Garbage Company, Inc., for the collection of solid waste, and

WHEREAS, by Resolution No. 97-36 adopted on January 14, 1997, the Council revised the indemnification provisions in said Service Agreement, and

WHEREAS, by letter dated July 2, 1997, to the City Clerk from Jack R. Jones, representing Modesto Garbage Company, Inc., a request for a City Council hearing was submitted to consider the approval of a merger of Modesto Garbage Co., Inc., with United Waste Systems, Inc. and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on July 22, 1997, 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 continued to the August 26, September 16, and October 7, 1997, Council meetings,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto the request for a merger of Modesto Garbage Company, Inc., with U.S.A. Waste Services, Inc., is hereby approved.

BE IT FURTHER RESOLVED that the Service Agreement between the City of Modesto and Modesto Garbage Co., dba Modesto Disposal Service, a wholly owned subsidiary of U.S.A. Waste of California, a California Corporation, for the collection of solid waste in the City of Modesto, including the collection of garbage/recyclables, recyclables, industrial garbage, containerized yard waste, and salvageable waste, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Serpa, Mayor Lang

NOES: Councilmembers: Fisher, Friedman

ABSENT: Councilmembers: McClanahan

ATTEST: ________________________
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________
MICHAEL D. MILICH, City Attorney

11/18/97
MODESTO CITY COUNCIL
RESOLUTION NO. 97-589

A RESOLUTION DENYING AN AMENDMENT TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW INDOOR THEATERS IN THE REGIONAL COMMERCIAL DESIGNATION WITH A P-D ZONE (PAQUET DEVELOPMENT).

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, by Resolution No. 97-159, adopted on April 1, 1997, the City Council adopted the Kiernan Business Park Specific Plan for the purpose of developing a 614-acre business park, with a mix of light industrial, research and development, office, and regional commercial uses, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, on June 20, 1997, Paquet Development filed an application to amend the Kiernan Business Park Specific Plan to allow a theater complex with a Planned Development Zone in the area designated Regional Commercial in the Specific Plan area, and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 4, 1997, to receive evidence both oral and documentary regarding said proposal, and

WHEREAS, after said public hearing held on August 4, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-58, recommending to the City Council amendment of the Kiernan Business
Park Specific Plan to allow a theater complex, with a Planned Development Zone, in the area designated Regional Commercial in the Specific Plan area, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 2, 1997, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, which hearing was continued to October 2, 1997, and again to October 21, 1997, as requested by the applicant, 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, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said application should be denied for the following reasons:

1. The proposed Specific Plan Amendment is not needed since the applicant has dropped the request for a rezoning to allow a theater project in the Kiernan Business Park Specific Plan.

2. The proposed Specific Plan Amendment is too speculative without a specific proposal, and would allow for the possibility of theaters in the Kiernan Business Park without the benefit of an actual, detailed application with accompanying studies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application filed by Paquet Development to allow a theater complex with a Planned Development Zone in the area designated Regional Commercial in the Specific Plan is hereby denied for the reasons set forth above and the recommendation of the Planning Commission is hereby overruled.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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. 97-590

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE
PELANDALE-SNYDER SPECIFIC PLAN TO ALLOW A
PHASED DEVELOPMENT OF PELANDALE AVENUE,
DELETE A COLLECTOR STREET CONNECTION TO
PELANDALE AVENUE, AND TO MODIFY OR DELETE
CERTAIN OTHER DEVELOPMENT STANDARDS.

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 January 16, 1995, the City Council by
Resolution No. 96-19 adopted the Pelandale-Snyder 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 March 18, 1997, the City Council by
Resolution No. 97-136, approved Amendment No. 1 to the Pelandale-
Snyder Specific Plan to change funding of certain public
facilities from an Assessment District to a City Mello-Roos
Community Facilities District, and

WHEREAS, on March 18, 1997, the City Council by
Resolution No. 97-139, approved Amendment No. 2 to the Pelandale-
Snyder Specific Plan to delete the requirement for a Housing
Trust Fund Equity Sharing Program Collection of an Affordable
Housing Fee, and

WHEREAS, on August 12, 1997, Mid-Valley Engineering filed an application to amend the Pelandale-Snyder Specific Plan to allow phasing of Pelandale Avenue and to delete or modify certain other development requirements, and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 22, 1997, 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 September 22, 1997, the Planning Commission adopted Resolution No. 97-68, recommending to the City Council Amendment No. 3 to the Pelandale-Snyder Village Specific Plan to delete a collector street connection to Pelandale Avenue, located east of Marsala Way, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 7, 1997, at 7:00 p.m., which was continued to October 21, 1997, at 7:00 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 Pelandale-Snyder Specific Plan to allow
phasing of Pelandale Avenue, delete a collector street connection
to Pelandale Avenue, and delete or modify certain other
development standards, as recommended by the Planning Commission
in its Resolution 97-68, is consistent with the City of Modesto
Urban Area General Plan for the following reason:

The Specific Plan Amendments concern either the phasing of infrastructure improvements in the Specific Plan Area or minor modifications to Development Standards in the Specific Plan Area, neither of which are the subject of any specific goal or policy of the General Plan. Therefore, the Pelandale-Snyder Specific Plan continues to be consistent with the General Plan.

BE IT FURTHER RESOLVED that the paragraph on page 4 of Modesto City Council Resolution No. 96-19, (Adopting the Pelandale-Snyder Specific Plan) concerning the construction of Pelandale Avenue is hereby amended to read as follows:

BE IT FURTHER RESOLVED that the Council hereby adopts the Pelandale-Snyder Specific Plan, as proposed, except that Pelandale Avenue is to be constructed for two-way traffic from Dale Road to the existing improvements on Pelandale Avenue west of McHenry Avenue prior to the build-out of the entire Specific Plan Area. The funding mechanism for this construction shall be identified in the Financing Plan for the project and is to be adopted by the City Council prior to approval of the first Tentative Subdivision Map within the Specific Plan Area.

BE IT FURTHER RESOLVED that said Amendment No. 3 to the Pelandale-Snyder Specific Plan to delete or modify certain development standards, 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 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 21st day of October, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: [Signature]
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

10/23/97
permitted as an overlay to allow for creative and enhanced design solutions requiring flexibility in zoning standards.

A.2.c. The area designated Professional Office (P-O) shall be zoned with a Principal Underlying Zone of P-O. Zoning of Planned Development (P-D) is permitted to encourage creative design solutions requiring flexibility in zoning standards.

A.2.d. Densities may vary within a land use area provided the maximum allowable gross density is not exceeded.

Objective A.3. Minimize use conflicts among existing and proposed land uses.

Policies

A.3.a. Where either MFR or SFR designated land use areas adjoin the Pelandale Expressway or Major Street, a 12 foot landscape easement or buffer shall be provided.

A.3.b. An 8 foot masonry wall shall be installed between SFR areas and the Pelandale Expressway, consistent with the design standards in section II.H.

A.3.c. MFR and SFR residential land uses shall be separated by a local or collector street upon which both uses front, where ever possible. Land use transitions which require extensive use of walls and fences shall be discouraged.
CITY OF MODESTO
PELANDALE-SNYDER SPECIFIC PLAN

Figure 6
Vehicular Circulation Diagram
Objective B.3. Extend the system of arterials and collector streets in a manner consistent with the General Plan.

Policies

B.3.a. Tully Road, Dale Road, and Prescott Road shall be improved as 100' Major Streets, per public works standards. (Indicate on tentative map)

B.3.b. Snyder Avenue, Marcela Way, Carver Road shall be improved as 60' Collector Streets. (Indicate on tentative map)

B.3.c. A 60' collector loop street shall be provided within the McKinney Colony and Aqueduct Neighborhood Areas (see Circulation Diagram). Intersections with Snyder shall align with Victor Drive, Veneman Avenue, and Longbridge Drive. Exact loop street alignment shall be established in the Facilities Master Plan. (Indicate on tentative map)

B.3.d. Roadways shall be phased to avoid bottlenecks and unconnected street segments.

B.3.e. Intersections of major streets with the Expressway shall be signalized as warranted. Full turning movements will be provided.

B.3.f. Intersections of collector streets with Major Streets shall be minimized. Signals and turning lanes shall be provided as warranted.

B.3.g. Collector street intersections with the Expressway shall be minimized and have limited left turn movements. Carver Road shall be considered a pre-existing exception and improved as a signalized intersection with full turning movements as warranted. (Staff shall verify that all proposed intersections are consistent with the Circulation Diagram)

B.3.h. Collector streets shall be improved as depicted in Figure 9 Collector Street Schematic Section.

B.3.i. Local street alignments will be determined at time of subdivision mapping. (Indicate on tentative map)

Objective B.4. Implement the Modesto Bicycle Plan.

Bicycle Policies

B.4.a. Residential streets shall include a Class I bike path where the street is adjacent to the MID Canal as shown in Figure 11 Class I Bike Path Adjacent Residential Street (Indicate on tentative map)

B.4.b. A Class I Bikepath shall be installed adjacent to the Modesto Irrigation District Lateral #6 between the Union Pacific R.O.W. and the extension of Pelandale Avenue west of Prescott as indicated in (Figure 10 Class I Bike Path Schematic Section).

B.4.c. A Class I bike path shall be installed within the southern side of the Pelandale Expressway R.O.W.

B.4.d. Class II bike routes shall be installed on Tully Road, Prescott Road, and Dale Road consistent with Public Works Standards. (Tentative map condition)
Table 5 Sensitive Species Identified by USFW

<table>
<thead>
<tr>
<th>Species</th>
<th>Status in Plan Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Joaquin Kit Fox</td>
<td>No evidence of species, poor quality habitat</td>
</tr>
<tr>
<td>Valley Elderberry Longhorn Beetle</td>
<td>No Elderberry plants found, Beetle requires plants</td>
</tr>
<tr>
<td>California Tiger Salamander</td>
<td>No aquatic habitat or potential habitat exists</td>
</tr>
<tr>
<td>Western Spadefoot Toad</td>
<td>No aquatic habitat or potential habitat exists</td>
</tr>
<tr>
<td>Southwestern Pond Turtle</td>
<td>No aquatic habitat or potential habitat exists</td>
</tr>
<tr>
<td>Riparian Brush Rabbit</td>
<td>No riparian habitat or potential habitat exists</td>
</tr>
<tr>
<td>San Joaquin Valley Woodrat</td>
<td>No riparian habitat or potential habitat exists</td>
</tr>
<tr>
<td>Pacific Western Big-eared Bat</td>
<td>No caves, cliffs, or structures exists to provide habitat</td>
</tr>
</tbody>
</table>

c. Air Quality
The San Joaquin Valley Air Basin has been identified by the State Air Resources Board as a non-attainment area for PM-10, CO, and Ozone. Under the California Clean Air Act, (AB 2595) non-attainment counties shall achieve an annual 5% reduction in emissions until standards are met. One of the primary sources of air pollution is the automobile. The Specific Plan circulation element addresses this issue by providing facilities for pedestrians, bicycles, and mass transit.

2. Natural Resource Goal, Objectives, and Policies
The following Goal, Objectives, and Policies relate to the reasonable management of natural resources related to the Specific Plan Area. Compliance with these policies will be verified at tentative map submittal and monitored by the Final EIR.

Goal G Minimize the impact of the Project on existing natural resources.

Objective G.1. Minimize the conflicts and protect existing agricultural operations north of the Plan Area.

Agricultural Protection Policies

G.1.a. One half of the Pelandale Expressway R.O.W. plus a 10'-landscape buffer shall be established along the entire northern project boundary. This corridor with landscaping and wall improvements shall serve as a buffer between the Plan's residential areas and the existing agricultural uses to the north.

G.1.b. Existing agricultural operations within the Plan Area shall be allowed to operate unimpeded until development.

G.1.c. All tentative maps shall include a "right to farm" disclosure that notifies future residents of potential impacts from surrounding agricultural operations.

G.1.d. Williamson Act Contract lands which are protested by the City shall be terminated upon annexation.
H. Community Design and Landscaping

1. Community Design and Landscaping Overview
Community design is an important and often overlooked part of development. Good community design, enhances the quality of life in neighborhoods, improves circulation, reduces impacts on natural resources, and improves safety.

a. Approach
During buildout of the Plan Area, portions of the project will develop separately over a number of years. In order to assure that the project develops into cohesive and identifiable neighborhood unit, community design principals must be implemented. These principals include urban design, circulation, and landscaping solutions. When complete, these community design features will unify the many individual developments that have occurred within the Plan Area into identifiable neighborhood units.

b. Adoption of the Community Design and Landscaping Diagram
The Specific Plan Community Design and Landscaping Diagram (Figure 16 Community Design Diagram) is hereby adopted and incorporated into the Pelandale-Snyder Specific Plan. The Community Design and Landscaping Diagram conforms with Section 65451(a)(2) and 65452 of the State Government Code.

2. Community Design and Landscaping Goal, Objectives and Policies
The following Goal, Objectives and Policies apply to all development projects proposed within the Specific Plan Area. Compliance with the following policies will be verified at time of development plan and/or tentative map submission.

Goal H
Assure the development of cohesive and identifiable neighborhoods within the Plan Area.

Objective H.1. Create a street, sidewalk, and pathway network that encourages all forms of circulation.

Community Design Street Policies (refer to Figure 17 Neighborhood Street Layout Prototype)

H.1.a. Adequate minor residential street connections shall be provided among adjoining subdivisions to ensure a network of circulation routes is created.

H.1.b. A minor residential street shall be provided between SFR and MFR land use areas. Units in both land use areas shall front the street.

H.1.c. Open ended cul-de-sacs with pedestrian/bicycle connections shall be provided along the Pelandale Expressway at a minimum of 1000 foot intervals.

H.1.d. Connections to the Mid canal bikeway shall be provided at a minimum of 500 foot intervals as shown in Figure 18 (Mid Canal Class I Bikepath Details).
This diagram illustrates one concept of how neighborhood circulation could be designed consistent with Objective H.1 of the Plan.
Objective H.2. Provide adequate landscaping and buffer along community edges.

Landscaping Policies

H.2.a. A 12' landscape area shall be provided along the edge of the all Major Street and Expressway R.O.W's.

H.2.b. All landscaping installed along a Major Street, Expressways, the MID Canal, and/or a Class I Bike paths shall follow a design approach that is consistent throughout the Plan Area.

H.2.c. Street trees shall be installed along all streets spaced 30' on center.

H.2.d. Street Trees shall be planted at a uniform distance from edge of street.

H.2.e. All projects shall comply with the Modesto Street Tree Master Plan - adopted by City Council on November 25, 1987 (Dept. of Parks and Recreation to ensure compliance)

H.2.f. Large canopy street trees selected from Categories I and II of Appendix D of the Modesto Street Tree Plan, shall be used throughout the Plan Area.

Objective H.3. Provide consistent and unifying design elements throughout the Plan Area.

Plan Area Design Policies

H.3.a. All masonry walls within the project area that adjoin a street R.O.W, detention basin or the canal shall be of the same unifying design for the entire Plan Area. Table 6 Masonry Wall Design Criteria and Figure 19 Schematic Wall Design Prototype provide design criteria for masonry walls and are incorporated herein as a policy.

Table 6 Masonry Wall Design Criteria

<table>
<thead>
<tr>
<th>Wall Element</th>
<th>Design Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>8'-0'</td>
</tr>
<tr>
<td>Materials</td>
<td>Plaster Coated Masonry</td>
</tr>
<tr>
<td>Pilasters</td>
<td>25' on center with decorative cap</td>
</tr>
<tr>
<td>Cap</td>
<td>Accent color/material</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Climbing Vines planted 20' on center</td>
</tr>
<tr>
<td>Corner Returns</td>
<td>At all street intersections</td>
</tr>
<tr>
<td>Change in Wall Plane</td>
<td>6 foot change in wall plane or an opening is required at a minimum, for every 200 linear feet of wall.</td>
</tr>
</tbody>
</table>

H.3.b. The city shall initiate the creation of a single wall design detail with landscaping standard that complies with the preceding policies.

H.3.c. All street lighting standards, signal lights, and sign posts shall meet City Public Works standards.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-590A

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 93042004) RELATING TO THE APPROVAL OF THE PELANDALE-SNYDER SPECIFIC PLAN: APPROVING AMENDMENT NO. 3 TO THE PELANDALE-SNYDER SPECIFIC PLAN TO ALLOW A PHASED DEVELOPMENT OF PELANDALE AVENUE, DELETE A COLLECTOR STREET CONNECTION TO PELANDALE AVENUE, AND TO MODIFY OR DELETE CERTAIN OTHER DEVELOPMENT STANDARDS.

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

WHEREAS, on September 16, 1997, the City's Community Development Department by Environmental Assessment Initial Study No. 97-93, reviewed the proposed Amendment No. 3 to the Pelandale-Snyder Specific Plan to allow a phased development of Pelandale Avenue, delete a collector street connection to Pelandale Avenue, and to modify or delete certain other development standards, in the City of Modesto, 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 October 21, 1997, 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 on September 16, 1997, for the proposed project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study, makes the following findings:

1. There are no substantial changes occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan EIR.

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

3. The initial study, Environmental Assessment No. 97-98, provides substantial evidence to support findings 1, 2, and 3, above.

4. 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 21st day of October, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: 
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Initial Study

E.A. No. 97-93
I. PURPOSE

On January 16, 1996, the Modesto City Council certified the Final Environmental Impact Report for the Pelandale-Snyder Specific Plan (SCH# 93042004). This Final EIR analyzed the impacts of build-out of the Pelandale-Snyder Specific Plan. Section 21166 of Public Resources Code allows the Pelandale-Snyder Specific Plan Final 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: Pelandale-Snyder Specific Plan Amendment No. 3

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:**

North of Snyder Avenue, east of Dale Road, south of Pelandale Avenue, and west of the Union Pacific Railroad.

E. **Project Sponsor:**

Mid-Valley Engineering, 900 H Street, Modesto, CA 95354

F. **General Plan Designation:** Residential (R) and Mixed Use (MU)

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

H. **Description of Proposed Project:**

This Specific Plan Amendment is for the following purposes:

1. An amendment to City Council Resolution No. 96-19, allowing for phasing of Pelandale Avenue.
2. Elimination of the requirement for a 12-foot landscape buffer adjacent to Pelandale Avenue.
3. Elimination of the collector street loops that connected to Snyder Avenue.
4. Elimination of the requirement for open-ended cul-de-sacs with bicycle/pedestrian connections to Pelandale Avenue.
5. Modification of Marsala Way from 60-foot right-of-way to 55-foot right-of-way.
6. Elimination of the canal crossing connection to Longbridge Drive.
7. Modify the 60-foot collector street cross-section to put sidewalks adjacent to the curb.

I. **Surrounding land uses:**

The Specific Plan is adjoined by existing single-family and multi-family residential uses to the south, existing multi-family uses to the west, agricultural uses to the north, and a railroad to the east. A planned extension of Pelandale Avenue lies between the project and the existing agricultural uses to the north.
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 Pelandale-Snyder Specific Plan Final EIR:

1. Land Use, Consistency with Plans and Policies, and Agriculture

Impacts to land use, consistency with plans and policies, and agriculture, are discussed on pages 33 through 41 of the Pelandale-Snyder Specific Plan EIR. Eliminating the 12-foot landscape buffer will not affect compatibility with the agricultural uses to the north, as the planned extension of Pelandale Avenue, which will be 135-feet wide, will provide a sufficient buffer to these uses. None of the other proposed amendments will affect compatibility with surrounding land uses. None of the proposed changes will conflict with any adopted plans and policies, including the General Plan.

2. Population, Employment, and Housing

Impacts to population, employment, and housing are analyzed on pages 42 through 44 of the Pelandale-Snyder Specific Plan EIR. None of the proposed changes affect the population or buildout numbers analyzed in this section of the EIR.

3. Traffic and Circulation

Traffic and circulation impacts are analyzed on pages 45 through 94 of the Pelandale-Snyder Specific Plan EIR. The phasing of Pelandale Avenue does not affect the conclusions of the EIR, as it analyzed the traffic at buildout of the Specific Plan, when Pelandale Avenue would be completed under this amendment. The elimination of the collector street loop would not significantly alter traffic circulation, as connections to Snyder Avenue would still be provided. The other amendments would have no effect on traffic and circulation.
4. Noise

Noise impacts are analyzed on pages 95 through 109 of the Pelandale-Snyder Specific Plan EIR. The elimination of open-ended cul-de-sacs adjacent to Pelandale Avenue will help reduce noise impacts to the residences adjacent to Pelandale Avenue. The other amendments will not affect noise impacts one way or the other.

5. Air Quality

Impacts to air quality are analyzed on pages 110 through 126 of the Pelandale-Snyder Specific Plan EIR. Since air quality impacts for this project are directly related to traffic impacts, and since none of the amendments will increase traffic impacts, there will be no increase of air quality impacts beyond those analyzed in the EIR. The elimination of the open-ended cul-de-sacs with pedestrian connections to Pelandale Avenue will not cause any increase in air quality impacts, as the EIR did not include this feature as mitigation for analyzed air quality impacts.

6. Biology

Impacts to biology are analyzed on pages 127 through 129 of the Pelandale-Snyder Specific Plan EIR. None of the amendments will affect the biological impacts analyzed in the EIR, as there will be no change in the physical development of the area.

7. Archaeology

Impacts to archaeology are analyzed on page 130 of the Pelandale-Snyder Specific Plan EIR. None of the amendments will affect the archaeological impacts analyzed in the EIR, as there will be no change in the physical development of the area.

8. Public Services

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale-Snyder Specific Plan EIR. None of the amendments would impact public services, as there would be no change in the physical development of the Specific Plan, and no changes to utility lines to serve the project.
9. **Hydrology and Drainage**

Hydrology and drainage are analyzed on pages 137 through 141 of the Pelandale-Snyder Specific Plan EIR. The amendments will not affect the conclusions reached in the EIR regarding hydrology and drainage, as the amendments will not result in a change to the physical development of the Specific Plan, and no changes are proposed to the storm drainage system of the Specific Plan.

10. **Growth Inducing Impacts**

Growth-inducing impacts are analyzed on page 142 of the Pelandale-Snyder Specific Plan EIR. Since the amendments would result in no increase in the buildout of the Specific Plan, there would be no change to the conclusions reached in the EIR regarding growth-inducing impacts.

11. **Geology/Soils**

Impacts to geology and soils are analyzed on pages 143 through 144 of the Pelandale-Snyder Specific Plan EIR. Because these amendments would not result in a change to the physical buildout of the Specific Plan, the EIR’s conclusions regarding impacts to geology and soils would not change.

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 Pelandale-Snyder Specific Plan EIR was certified by the Modesto City Council on January 16, 1996. In the period since then, the City Council has approved the Carver-Bangs and Kiernan Business Park Specific Plans for development immediately to the north of the Pelandale-Snyder Specific Plan. However, this development was consistent with the City’s General Plan, and was therefore analyzed in the Pelandale-Snyder Specific Plan EIR. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan 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 Pelandale-Snyder Specific Plan EIR was certified by the Modesto City
Council on January 16, 1996. In the intervening period, there has been no new information, which was not known at the time the Pelandale-Snyder Specific Plan 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 Pelandale-Snyder Specific Plan 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 Pelandale-Snyder Specific Plan EIR.

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

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

Signature:

Steve Mitchell
Associate Planner

C.O. Coast Admin.

-6-
MODESTO CITY COUNCIL
RESOLUTION NO. 97-591

A RESOLUTION APPROVING THE PELANDALE-SNYDER FINANCING STRATEGY AND FACILITIES MASTER PLAN.

WHEREAS, City staff has recommended to the Council the adoption of a proposed Pelandale-Snyder Financing Strategy and Facilities Master Plan (the "Finance Plan"), a copy of which proposed plan dated October 1997, is on file in the office of the City Clerk, and

WHEREAS, the proposed Pelandale-Snyder Finance Plan is intended to provide for a comprehensive approach to the financing of infrastructure to serve the Pelandale-Snyder area, and

WHEREAS, said proposed plan was considered at a duly noticed public meeting of the City Council which was held at 7:00 p.m., on Tuesday, October 21, 1997, 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 it hereby approves the Pelandale-Snyder Financing Strategy and Facilities Master Plan (the "Finance Plan"), a copy of which proposed plan dated October 1997, 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 21st day of October, 1997, by Councilmember Cogdill, 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: Cogdill, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: 
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE VAN, THREE UTILITY VEHICLES, ONE PACKER TRUCK, THREE FRONT END LOADERS AND ONE TRACTOR

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, three utility vehicles, one packer truck, three front end loaders and one tractor, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 24, 1997 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 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED SISK ROAD WIDENING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Sisk Road Widening, has been completed by George Reed Inc., in accordance with the contract agreement dated June 3, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Sisk Road Widening 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 $89,996.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED CHRYSLER 99 NEIGHBORHOOD PARK PHASE I AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Chrysler 99 Neighborhood Park Phase I, has been completed by Grover Landscaping Services, in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Chrysler 99 Neighborhood Park Phase I be accepted from said contractor, Grover Landscaping Services; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $320,860.19 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 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-595

A RESOLUTION REJECTING ALL BIDS FOR THE PURCHASE OF LAWN MOWING SERVICES, OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 14, 1997

WHEREAS, bids received for Lawn Mowing Services, were opened on May 14, 1997; and

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was higher than current in-house costs, therefore staff recommends bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Lawn Mowing Services, opened in the office of the City Clerk on May 14, 1997, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO RELATING TO REFUNDING REVENUE CERTIFICATES OF PARTICIPATION (1997 WATER UTILITY SYSTEM REFINANCING PROJECT); APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER INSTALLMENT PURCHASE CONTRACT, A 1997 SUPPLEMENTAL INSTALLMENT PURCHASE CONTRACT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, A PURCHASE CONTRACT, AND APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT, IN CONNECTION THERewith; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS

WHEREAS, the City of Modesto is a charter city and municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City");

WHEREAS, the Modesto Public Financing Authority (the "Authority") is authorized under the Modesto Public Financing Joint Exercise of Powers Agreement, dated as of December 5, 1989, by and between the City and the Industrial Development Authority of the City of Modesto, and 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 (the "Bond Pooling Act"), among other things, to purchase at public or negotiated sale certain obligations ("Obligations") issued by Members of the Authority and other public agencies and sell at public or negotiated sale such Obligations or issue and sell at public or negotiated sale bonds secured in whole or in part by such Obligations or by other revenues designed in such Obligations;

WHEREAS, in order to assist the City in the financing the acquisition, construction, installation of certain improvements to its municipal water utility system (the "1992 Project"), the City, the Authority and the Trustee (as defined below) caused the execution and delivery of $25,065,000 in aggregate principal amount of Certificates of Participation (1992 Water System Improvement Project) (the "1992 Certificates") under and pursuant to a Trust Agreement, dated as of November 1, 1992, by and among the City, the Authority and the State Street Bank and Trust Company of California, N.A., as trustee (the "Trustee");

WHEREAS, in order to pay the purchase price of the 1992 Project the Authority and the City entered into an Installment Sale Agreement (the "Installment Sale Agreement"), dated as of
November 1, 1997, by and between the Authority and the City, pursuant to which the City would pay installment payments for the purchase price of the 1992 Project;

WHEREAS, the City and the Authority have determined that in order to achieve debt service savings it is in their best interest to provide for the prepayment of the Installment Sale Agreement through the deposit into an escrow fund of an amount, together with investment earnings thereon, which is sufficient to defease the 1992 Certificates;

WHEREAS, in order to implement the foregoing, the City and the Authority propose to execute and enter into a Master Installment Purchase Contract (the "Master Installment Purchase Contract") and a 1997 Supplemental Installment Purchase Contract (the "Supplemental Installment Purchase Contract"), whereby the City will sell the 1992 Project to the Authority, and the Authority in turn will sell the 1992 Project to the City, and the City will be obligated to make installment payments to the Authority for the purchase price therefor (hereinafter referred to as the "1997 Project");

WHEREAS, the City desires to approve the financing of the Project through the execution and delivery by the Trustee of Refunding Revenue Certificates of Participation (1997 Water Utility System Refinancing Project) (the "Certificates"), evidencing and representing proportionate interests of the owners thereof in installment payments to be made by the City, pursuant to a Trust Agreement (the "Trust Agreement"), proposed to be executed and delivered by the Authority and the Trustee;

WHEREAS, the City proposes to execute and deliver a Purchase Contract (the "Purchase Contract") with Lehman Brothers (the "Underwriter"), pursuant to which the Underwriter will purchase the Certificates for reoffering to the public, and to authorize the execution and distribution of a Preliminary Official Statement and an Official Statement pertaining to the Certificates; and

WHEREAS, all acts, conditions and things required by the 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 CITY COUNCIL OF THE CITY OF MODESTO, AS FOLLOWS:

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City in that the City expects to benefit from demonstrable savings in costs related to financing the 1997 Project.
Section 2. Master Installment Purchase Contract. The Master Installment Purchase Contract, proposed to be executed and entered into by and between the City and the Authority, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and the City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Authority the Master Installment Purchase Contract in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Supplemental Installment Purchase Contract. The Supplemental Installment Purchase Contract, proposed to be executed and entered into by and between the City and the Authority, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and the City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Authority the Supplemental Installment Purchase Contract in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, that the schedule of the installment payments to be contained in the Supplemental Installment Purchase Contract and to be attached as an exhibit thereto shall be determined by the City Manager or the Finance Director of the City upon the sale of the Certificates, but shall not exceed $32,000,000 in aggregate principal amount, shall provide for installment payments not later than the final maturity of the 1992 Certificates, and shall result in a true interest cost not in excess of [eight] percent per annum.

Section 4. Escrow Agreement. The Escrow Agreement, proposed to be executed and entered into by and between the City, the Authority and State Street Bank and Trust Company of California, as escrow agent, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and the City Manager or the Finance Director is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Escrow Agreement in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 5. Purchase Contract. The Purchase Contract, proposed to be executed and entered into by and among the City, the Authority, and the Underwriter, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and the City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Underwriter the Purchase Contract in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. Official Statement. The Preliminary Official Statement, in the form presented at this meeting and on file with the City Clerk, is hereby approved. The City Manager or the Finance Director are hereby authorized and directed to cause the Preliminary Official Statement, in substantially said form, with such changes therein as such officers may require or approve, to be deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Act of 1934 and to be distributed to potential purchasers of the Certificates. The City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Official Statement in a final form approved by such officers, such
approval to be conclusively evidenced by the execution and delivery thereof, and to cause the
distribution of the Official Statement in final form.

Section 7. Continuing Disclosure Certificate. The Continuing Disclosure Certificate,
proposed to be executed and delivered by the City, in the form presented at this meeting and on
file with the City Clerk, is hereby approved and the City Manager or the Finance Director are
hereby authorized and directed for and in the name and on behalf of the City to execute and
deliver the Continuing Disclosure Certificate in substantially said form, with such changes therein
as such officers may require or approve, such approval to be conclusively evidenced by the
execution and delivery thereof.

Section 8. Attestations. The City Clerk is hereby authorized and directed to attest the
signature of the City Manager and the Finance Director and to affix and attest the seal of the
City, as may be required or appropriate in connection with the execution and delivery of the
Certificates and the documents approved by this Resolution.

Section 9. Other Actions. The officers of the City are hereby authorized and directed,
jointly and severally, to do any and all things (including the negotiating and obtaining of a
municipal bond insurance policy or reserve fund surety bond with respect to the Certificates if
the City Manager or Finance Director determine that such insurance policy or surety bond will
result in savings to the City) and to execute and deliver any and all documents which they may
decide necessary or desirable in order to consummate the transactions authorized hereby and to
consummate the sale, execution and delivery of the Certificates and otherwise to carry out, give
effect to and comply with the terms and intent of this Resolution, the Master Installment Purchase
Contract, the Supplemental Installment Purchase Contract, the Escrow Agreement, the Continuing
Disclosure Certificate, the Purchase Contract, the Preliminary Official Statement, the Official
Statement, and the Certificates; and all such actions heretofore taken by such officers are hereby
ratified, confirmed and approved.

Section 10. Effective Date. 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 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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. 97-597

A RESOLUTION APPROVING THE CITY'S INVESTMENT POLICY NO. 1.019

WHEREAS Government Code section 53646 requires that local agencies annually adopt an investment policy.

WHEREAS the current investment policy continues to meet the requirements of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the execution of Investment Policy No. 1.019 by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-598

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS FOR THE “COPS MORE” PROJECT.

WHEREAS, in 1996, the Modesto Police Department applied for a “Making Officer Redeployment Effective” (“MORE”) grant from the federal COPS Office, and

WHEREAS, the Department was recently approved for the grant in the amount of $150,000, with a match of $50,000 by the City, and

WHEREAS, the “COPS MORE” grant is a technology grant for networking all area police offices, imaging software licenses, and scanning software, and

WHEREAS, a list of the equipment and software licenses to be purchased with the grant are attached hereto as Exhibit “A”, and

WHEREAS, funding for the $50,000 match is currently available from previously encumbered funds and a Special Fund for Capital Outlay - Computer Network and Imaging System,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby accepts the “COPS MORE” grant offer in the sum of $150,000 for the purchase of equipment and software licenses.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute and submit all documents necessary regarding the aforementioned grant offer.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
Requirements for Networking Area Offices:

1. Five (5) Novell file servers $20,000
2. Cabling for five (5) area offices 5,000
3. Five (5) area office routers 5,000
4. Fifteen (15) personal computers 27,000
5. Five (5) stackable/SNMP managed hugs 7,500

Subtotal $64,500

Requirements for CLETS, Internet and Intranet Connectivity:

1. One (1) router with T1, ISDN, and Ethernet connectivity for up to eight (8) remote sites $20,000
2. Internet/intranet server and associated software 15,000
3. Software for CLETS and Com Center emulation 5,500
4. Internet connectivity with provider (annual cost) 12,000
5. Two (2) 100 user versions of Novell Netware 4.11 8,000
6. CD Rom server for resource sharing 20,000

Subtotal $80,500

Licenses:

1. Five (5) File Net Imaging software licenses $50,000
2. One (1) File Net Scanning/workflow license 5,000

Subtotal $55,000

Grand Total: $200,000

EXHIBIT "A"
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET INCREASING REVENUES BY $200,000 AND APPROPRIATING AND EXPENDING FUNDS

WHEREAS, the Modesto Police Department applied for a “Making Officer Redeployment Effective” grant from the Federal COPS Office and was approved for the grant of $150,000, with a match of $50,000; and

WHEREAS, the match of $50,000 for this grant will come from two sources: (1) $40,731.14 previously encumbered funds for a telephone recording system and (2) $9,268.86 from Special Fund for Capital Outlay - Computer Network and Imaging System.

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:

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<th>Expenditure</th>
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</tr>
<tr>
<td>9,269</td>
<td>9,269</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 21st day of October 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 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 Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-600

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MILLER, NELSON & BRIGGS FOR OUTSIDE LEGAL SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Miller, Nelson & Briggs for Outside Legal Services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-601

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PAUL A. HORN FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE OCTOBER 21, 1997

WHEREAS, Paul A. Horn was appointed a member of the Human Relations Commission on April 9, 1996; and

WHEREAS, Paul A. Horn has tendered his resignation from the Human Relations Commission, effective October 21, 1997; and

WHEREAS, Paul A. Horn 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 Paul A. Horn 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 Paul A. Horn 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 21st day of October, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-602

A RESOLUTION ADOPTING AMENDMENT NO. 12 TO THE VILLAGE ONE SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS, TO DELETE REQUIREMENT FOR BUSINESS PARK MARKET STUDY, AND TO ALLOW REGIONAL COMMERCIAL USES IN THE BUSINESS PARK.

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, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan for the purpose of rewriting and
reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to
reduce costs and to implement recommendations to increase the
marketability of development within the Village One Area, and

WHEREAS, the City Council on May 14, 1996, by
Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to
amend the Precise Plan portion of the Village One Specific Plan
to delete the multiple-family development designation from the
Precise Plan for Area No. 8, (PPA No. 8), and Precise Plan for
Area No. 33, (PPA No. 33,) respectively, and Resolution No. 96-
246 to amend the Design Standard portion of the Village One
Specific Plan pertaining to single-family dwelling setbacks and
three-car garages, limited to Precise Plan Areas Numbers 8, 32
and 33, and

WHEREAS, the City Council on June 4, 1996, by
Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to
incorporate changes previously approved in Specific Plan
Amendment No. 7 into the Specific Plan document itself, to make
minor editorial changes to the Village One Specific Plan, and to
incorporate changes resulting from development of a revised
Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by
Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to
the Village One Specific Plan pertaining to standards for
dwelling setbacks and three-car garages which are to be applied
to all single-family developments throughout the Village One
Specific Plan,

WHEREAS, the City Council on May 6, 1997, by Resolution
No. 97-225, adopted Specific Plan Amendment No. 10 to the Village
One Specific Plan to eliminate redundancy with the General Plan
Housing Element policies and to eliminate language that was too
restrictive, and

WHEREAS, the City Council on June 3, 1997, by
Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to
the Village One Specific Plan to exempt Public Facilities from
Precise Plan requirements, to streamline the Specific Plan
amendment process, and to provide minor clarification to various
policies and diagrams, and

WHEREAS, a duly noticed public hearing was held by the
Planning Commission of the City of Modesto on September 22, 1997,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, to receive evidence both oral and documentary regarding
proposed Specific Plan Amendment No. 12, and

WHEREAS, after considering public comments, the
Planning Commission, by Resolution 97-67, recommended to the City
Council approval of an amendment to the Village One Specific Plan
to allow changes in Public Service Providers, to delete the
requirement for a Business Park Market Study, and to allow
Regional Commercial Uses in the Business Park, and

WHEREAS, said matter was set for a public hearing of
the Council of the City of Modesto to be held on October 21,
1997, at 7:00 p.m., in the City Council Chambers, City Hall, 801
11th Street, and

WHEREAS, by a report to the Council dated October 14,
1997, from the Community Development Department, a copy of which report is on file in the City Clerk’s Office, City staff recommended to the Council approval of Village One Specific Plan Amendment No. 12 to allow changes in Public Service Providers, to delete the requirement for a Business Park Market Study, and to allow Regional Commercial Uses in the Business Park, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission and City staff was held by the City Council at said date and time above mentioned,

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

SECTION 1. That this Amendment No. 12 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby adopts said Amendment No. 12 to the Village One Specific Plan to allow changes in Public Service Providers, to delete the requirement for a Business Park Market Study, and to allow Regional Commercial Uses in the Business Park, and

WHEREAS, said changes to the Village One Specific Plan, approved herein by the City Council, are as set forth in the report marked Exhibit "A", attached hereto and incorporated herein by reference, and a copy of which is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st
day of October, 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: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

Staff report dated October 14, 1997 for the October 28, 1997 Council Meeting, w/attachments.
TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Public Hearing to Consider Amendment No. 12 to the Village One Specific Plan to Allow Changes in Public Service Providers, Delete Requirement for Business Park Market Study, and Allow Regional Commercial Uses in the Business Park

I. RECOMMENDED COUNCIL ACTION

The Planning Commission by Resolution No. 97-67 recommends the City Council adopt a Resolution adopting Amendment No. 12 to the Village One Specific Plan to:

A. Allow changes in Public Service Providers.
B. Delete requirement to prepare Business Park Market Study.
C. Allow Regional Commercial uses in the Business Park (and revise the Business Park diagram).

II. BACKGROUND

On October 16, 1990, the City Council approved the Village One Specific Plan (Attachment 1). Since that time, there have been changes in the private companies that provide various services to the City. In addition, the City's General Plan, adopted in 1995, emphasizes economic development including regional commercial.

III. SUMMARY OF ISSUES

A. Service Providers

The Public Infrastructure section of the current Specific Plan contains language which specifically identifies service providers for City and non-City services. Because of economic forces, e.g. privatization, mergers etc., some or all of these providers may be
different in the future. Specifically, Solid Waste and Other Utilities sections such as telephone, cable television and power may change. These providers are currently named in the Plan.

B. Market Study

When the Specific Plan was first adopted in 1990, it was thought a market study would be needed to define users within the Business Park. Seven years later, these uses have become more defined and the provision for a market study is no longer needed.

C. Business Park Regional Commercial

The Village One Business Park, because of its proximity to regional transportation corridors, is an excellent location for regional commercial uses. The Specific Plan currently defines the Business Parks uses as: office, light industrial and support retail, as permitted by the City's Business Park Zone. The General Plan defines Business Park as including Regional Commercial uses. The amendment would permit the Business Park to take advantage of its location for economic development goals.

IV. REASONS FOR RECOMMENDED ACTIONS

The proposed Amendment meets the Specific Plan Amendment criteria, found in Section V of the Village One Plan, as described below:

A. Need for Amendment/Reasons for Proposed Text and Map Changes

Specific Plan Amendment No. 12 proposed five specific changes to the Village One Specific Plan. Attachment 2 represents the full text and diagrams of the five proposed changes. Following is a brief explanation of the reason for each of those proposed additions, deletions of revisions to the Specific Plan's text or maps:

1. New Service Provider Language

This policy language is proposed to be added because the City Attorney has determined that the Specific Plan should allow for the instance where service providers, such as Solid Waste (garbage) companies may realign service boundaries. There are a number of reasons that service providers may change in the future. This paragraph provides a policy basis in the Specific Plan for changing service providers while ensuring that adequate service will be provided to the Specific Plan area.
2. Revise Industrial/Business Park Land Use Policy

This revision to the Industrial/Business Park Land Use Policy is needed to be consistent with the policy changes proposed in the Business Park Precise Plan Area policies. Since the land use policy language in Precise Plan Area 35 will permit Regional Commercial uses, the reference limiting retail commercial uses was removed.

3. Amtrak Station Revision

This revised language is needed to be consistent with the City’s actions on moving ahead with construction of the Amtrak Station. The parcel and roadway alignment have been created and the Station will be constructed in the near future.

4. Replace Business Park Market Study Requirement

This revision replaces the requirement for a Market Study with language that specifically states that Regional Commercial uses may be allowed in addition to the Business Park uses. Thus, potential users are more specifically identified.

5. Revise Business Park Precise Plan Diagram

This revision to Figure III-36 is necessary to reflect the current status of the Amtrak station as described in item 3 above.

B. Criteria for Analysis of Amendment

Compared to the adopted Specific Plan, the effects of the proposed amendment would be as follows:

1. The amended plan would conform to the Guiding Principles described in Chapter I of the Village One Specific Plan, because the revisions do not conflict with any of the elements contained in the Guiding Principles.

2. The proposed amendment is compatible with uses inside and surrounding the project area because the Regional Commercial uses would be located within the Business Park area separated from any residential areas by regional transportation facilities.

3. The amended plan would be consistent with the Comprehensive policies found in Chapter II of the Village One Specific Plan because there would not be any substantial change to the standards or principles contained in this chapter.
4. There would be no visual impacts, on or off-site resulting from the proposed amendment, because the Specific Plan contains explicit design guidelines which will be applied to development within the Business Park, including Regional Commercial uses.

5. The amendment would create no new level of traffic impacts, because the amendment includes a requirement for the developer of Regional Commercial uses to provide traffic analysis demonstrating that the overall level of service on the planned street system will be consistent with the Village One Program EIR.

6. The scope and nature of Public Utilities, as described in the Specific Plan and Facilities Master Plan, would not be affected by the amendment because although service providers may change, the Plan's infrastructure requirements do not.

V. ENVIRONMENTAL REVIEW

An Initial Study was prepared pursuant to CEQA Section 15162 to determine if environmental review for the amendment was covered under the Village One Program EIR. The Initial Study concluded that the amendment is within the scope of the Village One Program EIR and that no new substantial changes have occurred that no new environmental document is required.

This proposed amendment would not require changes to the environmental analysis or mitigation measures in the Supplement to the Program EIR or General Plan Master EIR.

VI. REQUIRED FINDINGS

Following are the findings necessary for the adoption of the proposed Specific Plan Amendment:

The proposed Amendment No. 12 to the Village One Specific Plan is consistent with Goals and Policies of the City's General Plan.

This finding can be made since the action considered would implement General Plan policy for economic development.

VII. STEPS FOLLOWING APPROVAL

Reprint the Specific Plan document based on the Council's action.

Prepared By:  
Steve R. Nish, Associate Planner

Recommended By:  
Philip A. Testa, Community Development Director

Submitted By:  
J. Edward Tewes, City Manager
Attachments: 1. Location Map  
               2. Proposed Changes to the Specific Plan  
               3. Draft Planning Commission Resolution

SN/elc

cc: City Clerk (22)  
    City Attorney  
    Deputy City Manager  
    Community Development Director
SPECIFIC PLAN AMENDMENT NO. 12

VILLAGE ONE

AREA OF PROPOSED SPECIFIC PLAN AMENDMENT NO. 12
ATTACHMENT 2

PROPOSED CHANGES TO THE SPECIFIC PLAN
### PROPOSED CHANGES TO THE VILLAGE ONE SPECIFIC PLAN

The following changes will be made to Chapters II and III of the Village One Specific Plan. The annotated pages follow with the specific text and diagram changes (note: as revisions are made to the Specific Plan repagination is necessary), page numbers below refer to the current document:

<table>
<thead>
<tr>
<th>Proposed Change to:</th>
<th>Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Policy II.D.1, Public Facilities Overview, Page II-11</td>
<td>Add text</td>
</tr>
<tr>
<td>2. Policy II.G.9, Industrial/Business Park Land Use Policies, Page II-29</td>
<td>Revise text</td>
</tr>
<tr>
<td>3. Policy 5a, Precise Plan Area 35, Page III-90</td>
<td>Revise text</td>
</tr>
<tr>
<td>4. Policy 5b, Precise Plan Area 35, Page III-91</td>
<td>Delete text and Add text</td>
</tr>
<tr>
<td>5. Figure III-36, Precise Plan Area 35, Page III-92</td>
<td>Revise diagram</td>
</tr>
</tbody>
</table>
street. It would be a major transit corridor for east-west travel between Oakdale Road and the Business Park east of Claus Expressway.

The junctions of Roselle Avenue and Floyd Avenue with neighborhood connectors and streets occur at one-quarter-mile intervals to provide an adequate number of bus stop locations for local service. Bus turnouts will be provided along Roselle Avenue at all junctions with Arterial streets or neighborhood connectors. The design of all neighborhood connectors shall allow for the installation of far-side bus stops. On neighborhood connectors, parking would be prohibited adjacent to the curb and on the far side of the intersections.

c) Alternative future transit systems will be provided within Village One. These future transit systems will be accommodated within the existing travel lanes of Arterial streets. The systems will include the potential for coordinating with a future regional mass transit system along the Santa Fe Railroad alignment.

D. Public Facilities and Infrastructure

1. Public Facilities - Overview

Public facilities have the responsibility to help structure and shape the public realm. This is not only true in terms of the activities that they house, but also in terms of the siting and distribution of facilities, and the design of specific buildings. For this reason, public and semi-public buildings are prominent within the Village landscape and reinforce the larger community concept by creating focal points within residential districts. A more efficient utilization of land is made through the use of shared campuses and facilities, which can, in turn also encourage a stronger and more positive relationship to the surrounding neighborhoods.

In Village One, the Plan calls for the development of three elementary schools, two middle schools, one high school, one community park, three neighborhood parks, a branch fire station, and a police substation within the Village Center as a store-front lease. In addition, a number of existing churches would remain in their present locations.

Schools and parks clearly consume the largest share of land for community facilities within Village One. Of the 1,850 acres of land in the Village, approximately 107 acres would be devoted to schools, and approximately 60 acres would be set aside and developed as parks.

A branch fire station would be located within the Village Center, on a half-acre site. A police substation will also be located in the Village Center, as a storefront lease. Figure II-24 presents the present and planned Public Facilities within Village One.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.
8. **industrial/Business Park - Overview**

A major new employment center shall be established in Village One comprised of commercial, office and industrial uses. The development of these employment uses adjacent to Village residential neighborhoods would create a base of employees with the potential to live close to their places of work. By achieving a better jobs/housing balance, the Plan sets the framework for a more viable, self-sufficient community.

Potentially conflicting uses are separated from each other by establishing the Business Park between the Village residential uses and the railroad tracks, adjacent agricultural areas, and the Mosquito Abatement District's airstrip. The railroad tracks are a source of very high noise levels, and agricultural operations and the adjoining air strip may be disruptive to residential areas as well. Industry/business uses are well-suited to this location, and create an appropriate transition to residential uses to the west of Claus Road.

9. **Industrial/Business Park - Land Use Policies**

a) Development in the Industrial/Business Park shall be allowed at a maximum intensity of 0.25 Floor Area Ratio (FAR).

   It is anticipated that the overall development intensity would be relatively low in this area, however, it would allow a higher intensity, associated more with office business parks (0.25 FAR), for greater flexibility.

b) A variety of office and industrial uses shall be allowed.

   To take best advantage of future opportunities and to allow flexibility to respond to potentially market changes over time, designations of specific commercial office and industrial uses are not set forth. Certain institutional (or public/semi-public) uses, such as a city corporation yard may be permitted in the area, however, residential and retail commercial uses (except those serving the employees in the business park as permitted in the City Business Park Zone Ordinance) would be specifically prohibited.

10. **Industrial/Business Park - Design Policies**

The Business Park is planned as a major activity center, with the possibility of employing several thousand people at full buildout. It offers the potential to allow Village residents to work close to home, and therefore it is important that it be designed to include physical and visual linkages to the rest of the Village. In addition, it will be located between two major transportation corridors, the Santa Fe railroad tracks and the Claus Expressway, and positive transition to surrounding uses should be made.
identified a potential demand for office uses in the Village
One site, where access to a qualified labor pool is more
important than highway accessibility. The site can also
serve as an area for expansion of existing Modesto busi-
nesses requiring backup office space or warehousing. This
area could also include a corporation yard for the City and
the Sylvan Union School District. There is also potential
for integrating the future City's Amtrak Station should
also be integrated into the Business Park plans.

b) As part of the Precise Plan preparation, the City
should require a detailed study that evaluates the
specific market niche that the Business Park can fill.
This study includes:

1. Identification of likely users;
2. Identification of parcel size requirements;
3. Preparation of a site plan;
4. Identification of infrastructure requirements;
5. Identification of incentives to attract development.

The "Industrial/Business Park" land use designation may also
allow Regional Commercial uses. Irrespective of the
ultimate land use mix within this Precise Plan Area, the
overall traffic level of service resulting from this land
use mix shall be consistent with the Village One Program BIR
(SCH 90020181).

c) An infrastructure phasing program shall be prepared that
will promote design of the employment center without an
excessive burden on undeveloped property.

Based on the detailed study, the City should prepare an
infrastructure phasing program to identify how services will
be connected with the sewer, water, and storm drainage
facilities located west of Claus Road.

The Facilities Master Plan will address how services will be
connected. Phasing is dependent on the development pro-
posed.

d) A high priority shall be assigned to Briggsmore Avenue and
Claus Road improvements funded through the City's Capital
Facilities Fees.

Accessibility is critical to the development of the Business
Park. The City should give high priority to the Claus Road
and Briggsmore Avenue improvements. Presently, the traffic
improvements funded by the City's Capital Improvements Fac-
ilities Fees have not been prioritized.
Figure III - 36
Precise Plan Area #35

[Map showing precise plan area with labels and roads.]

Revise Diagram
ATTACHMENT 3

DRAFT PLANNING COMMISSION RESOLUTION
A RESOLUTION RECOMMENDING AMENDMENT NO. 12 TO THE VILLAGE ONE SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS, DELETE THE REQUIREMENT FOR A BUSINESS PARK MARKET STUDY, AND ALLOW REGIONAL COMMERCIAL USES IN THE BUSINESS PARK

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 values; and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828a adopted the Village One 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, an Initial Study was prepared pursuant to CEQA Section 15162 to determine if environmental review for the amendment was covered under the Village One Program EIR. The Initial Study concluded that the amendment is within the scope of the Village One Program EIR and that no new substantial changes have occurred that no new environmental document is required; and

WHEREAS, the purpose of Amendment No. 12 is to make provision for future changes in service providers and to implement the economic development policies of the General Plan through revisions to Chapter II and III of the Plans policies including: revise language in the Public Facilities Infrastructure chapter to allow for future changes in service providers, and replace language in Precise Plan Area Description No. 35 to delete the requirement for a Business Park Market Study and add new policy language allowing Regional Commercial Uses; and

WHEREAS, the Planning Commission held a duly notice public hearing on September 22, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto to receive evidence both oral and documentary regarding proposed Specific Plan Amendment No. 12, and to consider making a recommendation to the City Council on said Proposed Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds and determines as follows:

SECTION 1. That this Amendment is consistent with the goals and policies of the Modesto Urban Area General Plan.
SECTION 2. That it recommends to the City Council adoption of Amendment No. 12 to the Village One Specific Plan which specific details are set forth in Exhibit "A," attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission held on September 22, 1997, by __________ who moved its adoption, which motion was seconded by __________ and carried by the following vote:

AYES:

NOES:

ABSENT:

RECUSED:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

_____________________________
George Osner, Secretary

Attachment: Exhibit "A"
The junctions of Roselle Avenue and Floyd Avenue with neighborhood connectors and streets occur at one-quarter-mile intervals to provide an adequate number of bus stop locations for local service. Bus turnouts will be provided along Roselle Avenue at all junctions with Arterial streets or neighborhood connectors. The design of all neighborhood connectors shall allow for the installation of far-side bus stops. On neighborhood connectors, parking would be prohibited adjacent to the curb and on the far side of the intersections.

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Potentially conflicting uses are separated from each other by establishing the Business Park between the Village residential uses and the railroad tracks, adjacent agricultural areas, and the Mosquito Abatement District’s airstrip. The railroad tracks are a source of very high noise levels, and agricultural operations and the adjoining air strip may be disruptive to residential areas as well. Industry/business uses are well-suited to this location, and create an appropriate transition to residential uses to the west of Claus Road.

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b) A variety of office and industrial uses shall be allowed.

To take best advantage of future opportunities and to allow flexibility to respond to potentially market changes over time, designations of specific commercial office and industrial uses are not set forth. Certain institutional (or public/semi-public) uses, such as a city corporation yard may be permitted in the area, however, residential and retail-commercial uses (except those serving the employees in the business park as permitted in the City Business Park Zone Ordinance) would be specifically prohibited.

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identified a potential demand for office uses in the Village One site, where access to a qualified labor pool is more important than highway accessibility. The site can also serve as an area for expansion of existing Modesto businesses requiring backup office space or warehousing. This area could also include a corporation yard for the City and the Sylvan Union School District. There is also potential for integrating the future City's Amtrak Station should also be integrated into the Business Park plans.

b) As part of the Precise Plan preparation, the City should require a detailed study that evaluates the specific market niche that the Business Park can fill. This study includes:

1. Identification of likely users;
2. Identification of parcel size requirements;
3. Preparation of a site plan;
4. Identification of infrastructure requirements;
5. Identification of incentives to attract development.

The "Industrial/Business Park" land use designation may also allow Regional Commercial uses. Irrespective of the ultimate land use mix within this Precise Plan Area, the overall Traffic Level of Service resulting from this land use mix shall be consistent with the Village One Program EIR (SCH #90020181).

c) An infrastructure phasing program shall be prepared that will promote design of the employment center without an excessive burden on undeveloped property.

Based on the detailed study, the City should prepare an infrastructure phasing program to identify how services will be connected with the sewer, water, and storm drainage facilities located west of Claus Road.

The Facilities Master Plan will address how services will be connected. Phasing is dependent on the development proposed.

d) A high priority shall be assigned to Briggsmore Avenue and Claus Road improvements funded through the City's Capital Facilities Fees.

Accessibility is critical to the development of the Business Park. The City should give high priority to the Claus Road and Briggsmore Avenue improvements. Presently, the traffic improvements funded by the City's Capital Improvements Facilities Fees have not been prioritized.
Figure III - 36
Precise Plan Area #35

[Map of Precise Plan Area #35 with annotations and revisions]
MODESTO CITY COUNCIL
RESOLUTION NO. 97-603

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

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

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

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

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

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

Community Services and Neighborhood Connections Director

Operations and Maintenance Director

Engineering and Transportation Director

The job specifications for the classification of Community Services and Neighborhood Connections Director (Range 1420), as shown on the attached Exhibit "A", 

10/23/97 - CA
Operations and Maintenance Director (Range 1420), as shown on the attached Exhibit “B”, and Engineering and Transportation Director (Range 1422), as shown on the attached Exhibit “C”, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Public Works and Transportation Director

Parks and Recreation Director

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 28, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DIRECTOR

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

DEFINITION

To plan, direct and review the activities and operations of the Community Services and Neighborhood Connections Department including leisure and community services programming and activities, human services program administration, and community and neighborhood outreach and improvement; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

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

**Essential Functions:**

Develop, plan, and implement division goals and objectives; recommend and administer policies and procedures.

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

Plan, organize, direct, evaluate, and schedule the work and programs of the department divisions, programs and the administrative office staff.

Plan and direct the development of community and neighborhood improvement initiatives and programs.

Plan, direct, and/or facilitate leisure service programs and activities, golf operations, and community-wide programs or activities.

EXHIBIT "A"
Essential Functions: (Continued)

Negotiate and resolve significant and controversial neighborhood and community issues.

Prepare and submit reports and recommendations, and provide technical advice to the City Manager, City Council, and related boards and commissions.

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

Develop and implement citizen based problem-solving models.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Prepare long-range plans to meet community needs based on studies of local conditions and projections of the future composition of the community; recommend additional, altered or expanded public recreation facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Coordinate and direct fund-raising activities.

Direct the establishment and maintenance of files and records of Departmental activities.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Principles, practices and methods used in community and leisure services administration and management, and program and facility acquisitions and maintenance.

Recreational, cultural, human, and social needs of all age, ethnic and economic groups.

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

Record keeping and reporting procedures.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Group problem solving techniques and partnerships with individuals and community groups.

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

Principles and practices of organization, administration and personnel management.

Grants and administration of funds obtained from external agencies.

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

Understand and implement the community, social and leisure services needs of the community and recommend additional areas, facilities and programs to meet those needs.
Ability to: (Continued)

Prepare and present complex reports.

Work through complex community and neighborhood issues.

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

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

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

Maintain liaison with various private and public agencies, and deal successfully with the public and other interested groups.

Prepare and administer a budget.

Select, lead, supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making decision 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:

Eight years of increasingly responsible supervisory or administrative experience in community, leisure or human service programs.

Training:

A Bachelor’s degree from an accredited college or university with major course work in public administration, recreation, or a related field.

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions

Office environment.

Physical Conditions:

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

DEFINITION

To plan, direct and review the functions of the Operations and Maintenance Department including but not limited to fleet, streets, water, waste water collection and treatment, solid waste, forestry, and park operations; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

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

Essential Functions:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Direct, oversee and participate in the development of the Department's annual work plan as approved by the City Manager; assign and schedule work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Plan, organize, direct, evaluate, and maintain schedules for all operations relating to streets, water, solid waste, and sewer related activities including the operation, maintenance and repair of utility facilities.
Essential Functions (Continued)

Plan, organize, direct, evaluate, and maintain schedules for all operations relating to fleet, parks, parking lots, parking structures, and building maintenance related activities including the operation, maintenance and repair of public recreation and general government facilities.

Plan, organize, direct and evaluate forestry related activities including the planting, maintenance and preservation of street and park trees.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Supervise and participate in the development and administration of the Operations and Maintenance Department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Prepare resolutions, ordinances, reports and correspondence.

Review plans, reports and budget estimates prepared by subordinates, outside consultants and other City departments.

Represent the City before citizens, elected officials and community groups on utility matters as directed by the City Manager.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

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

Select, train, motivate and evaluate personnel; provide a high level of leadership; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Methods, materials, techniques and equipment used in the operation and maintenance of fleet, water, sewer, streets, forestry, parks, buildings and solid waste systems.

Applicable laws and regulatory codes related to utility and solid waste operations.

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

Recent developments, current literature and sources of information regarding water, sewer and waste-to-energy issues.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Principles of supervision, training and performance evaluation.

Principles and practices of contract administration and managed competition.

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

Duties and functions of State and local water and sewer districts.

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

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

Prepare and administer a budget.
Ability to: (Continued)

Analyze organization and operational issues and select proper courses of action.

Interpret and apply City policies, procedures, rules and regulations.

Communicate clearly and concisely, both orally and in writing.

Select, supervise, train and evaluate professional and technical subordinates.

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts.

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

Build consensus and maintain a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making 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

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:

Eight years of increasingly responsible public works type experience including five years of administrative and supervisory responsibility.
Experience and Training (Continued)

Training:

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

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; exposure to computers.

Physical Conditions:

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

**DEFINITION**

To plan, direct and review the activities and operations of the Engineering and Transportation Department including the electrical service, engineering, parking and traffic and transit divisions; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

**SUPERVISION RECEIVED AND EXERCISED**

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

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

**Essential Functions:**

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

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

Plan, design, restore and construct utility facilities.

Plan, organize, direct, evaluate and schedule the construction, maintenance and operation of City-owned electrical facilities including street lights and electrical systems associated with City buildings.

Prepare and implement long-range planning for public works systems and improvements; prepare public works conditions to be placed on new and redeveloped parcels.

EXHIBIT "C"
Essential Functions: (Continued)

Direct the installation of all public improvements in subdivisions and developments.

Perform statutory duties of City Engineer as prescribed by state law and the Municipal Code.

Direct the development, implementation and administration of the City's capital improvement program as it relates to City-owned utilities and electrical facilities.

Direct the City's parking, traffic, transit, airport, and solid waste activities.

Confer with and advise supervisory assistants and outside consultants on problems related to the operation, construction and maintenance of City utility and electrical facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Prepare resolutions, ordinances, reports and correspondence.

Review plans, engineering reports and budget estimates prepared by subordinates, outside consultants and other City departments.

Perform utility rate structure analysis and make recommendations on utility rates.

Evaluate and recommend professional engineering consultants and contracts.

Represent the City before citizens, elected officials and community groups on utility matters.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

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

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Marginal Functions:

Perform related duties as assigned.
Marginal Functions: (Continued)

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

QUALIFICATIONS

Knowledge of:

Methods, materials, techniques and equipment used in the construction, operation and maintenance of water, sewer, telecommunications and electrical systems, and waste-to-energy facilities.

Modern and complex principles and practices of parking and traffic program development and administration.

Principles and practices of civil engineering administration.

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

Recent developments, current literature and sources of information regarding water, sewer, solid waste and waste-to-energy facility engineering and operation.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Principles of supervision, training and performance evaluation.

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

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

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

Prepare and administer a budget.

Analyze organization system issues and select proper courses of action.

Interpret and apply City policies, procedures, rules and regulations.

Communicate clearly and concisely, both orally and in writing.

Select, lead, supervise, train and evaluate professional and technical subordinates.

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts as directed by the City Manager.

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

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making 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

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:

Eight years of increasingly responsible public works engineering experience including five years of administrative and supervisory responsibility.

Training:

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

License or Certificate

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

Possession of a Certificate of Registration as a professional civil engineer in the State of California.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-604

A RESOLUTION AMENDING EXHIBIT "I" OF RESOLUTION NO. 97-375 TO REVISE THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT TO ADD COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DIRECTOR, OPERATIONS AND MAINTENANCE DIRECTOR, AND ENGINEERING AND TRANSPORTATION DIRECTOR, AND TO ABOLISH PUBLIC WORKS AND TRANSPORTATION DIRECTOR AND PARKS AND RECREATION DIRECTOR PURSUANT TO THE REORGANIZATION OF CERTAIN CITY DEPARTMENTS AND FUNCTIONS.

WHEREAS, the City Council desires to amend Exhibit "I" of Resolution No. 97-375 to revise the Class Range Table For Executive Management to add Community Services and Neighborhood Connections Director (Range 1420), Operations and Maintenance Director (Range 1420), and Engineering and Transportation Director (Range 1422), and to abolish Public Works and Transportation Director and Parks and Recreation Director pursuant to the reorganization of certain City departments and functions,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 97-375. Exhibit "I" of Resolution No. 97-375 entitled "City Of Modesto Class Range Table, Executive Management, Effective June 24, 1997", is hereby amended as shown on the amended Exhibit "I" entitled "City Of Modesto Class Range Table Executive Management, Effective October 28, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "I" adds salary ranges for Community Services and Neighborhood
Connections Director (Range 1420), Operations and Maintenance Director (Range 1420), and Engineering and Transportation Director (Range 1422), and abolishes salary ranges for Public Works and Transportation Director and Parks and Recreation Director pursuant to the reorganization of certain City departments and functions.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 28, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: JEAN ADAMS, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective October 28, 1997

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>1405</td>
<td>City Clerk/Auditor</td>
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<tr>
<td>1406</td>
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<td>1407-1411</td>
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<td>1412</td>
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<td>1413</td>
<td>Personnel Director</td>
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<td>1419</td>
<td>Finance Director</td>
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<td>1420</td>
<td>Fire Chief</td>
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<td>Community Services and</td>
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<td></td>
<td>Neighborhood Connections Director</td>
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<td></td>
<td>Operations and Maintenance Director</td>
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<td>1421</td>
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<td>1422</td>
<td>Police Chief</td>
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<td>Community Development Director</td>
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<td>Engineering and Transportation Director</td>
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<td>1423</td>
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<td>1424</td>
<td>Deputy City Manager</td>
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<td>City Attorney</td>
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<td>1427</td>
<td></td>
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<tr>
<td>1428</td>
<td>City Manager</td>
</tr>
</tbody>
</table>

EXHIBIT "I"
MODESTO CITY COUNCIL
RESOLUTION NO. 97-605

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT MONTHLY VEHICLE ALLOWANCES TO THE COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DIRECTOR, OPERATIONS AND MAINTENANCE DIRECTOR, AND ENGINEERING AND TRANSPORTATION DIRECTOR.

WHEREAS, by Resolution No. 92-348 adopted by the Council of the City of Modesto on June 23, 1992, the Council authorized the City Manager to grant monthly vehicle allowances to the Deputy City Manager and Public Works and Transportation Director, and

WHEREAS, by Resolution No. 94-398 adopted by the Council of the City of Modesto on June 28, 1994, the Council authorized the City Manager to grant monthly vehicle allowances to the Community Development Director and Parks and Recreation Director, and

WHEREAS, by Resolution No. 97-603 adopted by the Council of the City of Modesto on October 28, 1997, the Position Classification Plan was revised to create classifications for Community Services and Neighborhood Connections Director, Operations and Maintenance Director, and Engineering and Transportation Director, and to abolish classifications for Public Works and Transportation Director and Parks and Recreation Director pursuant to a reorganization of certain City departments and functions, and

WHEREAS, the Council desires to authorize the City Manager to grant monthly vehicle allowances to the Community Services and Neighborhood Connections Director, Operations and Maintenance Director and Engineering and Transportation Director,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to grant vehicle allowances in an amount not to exceed Three Hundred Fifty and no/100ths ($350) Dollars per month to the Community Services and Neighborhood Connections Director, Operations and Maintenance Director, and Engineering and Transportation Director.

BE IT FURTHER RESOLVED that Resolution No. 92-348 adopted on June 23, 1992, authorizing the City Manager to grant a monthly vehicle allowance to the Deputy City Manager shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-606

A RESOLUTION ACCEPTING THE MODESTO CENTRE PLAZA FIVE YEAR PLAN AND AUTHORIZING STAFF TO IMPLEMENT RECOMMENDATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Modesto Centre Plaza Five Year Plan be, and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Five Year Plan 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 October, 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $5,635 FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE CENTRE PLAZA FUND FOR ADDITIONAL SALARIES AND BENEFITS FOR PART-TIME SERVICE WORKER

WHEREAS, over the past two years, a study had been conducted of the growing needs of the Modesto Centre Plaza which resulted in development of a Five-Year Plan for the Centre. This report forecasts the financial trends of the Modesto Centre Plaza over the next five years, benchmarks current performance of the operation and makes future recommendations; and

WHEREAS, a recommendation was made to restore a part-time service worker position in order to provide acceptable levels of customer service; and

WHEREAS, the cost of $5,635 will be expended for this position for the remainder of this fiscal year.

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:

Expenditures:
- #010-800-8000-8003 $(5,635)
- #670-370-3412-0140 $5,635

Transfers:
- #670-700-7000-9010 $5,635
- #010-700-7000-7670 $5,635

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 October 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers

STAN FEATHERS, Budget Officer
A RESOLUTION APPROVING THE REVISION OF THE MODESTO CENTRE PLAZA RENTAL RULES, REGULATIONS, AND RATES POLICY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Revision of the Modesto Centre Plaza Rental Rules, Regulations and Rates Policy be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Revision of Policy 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 October, 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR CONSTRUCTION AND OPERATION OF THE POOL SUPPORT FACILITY AT JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Modesto City Schools for construction and operation of the pool support facility at Johansen High School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-610

A RESOLUTION APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY ATTORNEY MICHAEL MILICH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to employee agreement between the City of Modesto and City Attorney Michael Milich to consolidate previous amendments and to accurately reflect changes in benefits which are applicable to all management level employees of the City be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to employee 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 October, 1997, 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, Serpa, Mayor Lang

NOES:  Councilmembers: None

ABSENT:  Councilmembers: McClanahan

ATTEST:  
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-611

A RESOLUTION APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY MANAGER J. EDWARD TEWES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to employee agreement between the City of Modesto and City Manager J. Edward Tewes to consolidate previous amendments and to accurately reflect changes in benefits which are applicable to all management level employees of the City be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to employee 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 October, 1997, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams, City Clerk
RESOLUTION NO. 97-612

A RESOLUTION APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY CLERK/AUDITOR JEAN ADAMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to employee agreement between the City of Modesto and City Clerk/Auditor Jean Adams to consolidate previous amendments and to accurately reflect changes in benefits which are applicable to all management level employees of the City be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to employee 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 October, 1997, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-613

A RESOLUTION APPROVING A FIVE (5%) INCREASE IN SALARY FOR THE CITY CLERK/AUDITOR.

WHEREAS, by Resolution No. 97-375, effective June 24, 1997, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 97-98 Effective 6/24/97", for Executive Management (Exhibit "J"), and

WHEREAS, the City Council desires to approve a five (5%) percent increase in salary to $4,722.16 per month for City Clerk/Auditor, Jean Adams, effective October 28, 1997, which is within the range established in Exhibit "J" of Resolution No. 97-375,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five (5%) percent increase in salary to $4,722.16 per month for City Clerk/Auditor, Jean Adams, effective October 28, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: JUDYC. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A RIGHT OF ENTRY AND INDEMNIFICATION AGREEMENT WITH STANLEY GALAS, BONNIE K. GALAS, NORMAN GALAS, AND JUNE GALAS FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanley Galas, Bonnie K. Galas, Norman Galas, and June Galas to allow entry and indemnification for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: ________________

JUAN ADAMS, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING AND SURVEYING FOR PROFESSIONAL SURVEY SERVICES

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID VAUGHN ENTERPRISES FOR REPAIR TO THE DISPLAY FOUNTAIN SYSTEM AT THE MODESTO CENTRE PLAZA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David Vaughn for repair to the display fountain system at the Modesto Centre Plaza 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 October, 1997, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $6,000 FROM THE CENTRE PLAZA FUND FF&E RESERVE TO A CAPITAL, NON-CIP ACCOUNT TO REPAIR THE DISPLAY FOUNTAIN SYSTEM AT THE MODESTO CENTRE PLAZA

WHEREAS, inspection of the display fountain system at the Modesto Centre Plaza has revealed numerous leaks in the pool (basin) portion of the system. The damage is due mostly to settling of the ground under and around the fountain, with the remaining deterioration related to ten years of wear and tear; and

WHEREAS, a thorough survey of the damage and an effective repair plan has been created for a total cost of $6,000.

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:

Account #670-800-8000-8003   $6,000
Account #670-340-J206-6040   $(6,000)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October 1997, 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, Serpa, Mayor Lang

NOES:    Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: __________________________
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: __________________________
STAN FEATHERS, Budget Officer
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO FUND THE INSTALLATION OF APPROXIMATELY 19 ADDITIONAL ROCKWELLS UNDER THE CURRENT ROCKWELL CONTRACT

WHEREAS, the El Nino Task Force discussions resulted in the development of a list of key locations where localized flooding would be reduced with the installation of a rockwell; and

WHEREAS, staff has identified approximately $70,000 in savings from the 1996-1997 rockwell project and contingencies from the 1997-1998 rockwell project which could be used to fund the additional rockwells.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that a change order to fund the installation of approximately 19 additional rockwells under the current rockwell 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 28th day of October, 1997, 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, Serpa, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  McClanahan

ATTEST:  
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $38,000 TO FUND AN ADDITIONAL 19 ROCKWELLS UNDER THE CURRENT "ROCKWELL REPLACEMENT/ADDITION" PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfers are approved:

FROM: 628 480 H089 6040 $10,000
      628 480 H080 6050 $28,000
TO:   628 480 J740 6050 $38,000

Funds to be used for installation of additional rockwells in anticipation of above-normal rain fall this season.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: ____________________________
           JEAN ADAMS, City Clerk
A RESOLUTION APPOINTING ELIZABETH SODERSTROM 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. Elizabeth Soderstrom is hereby appointed to the Local Cable Programming Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-621

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE ALLEY IN BLOCK 57 AND THE ALLEY IN BLOCK 67 LOCATED WITHIN THE 10TH STREET PLACE PROJECT.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 97-582 on October 14, 1997, declaring its intention to vacate and abandon a portion of the alley in Block 57 from “J” Street to “K” Street, and abandonment of the alley in Block 67 from “J” Street to “K” Street, and

WHEREAS, said portion of the alley in Block 57 from “J” Street to “K” Street, and the alley in Block 67 from “J” Street to “K” Street to be vacated and abandoned are more particularly shown on those certain maps entitled, “Vacate and Abandon a Portion of the Alley in the City of Modesto Block 57 from “J” Street to “K” Street” and “Vacate and Abandon the Alley in the City of Modesto Block 67 from “J” Street to “K” Street”, which are on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 97-582 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 Public Works and Transportation Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously at the entrance of each alley and mid-block at Block 57 and mid-block at Block 67 at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and
WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, November 4, 1997, 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 Chapter 3, Sections 8320 through 8325 of the Streets and Highways Code of the State of California in order to vacate and abandon said alleys have been done and accomplished, and

WHEREAS, the Council finds and declares as follows:

1. That portion of the alley in Block 57 from “J” Street to “K” Street, and the alley in Block 67 from “J” Street to “K” Street, are located within the 10th Street Place project and are unnecessary for present or prospective street purposes.

2. That the vacation and abandonment thereof is in the public interest, and

WHEREAS, on October 7, 1997, the City’s Community Development Department, by Environmental Assessment Initial Study No. 97-100, reviewed the proposed abandonments and made the determination that the proposed abandonments will have no additional significant effect on the environment that was not identified in the Initial Environmental Assessment No. 93-267 in relation to the 10th Street project (formerly called the “10th Street Plaza” project),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders and declares the vacation and abandonment of the portion of the alley in Block 57 from “J” Street to “K” Street, and the alley in Block 67 from “J” Street to “K” Street, as shown on those certain maps entitled, “Vacate and Abandon a Portion of the
Alley in the City of Modesto Block 57 from “J” Street to “K” Street” and “Vacate and Abandon the Alley in the City of Modesto Block 67 from “J” Street to “K” Street”, subject to the utility easements within the subject alleys being retained temporarily. Copies of said maps and written descriptions are attached hereto, incorporated herein by reference, which maps and written descriptions are also on file in the Office of the City Clerk.

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 4th day of November, 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: Cogdill, Dobbs, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: _______________________
       JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _______________________
    MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

VACATE AND ABANDON A PORTION OF ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM “J” STREET TO “K” STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 57 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 57, South 46°30′30″ West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29′30″ East 300 feet; thence South 46°30′30″ West 20 feet to the southwesterly line of said alley; thence on said southwesterly line, North 43°29′30″ West 300 feet to the northwesterly line of said Block 57; thence on said northwesterly line, North 46°30′30″ East 20 feet to the point of beginning.

Containing 6,000 sq. ft. more or less.
EXHIBIT “A”

VACATE AND ABANDON ALLEY IN CITY OF MODESTO BLOCK 67 FROM “J” STREET TO “K” STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 67 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 67, South 46°30'30" West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29'30" East 400 feet to the southeasterly line of said Block 67; thence on said southeasterly line, South 46°30'30" West 20 feet to the southwesterly line of aforesaid alley; thence on said southwesterly line, North 43°29'30" West 400 feet to the northwesterly line of said Block 67; thence on said northwesterly line, North 46°30'30" East 20 feet to the point of beginning.

Containing 8,000 sq. ft. more or less.
VACATE AND ABANDON A PORTION OF THE ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM 'J' STREET TO 'K' STREET

APPROVED BY: P.E.
DATE: EXP. DATE:

ASBUILT BY: DATE:

SBUILT PLOTTED: DATE:

REVISED: DATE:

DATE: 09-30-97 DRAWN BY: Carl Lattimer

CHECKED BY: FIELD BOOK: PAGE:

FILE NO.
VACATE AND ABANDON THE ALLEY IN THE CITY OF MODESTO BLOCK 67 FROM 'J' STREET TO 'K' STREET.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-622

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE
FAIRVIEW VILLAGE SPECIFIC PLAN TO ALLOW FOR
CHANGES IN PUBLIC SERVICE PROVIDERS.

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 December 12, 1995, the City Council by
Resolution No. 95-585 adopted the Fairview Village 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 March 18, 1997, the City Council, by
Resolution No. 97-135, approved Amendment No. 1 to the Fairview
Village Specific Plan to change funding of certain public
facilities from an assessment district to a City Mello-Roos
Community Facilities District, and

WHEREAS, on March 18, 1997, the City Council, by
Resolution No. 97-138, approved Amendment No. 2 to the Fairview
Village Specific Plan to delete the requirement for a housing
trust fund equity sharing program collection of an affordable
housing fee, and
WHEREAS, City staff has proposed Amendment No. 3 to the Fairview Village Specific Plan to add text to Section 2.3, page 30, of the Plan's Infrastructure section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 October 6, 1997, the Planning Commission adopted Resolution No. 97-71, recommending to the City Council Amendment No. 3 to the Fairview Village Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, at 7:00 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 Fairview Village Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-71, is consistent with the City of Modesto Urban Area General Plan for the
The Specific Plan Amendment would implement General Plan policy for provision of public infrastructure and community services.

BE IT FURTHER RESOLVED that said Amendment No. 3 to the Fairview Village Specific Plan to allow changes in Public Service Providers, 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 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST:  
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AMENDMENT NO. 3 TO FAIRVIEW VILLAGE SPECIFIC PLAN
2.3 Infrastructure

This section of the Specific Plan describes public facilities, including community services and infrastructure, needed to support the physical development described in the Land Use Section. Descriptions and proposed improvements conform to the requirements of Section 65451(a)(2) of the Government Code for transportation (circulation and access), sewage, water, drainage, solid waste disposal, and energy.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

2.3.1 Circulation and Access

The street layout for Fairview Village is, in general, a simple, north-south/east-west grid that connects with a circular, central connector roadway defining a large site for the Village elementary school and neighborhood park. Six connector streets, which in turn are served by local streets, provide access to the edge arterials for the neighborhoods and commercial center. The residential street alignments, which will define traditional blocks divided into building lots, are not identified in the Specific Plan as they will be designed as part of the tentative subdivision map application. In concept, the Village Plan for circulation and access is the traditional pattern that defines many older neighborhoods and small towns. For illustrative purposes, a conceptual neighborhood layout for local streets is provided following the circulation and access diagram.

The connectors intersect with the edge. “Class C” Expressways, Hatch and Carpenter Roads, and a Minor Arterial, Whitmore Avenue, at distances of 1/4 mile or greater in accordance with City Public Works standards. Street access to the commercial center is restricted to the connector streets from Carpenter and Hatch Roads. There is no direct access to the commercial center from two edge expressways. Both Hatch and Carpenter Roads and Whitmore Avenue, will be widened to meet planned future width lines in conjunction with tentative subdivision map approvals, as required by the City Public Works and Transportation Department, along the Fairview Village edge.

Connector street intersections with the circular, central connector around the neighborhood and park site are to be located at reasonable intervals that distribute access to the community facilities and at points on the curve that do not result in unacceptable intersection geometry. Local residential street intersections with collectors are to be sufficiently well located to allow relatively direct pedestrian routes between neighborhoods and community facilities in the Village, including Fairview central neighborhood park and school and the Village commercial center.

As has been discussed in the section on Open Space, the final design of the landscaped drainage basins that are associated with the connector may differ somewhat from the representative forms shown on the accompanying circulation and access diagram. In concept, the landscaped drainage basins are to be part of the Village connector network. Whether or not a drainage basin is round or rectangular and how the connectors intersect with the drainage basin is a matter to be determined as part of the final design solution submitted.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-623

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 95032006) RELATING TO THE APPROVAL OF THE FAIRVIEW VILLAGE SPECIFIC PLAN: APPROVING AMENDMENT NO. 3 TO THE FAIRVIEW VILLAGE SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

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

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study No. 97-116 reviewed a proposed Amendment No. 3 to the Fairview Village Specific Plan to allow changes in public service (utility) providers, 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 November 4, 1997, 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 occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Fairview Village Specific Plan EIR.

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

3. The Initial Study, Environmental Assessment No. 97-116 provides substantial evidence to support findings 1, and 2 above.

4. 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study

E.A. No. 97-116
I. **PURPOSE:**

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

Section 21166 of Public Resources Code allows the Fairview Village Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for Specific Plan Amendment No. 3 to the Fairview Village Specific Plan described as follows:

**EXHIBIT "A"**
II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 3 to the Fairview Village Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:
   City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:
   Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:
   Between Whitmore and Hatch Roads, east of Carpenter Road.

E. Project sponsor:
   City of Modesto, Community Development Department

F. General Plan Designation: Fairview Village Comprehensive Planning District

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

H. Description of Proposed Project:
   This project is for the purpose of amending the Infrastructure section of the Specific Plan text, Chapter 2, Page 30, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan. The text requires the level of service of said provider (e.g. garbage, cable, gas, electric etc.) be maintained.

I. Surrounding land uses:
   This project is adjoined on the north by large lot residential and the Tuolumne River and west by agricultural land and scattered rural residential development. It is adjoined on the east by existing residential development in the City and unincorporated County, and to the south by agricultural lands.

J. Other public agencies whose approval is required: none
III. ANALYSIS OF PROJECT CONFORMANCE WITH THE FAIRVIEW VILLAGE FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Fairview Village Specific Plan, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The Fairview Village Final Focused EIR was certified by the Modesto City Council on December 12, 1996. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Fairview Village Specific Plan in the following categories:

- Traffic and Circulation Needs
- Degradation of Air Quality
- Generation of Noise
- Loss of Productive Agricultural Land
- Loss of Sensitive Wildlife and Plant Habitat
- Disturbance of Archaeological or Historical Sites
- Increased Demand for Schools
- Generation of Hazardous Materials

The proposed amendment, addition of text allowing changes in service providers (see Project description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The Fairview Village Specific Plan Final Focused EIR was certified by the Modesto City Council on December 12 1995. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the Fairview Village Final Focused EIR.
C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c))

The Fairview Village Final Focused EIR was certified by the Modesto City Council on December 12, 1995. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Fairview Village Final Focused Environmental Impact Report.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Fairview Village Final Focused Environmental Impact Report.

C. No new information, which was not known and could not have been known at the time the Fairview Village Final Focused Environmental Impact Report was certified as complete, that would require major revisions in the EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 116, provides substantial evidence to support the above findings.

Signature: 

Steve Nish,  
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 97-624

A RESOLUTION APPROVING AMENDMENT NO. 4 TO THE PELANDALE-SNYDER SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

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 January 16, 1996, the City Council by Resolution No. 96-19, adopted the Pelandale-Snyder 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 March 18, 1997, the City Council, by Resolution No. 97-136, approved Amendment No. 1 to the Pelandale-Snyder Specific Plan to change funding of certain public facilities from an Assessment District to a City Mello-Roos Community Facilities District, and

WHEREAS, on March 18, 1997, the City Council, by Resolution No. 97-139, approved Amendment No. 2 to the Pelandale-Snyder Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program Collection of an Affordable Housing Fee, and
WHEREAS, on October 21, 1997, the City Council, by Resolution No. 97-590 approved Amendment No. 3 to the Pelandale-Snyder Specific Plan to allow a phased development of Pelandale Avenue, to delete a collector street connection to Pelandale Avenue, and to modify or delete certain other development standards, and

WHEREAS, City staff has proposed Amendment No. 4 to the Pelandale-Snyder Specific Plan to add text to Section Two, page 2-17, of the Plan's Infrastructure section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 October 6, 1997, the Planning Commission adopted Resolution No. 97-70, recommending to the City Council Amendment No. 4 to the Pelandale-Snyder Village Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, at 7:00 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 Pelandale-Snyder Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution 97-70, is consistent with the City of Modesto Urban Area General Plan for the following reason:

The Specific Plan Amendment would implement General Plan policy for provision of public infrastructure and community services.

BE IT FURTHER RESOLVED that said Amendment No. 4 to the Pelandale-Snyder Specific Plan to allow changes in Public Service Providers, 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 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: McClanahan

ATTEST: Jean Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"

AMENDMENT NO. 4 TO PELANDALE-SNYDER SPECIFIC PLAN
C. Infrastructure

1. Infrastructure Overview

The Pelandale-Snyder Specific Plan Area infrastructure system is an extension of the existing Neighborhood Area's infrastructure. Capacity issues will not be an issue since buildout of the Plan Area was planned for part of the existing city systems, without requiring new sewer trunk lines or wells. A separate storm water drainage system with a single detention pond will be built to serve the entire Plan Area.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

a. Specific Plan Infrastructure Diagram Adoption

The Specific Plan Infrastructure Diagram, (Figure 12 Pelandale-Snyder Specific Plan Infrastructure Diagram) is hereby adopted and incorporated into the Pelandale-Snyder Specific Plan. The Infrastructure Diagram conforms with Section 65451(a)(2) of the State Government Code. The diagram serves as a design schematic for the Planning Area infrastructure (i.e. major water and sewer trunk lines and storm drain system) and does not represent specific alignments or locations for facilities. Project level infrastructure improvements are not reflected on Figure 12.

b. Infrastructure Master Plan

The Infrastructure Master Plan, included in back of the Plan indicates the preliminary sizing, location, and costs for backbone infrastructure in the Planning Area. Exact sizing, phasing, and financing of the backbone infrastructure system will be determined by the Facilities Master Plan.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-625

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 93042004) RELATING TO THE APPROVAL OF THE PELANDALE/SNYDER SPECIFIC PLAN:
APPROVING AMENDMENT NO. 4 TO THE PELANDALE/SNYDER SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

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

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study No. 97-115 reviewed a proposed Amendment No. 4 to the Pelandale/Snyder Specific Plan to allow changes in public service (utility) providers, 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 November 4, 1997, 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 occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Pelandale/Snyder Specific Plan EIR.

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

3. The Initial Study, Environmental Assessment No. 97-115, provides substantial evidence to support findings 1, and 2 above.

4. 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 4th day of November, 1997, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"

Initial Study

E.A. No. 97-115
I. PURPOSE:

On January 16, 1996, the Modesto City Council certified the Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). This Final EIR analyzed the impacts of build-out of the Pelandale/Snyder Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Pelandale/Snyder EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the project described below.
II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 4 to the Pelandale/Snyder Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:

Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:

Between Pelandale Avenue extended and Bangs Avenue, eastward from Dale Road to the City Limits.

E. Project sponsor:

City of Modesto, Community Development Department

F. General Plan Designation: Pelandale/Snyder Comprehensive Planning District

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

H. Description of Proposed Project:

This project is for the purpose of amending the Infrastructure Overview section of the Specific Plan text, Chapter 2, Page 2-17, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan.

I. Surrounding land uses:

This project is adjoined on the north and west by agricultural land, with a MID canal immediately to the north. It is adjoined on the west by agricultural lands, and to the south by existing City residential area.

J. Other public agencies whose approval is required: none
III. ANALYSIS OF PROJECT CONFORMANCE WITH THE PELANDALE/ SNYDER FINAL EIR PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final EIR for the Pelandale/Snyder Specific Plan, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report?

Following is an analysis of whether there are substantial changes proposed in the project which would require major revisions of the Pelandale/Snyder Specific Plan Final EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages 45 to 94 of the Pelandale/Snyder Final EIR. The project is a text amendment to the infrastructure section for service providers. It would not change any aspect of the Plan’s land use or street system which could affect the EIR’s traffic analysis. Therefore, no change has occurred in the project related to Traffic and Circulation.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages 110 to 126 of the Pelandale/Snyder Final EIR. The project is only to allow for future changes in service providers, which has no effect on pollutant generation. Thus, there will be no change in air quality impacts.

3. Generation of Noise

Noise impacts are analyzed on pages 95 through 109 of the Pelandale/Snyder Final EIR. The project is only a change in the text of the Plan’s Infrastructure section to allow future changes in service providers. Since this project would not change the development analyzed by the EIR, the analysis remains valid.
D. Loss of Productive Agricultural Land

Impacts to agricultural land are analyzed on pages IV-4-1 through IV-4-16 of the General Plan Master EIR. The proposed project is the addition of text to the Plan's Infrastructure section to allow future changes in service providers and has no effect on land use. Therefore, the project would not change the previous analysis which is based on the land use designation in the General Plan.

4. Increased Demand for Water Supplies

Demand for water supplies is analyzed on pages 131 through 132 of the Pelandale/Snyder Final EIR. It concluded that the project will not result in water demand exceeding the capacity of the water service system. Since this project does not effect the type and intensity of land uses 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 131 through 132 of the Pelandale/Snyder Final EIR. The Final EIR concluded that the Pelandale/Snyder project will not result in sewage generation exceeding the capacity of the sewage treatment plant. Since the project is to allow future changes in service providers unrelated to sewer, it would not effect the conclusion of the EIR.

6. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages 127 through page 129 of the Pelandale/Snyder Final EIR. The EIR concluded that the project would not result in impacts to Swainson's hawks. Because this project does not change the type, intensity and location of uses analyzed in the EIR, this conclusion does not change.

7. Disturbance of Archaeological and Historic Sites

Impacts to archaeological and historical sites was analyzed by the Pelandale/Snyder Final EIR on page 130. The EIR concluded that the project may be potentially result in the destruction of unknown subsurface archaeological resources, that with mitigation the level is less than significant. Since this project does
not change the type, location and intensity of uses in the Specific Plan, this conclusion would remain valid.

8. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages 137 through 141 of the Pelandale/Snyder Final EIR. The EIR concluded that although the project may result in the degradation of groundwater or surface water or reduction of groundwater supplies, the impact would be less than significant. Since the project proposed would not change the type and intensity of uses from those of the EIR, there would be no additional impacts over those analyzed in the EIR.

9. Increased Demand for Storm Drainage

Demand for storm drainage is analyzed on pages 137 to 141 of the Pelandale/Snyder Final EIR. It concluded that although demand for storm drainage may exceed capacity of existing facilities, that facilities will be provided by the master plan. Therefore, the impact is less than significant. Since this project would not change the type and intensity of uses that were anticipated in the EIR, this conclusion would not change.

10. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on page 133 of the Pelandale/Snyder Final EIR. It concluded that the project will not result in the need for additional parks. It determined 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.

11. Increased Demand for Schools

Increased demand for schools is analyzed on pages 134 and 135 of the Pelandale/Snyder Final EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project is only a change in the text of the Specific Plan to allow future changes in service providers, no school facilities would be affected. Thus, this conclusion remains valid.
12. Increased Demand for Police Services

Increased demand for police services was analyzed by the Pelandale/Snyder Final EIR on page 133. The EIR concluded that there would be no significant impacts to demand for police services that were not mitigable. Since this project is only to allow a change in service providers and will not change the type, location and intensity of uses, this conclusion would remain valid.

13. Increased Demand for Fire Services

Increased demand for fire services was analyzed by the Pelandale/Snyder Final EIR on pages 132 and 133. The EIR concluded that there would be no significant impacts to demand for fire services that were not mitigable. Since this project, to allow future changes in service providers, does not affect the type, location and intensity of uses, this conclusion would remain valid.

14. Generation of Solid Waste

Generation of solid waste was analyzed by the Pelandale/Snyder Final EIR on pages 135 and 136. The EIR concluded that the Pelandale/Snyder Specific Plan development will not affect the provision of solid waste collection and disposal services. Since this project, to allow changes in service providers, would not affect the type, location and intensity of planned uses, this conclusion would remain valid.

15. Generation of Hazardous Materials

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 to revise text to allow changes in service providers and would not cause changes to the Plan in terms of type, location and intensity of uses, this conclusion would remain valid.

16. Landslides and Seismic Activity

Landslides and seismic activity were analyzed by the General Plan Master EIR on pages IV-17-1 through IV-17-11. The EIR concluded that there would be no significant impacts due to landslides and seismic activity in the urban area that were not mitigable. Since this project is only a text amendment to allow changes in service
providers in the Pelandale/Snyder Specific Plan, which would not affect the type, location and intensity of land uses in the General Plan, this conclusion would remain valid.

17. Energy

Energy use was analyzed by the General Plan Master EIR on pages IV-18-1 through IV-18-6. The EIR concluded that there would be no significant impacts for energy usage that were not mitigable. Since this project to allow changes in service providers for the Pelandale/Snyder Specific Plan would not change the type, location and intensity of planned uses, this conclusion would remain valid.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR?

The Pelandale/Snyder Specific Plan Final EIR was certified by the Modesto City Council on January 16, 1996. Although there have been two Specific Plans adopted north of the project area (Kiernan Business Park & Carver-Bangs), they are also consistent with the General Plan as is the Pelandale/Snyder Specific Plan. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the Pelandale/Snyder Final EIR.

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

The Pelandale/Snyder Final EIR was certified by the Modesto City Council on January 16, 1996. Since that date, there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.
IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Pelandale/Snyder Specific Plan Final Environmental Impact Report.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Pelandale/Snyder Final Environmental Impact Report.

C. No new information, which was not known and could not have been known at the time the Pelandale/Snyder Final Environmental Impact Report was certified as complete, that would require major revisions in the EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 115, provides substantial evidence to support the above findings.

Signature:

Steve Nish,
Associate Planner
MODesto city council
resolution no. 97-626

A resolution approving amendment no. 1 to the empire north unit 1 specific plan to allow for changes in public service providers.

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 january 7, 1997, the city council by resolution no. 97-4 adopted the empire north unit 1 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, city staff has proposed amendment no. 1 to the empire north unit 1 specific plan to add text to chapter 4, page 4-1, of the plan’s public facilities overview section to allow for future changes in public service providers, and

Whereas, the planning commission held a duly noticed public hearing on october 6, 1997, 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 October 6, 1997, the Planning Commission adopted Resolution No. 97-72, recommending to the City Council Amendment No. 1 to the Empire North Unit 1 Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, at 7:00 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 Empire North Unit 1 Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-72, is consistent with the City of Modesto Urban Area General Plan for the following reason:

The Specific Plan Amendment would implement General Plan policy for provision of public infrastructure and community services.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Empire North Unit 1 Specific Plan to allow changes in Public Service Providers, 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 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"

AMENDMENT NO. 1 TO EMPIRE NORTH UNIT 1 SPECIFIC PLAN
Chapter 4. Public Facilities

A. OVERVIEW

This chapter describes development of the transportation and circulation, wastewater collection and treatment, water delivery, stormwater drainage, solid waste disposal, energy, parks and recreation, schools, community services (e.g., fire, police, and other services), and infrastructure necessary to support residential development in the Plan area. Relevant City General Plan community services and facilities policies are presented in Table 4-1. For each of the general plan policies listed in Table 4-1, a corresponding description of how the Specific Plan complies with the policy is provided. The reference in parenthesis at the end of each compliance statement indicates where more detailed information may be found. Specific Plan policies have been developed to ensure compliance with the General Plan.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project, irrespective of the organization providing that service.

B. TRANSPORTATION AND CIRCULATION

Specific Plan and focused EIR preparation included a traffic analysis, performed under the direction of the City Public Works and Transportation Department, to determine the impacts of development on the transportation and circulation system of the region. This analysis assessed existing conditions (1996), near-term interim development conditions without the project, near-term interim development conditions with the project, and year 2025 conditions with the project (without the Briggsmore Avenue/Parker Road realignment). The following intersections were analyzed during the p.m. peak hour: Parker Road/Church Street, Parker Road/Santa Fe Avenue, Parker Road/Held Drive, Parker Road/Claus Road, and Claus Road/Orangeburg Avenue.

1. Distribution, Location, Extent, and Intensity

The primary access to the Specific Plan area is from Parker Road. Parker Road is designated as a four-lane, Class C expressway in the Modesto General Plan. This Specific Plan will improve Parker Road to a four-lane minor arterial street standard, as shown on Figure 4-1. The Public Works and Transportation Department has determined that these improvements are sufficient to address the traffic impacts of this project, based on the traffic analysis contained in the Empire North Unit 1 Focused EIR.

The Public Works and Transportation Department has also determined that these improvements will not inhibit the ultimate development of Parker Road as an expressway, because the close
MODESTO CITY COUNCIL
RESOLUTION NO. 97-627

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 95122030) RELATING TO THE APPROVAL OF THE EMPIRE NORTH SPECIFIC PLAN: APPROVING AMENDMENT NO. 1 TO THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

WHEREAS, on January 7, 1997, by Resolution No. 97-5, the City Council of the City of Modesto certified the Final Environmental Impact Report ("EIR") (SCH 95122030) for the Empire North Specific Plan, and

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study No. 97-118 reviewed a proposed Amendment No. 1 to the Empire North Unit 1 Specific Plan 1 to allow changes in public service (utility) providers, 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 November 4, 1997, 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 occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan EIR.

2. No new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan EIR was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-118, provides substantial evidence to support findings 1, and 2 above.

4. 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study

E.A. No. 97-118
I. PURPOSE:

On January 7, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Empire North Unit #1 Specific Plan (SCH# 95122030). This Final EIR analyzed the impacts of build-out of the Empire North Unit #1 Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Empire North Unit #1 Specific Plan Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for Specific Plan Amendment No. 1 to the Empire North Unit #1 Specific Plan described as follows:
II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 1 to the Empire North Unit #1 Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:
   City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:
   Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:
   Between Dry Creek and Parker Road, east of the Santa Fe Railroad Tracks.

E. Project sponsor:
   City of Modesto, Community Development Department

F. General Plan Designation: Empire North Comprehensive Planning District

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

H. Description of Proposed Project:
   This project is for the purpose of amending the Public Facilities Overview section of the Specific Plan text, Chapter 4, Page 4-1, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan. The text requires the level of service of said provider (e.g. garbage, cable, gas, electric etc.) be maintained.

I. Surrounding land uses:
   This project is adjoined on the north by farmland and on the south by Dry Creek, and bounded by the Santa Fe Railroad tracks on the west which is adjacent developed residential area.

J. Other public agencies whose approval is required: none
III. ANALYSIS OF PROJECT CONFORMANCE WITH THE EMPIRE NORTH UNIT #1 SPECIFIC PLAN FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Empire North Unit #1 Specific Plan, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The Empire North Unit #1 Final Focused EIR was certified by the Modesto City Council on January 7, 1997. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Empire North Unit #1 Specific Plan in the following categories:

- Traffic and Circulation Needs
- Generation of Noise
- Loss of Sensitive Wildlife and Plant Habitat
- Disturbance of Archaeological or Historical Sites
- Drainage, Flooding, and Water Quality
- Increased Demand for Parks and Open Space
- Public Safety
- Increased Demand for Schools

The proposed amendment, addition of text allowing changes in service providers (see Project description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The Empire North Unit #1 Specific Plan Final Focused EIR was certified by the Modesto City Council on January 7, 1997. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the Fairview Village Final Focused EIR.
C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c))

The Empire North Unit #1 Final Focused EIR was certified by the Modesto City Council on January 7, 1997. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Empire North Unit #1 Specific Plan Final Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Empire North Unit #1 Final Focused EIR.

C. No new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan Final Focused Environmental Impact Report was certified as complete, that would require major revisions in the Empire North Unit # 1 Final Focused EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 118, provides substantial evidence to support the above findings.

Signature: 

Steve Nish,
Associate Planner
A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE NORTH BEYER PARK SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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 November 26, 1996, the City Council by Resolution No. 96-641 adopted the North Beyer 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, City staff has proposed Amendment No. 1 to the North Beyer Park Specific Plan to add text to Chapter 4, page 4-5, of the Plan's Implementation and Financing section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 October 6, 1997, the Planning Commission adopted Resolution No. 97-73,
recommending to the City Council Amendment No. 1 to the North Beyer Park Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, at 7:00 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 North Beyer Park Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-73, is consistent with the City of Modesto Urban Area General Plan for the following reason:

The Specific Plan Amendment would implement General Plan policy for provision of public infrastructure and community services.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the North Beyer Park Specific Plan to allow changes in Public Service Providers, 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 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

AMENDMENT NO. 1 TO NORTH BEYER PARK SPECIFIC PLAN
6. Storm Drainage

a. Funding Source: Each individual property owner/developer shall be responsible for installation of infrastructure improvements (i.e. main storm drain trunk system, storm drain basin) which are required for development of their property and are in accordance with this Specific Plan.

b. Net Cost to City: None. Development will provide financing for these improvements.

7. Schools

a. Funding Source: Separate agreement with school district or annexation into the Village One Schools Infrastructure Financing Agency (SIFA CFD 1994-1).

School impacts shall be considered mitigated when the project is annexed to the Schools Infrastructure Financing Agency or has executed a developer fee agreement with Modesto City Schools. As of this date, only four parcels have not completed the mitigation process; A.P.N. 52-05-18, A.P.N. 52-05-20, A.P.N. 52-05-21, and A.P.N. 52-05-22. Compliance with this policy shall be a condition on any final map which includes these parcels.

b. Net Cost to City: None. The individual property owners/developers shall reach full agreement with Modesto City Schools and the Sylvan School District to insure funding and to mitigate impacts to the school districts.

8. Parks - None Are Required Within the Plan Area

a. Park fees will be paid within the North Beyer Park Plan Area.

b. Net Cost to City: None. City wide fees and development will provide financing for park improvements.

F. UTILITIES

Electricity - Electricity to the Plan Area shall be provided by the Modesto Irrigation District (MID).

Street Lighting - Street lighting shall be provided along the streets per Public Works Standards as individual properties develop.
RESOLUTION NO. 97-629

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 96102053) RELATING TO THE APPROVAL OF THE NORTH BEYER PARK SPECIFIC PLAN:

APPROVING AMENDMENT NO. 1 TO THE NORTH BEYER PARK SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

WHEREAS, on November 26, 1996, by Resolution No. 996-641, the City Council of the City of Modesto adopted the North Beyer Park Specific Plan, and

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study No. 97-117 reviewed a proposed Amendment No. 1 to the Beyer Park Specific Plan to allow changes in public service (utility) providers, and made the determination that there are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plan; there are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration; No new information, which was not known and could not have been known at the time the North Beyer Park Specific Plan Mitigated Negative Declaration was certified as complete, that would require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration, has become available; and that the Initial Study, Environmental Assessment No. 97-117, provides substantial evidence to support the above findings, and
WHEREAS, on November 4, 1997, 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 occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the North Beyer Park Specific Plan.

2. No new information, which was not known and could not have been known at the time the North Beyer Park Specific Plan Negative Declaration was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-117, provides substantial evidence to support findings 1, and 2 above.

4. 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study

E.A. No. 97-117
I. PURPOSE

On November 26, 1996, the Modesto City Council certified the Mitigated Negative Declaration for the North Beyer Park Specific Plan (SCH#96102053). This document analyzed the impacts of build-out of the North Beyer Park Specific Plan.

Section 21166 of Public Resources Code allows the North Beyer Park Mitigated Negative Declaration to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the Specific Plan Amendment No. 1 to the North Beyer Park Specific Plan as described below.

II. PROJECT DESCRIPTION

A. Project Title: North Beyer Park Specific Plan Amendment No. 1 to allow for future changes in service providers.

B. Lead Agency Name and Address:

City of Modesto, P.O. Box 642, Modesto CA 95353
Contact Person and Phone Number:
Steve Nish, Community Development Department, (209) 577-5280

Project Location:
The north side of Mable Avenue, east of Coffee Road.

Project Sponsor:
City of Modesto, P.O. Box 624, Modesto, CA 95353

General Plan Designation:
North Beyer Park Comprehensive Planning District

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

Description of Proposed Project:
This project is for the purpose of amending the Implementation and Financing section of the Specific Plan text, Chapter 4, Page 4-5, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan.

Surrounding Land Uses:
Existing single-family residential uses to the south, orchards, farmland and development consistent with the approved North Beyer Park Specific Plan for the areas immediately surrounding the subdivision to the west, north and east.

Other Public Agencies Whose Approval is Required: None.

ANALYSIS OF PROJECT CONFORMANCE WITH THE NORTH BEYER PARK MITIGATED NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Mitigated Negative Declaration for the North Beyer Park Specific Plan, or whether changes have occurred pursuant
to Public Resources Code Section 21166 which would require the use of new analysis.

A. **Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))**

The North Beyer Park Mitigated Negative Declaration was certified by the Modesto City Council on November 26, 1996. Based on the analysis contained in the City's Master EIR (SCH# 92052017), and the Claratina-Coffee Reorganization/North Beyer Park Reorganization Staged EIR (SCH#91102032) the scope of the Negative Declaration included the analysis of physical impacts to the environment from the development of the North Beyer Park Specific Plan in the following categories:

- Land Use and Planning
- Population and Housing
- Geologic Problems
- Water
- Air Quality
- Transportation/Circulation
- Biological Resources
- Energy and Mineral Resources
- Hazards
- Noise
- Public Services
- Utilities and Service Systems
- Aesthetics
- Cultural Resources
- Recreation

The proposed amendment, the addition of text allowing changes in service providers (see Project Description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the are required.

B. **Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))**

The North Beyer Specific Plan Park Mitigated Negative Declaration was certified by the Modesto City Council on November 26, 1996. In the period since then, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the North Beyer Park Specific Plan Mitigated Negative Declaration.
C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c))

The North Beyer Park Mitigated Negative Declaration was certified by the Modesto City Council on November 26, 1996. Staff review of the relevant Community Development Department sources (i.e. studies /reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the Mitigated Negative Declaration was certified, that has become available that would require major revisions to the analysis of the Mitigated Negative Declaration.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plans.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration.

C. No new information, which was not known and could not have been known at the time the North Beyer Park Specific Plan Mitigated Negative Declaration was certified as complete, that would require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration, has become available.

D. The initial study, Environmental Assessment No. 97 - 117, provides substantial evidence to support the above findings.

Signature:

Steve Nish,
Associate Planner

C.C. ATTY

[Signature]

[Comment: Initials and date]
MODESTO CITY COUNCIL
RESOLUTION NO. 97-630

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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, City staff has proposed 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, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 October 6, 1997, the Planning Commission adopted Resolution No. 97-75, recommending to the City Council Amendment No. 1 to the Kiernan Business Park Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, at 7:00 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 allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-75, is consistent with the City of Modesto Urban Area General Plan for the following reason:

The Specific Plan Amendment would implement General Plan policy for provision of public infrastructure and community services.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Kiernan Business Park Specific Plan to allow changes in Public Service Providers, 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 on file in the office of the City Clerk.

11/14/97 -2- OPEN483JF/CA/rh
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ADAMS, City Clerk
EXHIBIT "A"

AMENDMENT NO. 1 TO KIERNAN BUSINESS PARK SPECIFIC PLAN
Chapter V
PUBLIC FACILITIES

A. Overview

This chapter describes the development of the basic wastewater collection, water supply, and storm drainage infrastructure needed to support anticipated growth in the Kiernan Business Park Specific Plan area. The Specific Plan's public facilities goal is stated below:

1. Specific Plan Public Facilities Goal

Provide public facilities and infrastructure in the Kiernan Business Park in an orderly manner consistent with the needs of planned development in the business park and applicable City standards.

2. Modesto General Plan Policies

This chapter of the Kiernan Business Park Specific Plan is consistent with the stated goals and policies of the City of Modesto General Plan including applicable overall infrastructure and public facility policies, as shown on Table V-1.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

B. Wastewater Collection

Policy PF-1: All infrastructure and public facilities shall be constructed in accordance with Figure V-1, Public Facilities Plan Diagram, which is hereby adopted as part of this Specific Plan.

An existing 48-inch wastewater collection line is planned to be extended approximately 2,800 feet to Bangs Avenue in the future alignment of Marsala Way, which would intersect with the proposed alignment of American Avenue in the Specific Plan area. Sanitary sewer service to the Kiernan Business Park will be provided by this extension. The existing 48-inch line flows south into the City's West Trunk Main.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-631

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. 1 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

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. 97-119 reviewed a proposed Amendment No. 1 to the Kiernan Business Park Specific Plan to allow changes in public service (utility) providers, 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 November 4, 1997, 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 occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Kiernan Business Park Specific Plan EIR.

2. No new information, which was not known and could not have been known at the time the Kiernan Business Park Specific Plan EIR was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-119, provides substantial evidence to support findings 1, and 2 above.

4. 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"

Initial Study

E.A. No. 97-119
L. PURPOSE:

On April 1, 1997, the Modesto City Council certified the Final Environmental Impact Report for the Kiernan Business Park and Carver Bangs Specific Plans (SCH# 94082005). This Final 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 and Carver-Bangs Specific Plans Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. “Substantial changes are proposed in the project which will require major revisions of the environmental impact report.” (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. “Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.” (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. “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.” (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the Specific Plan Amendment No. 1 to the Kiernan Business Park Specific Plan as described below.
II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 1 to the Kiernan Business Park Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:

Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:

Generally between Pelandale and Kiernan Avenues from Stoddard Avenue to approximately 1/2 mile east of Dale Road.

E. Project sponsor:

City of Modesto, Community Development Department

F. General Plan Designation: Kiernan/Carver Comprehensive Planning District

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

H. Description of Proposed Project:

This project is for the purpose of amending the Public Facilities Overview section of the Specific Plan text, Chapter V, Page 34, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan. The text requires that service providers (e.g. garbage, cable, gas & electric) maintain the same level of service to the plan area.

I. Surrounding land uses:

This project is adjoined on the north by agricultural lands, to the west by an existing business park, to the south by a MID canal and existing City residential areas, and to the east by agricultural lands.

J. Other public agencies whose approval is required: none
III. **ANALYSIS OF PROJECT CONFORMANCE WITH THE KIERNAN BUSINESS PARK AND CARVER-BANGS SPECIFIC PLANS FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SEC. 21166**

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Kiernan Business Park and Carver-Bangs Specific Plans, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. **Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))**

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Kiernan Business Park Specific Plan in the following categories:

- Traffic and Circulation Needs
- Degradation of Air Quality
- Generation of Noise
- Increased Demand for Water Supplies
- Increased Demand for Sanitary Sewer Services
- Loss of Sensitive Wildlife and Plant Habitat
- Drainage, Flooding, and Water Quality
- Increased Demand for Storm Drainage
- Generation of Hazardous Materials
- Increased Demand for Schools
- Increased Demand for Parks and Open Space

The proposed amendment, the addition of text allowing changes in service providers (see Project Description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. **Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))**

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with
respect to the circumstances under which this project is being undertaken which will require major revision in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR.

C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c)

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plans Final Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final 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 Final Focused EIR was certified as complete, that would require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 119, provides substantial evidence to support the above findings.

Signature: 

Steve Nish, 
Associate Planner
A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE CARVER-BANGS SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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. 97-161 adopted the Carver-Bangs 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, City staff has proposed Amendment No. 1 to the Carver-Bangs Specific Plan to add text to Chapter IV, page 4-1, of the Plan’s Public Facilities section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 October 6, 1997, the Planning Commission adopted Resolution No. 97-74, recommending to the City Council Amendment No. 1 to the Carver-Bangs Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, at 7:00 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 Carver-Bangs Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-74, is consistent with the City of Modesto Urban Area General Plan for the following reason:

The Specific Plan Amendment would implement General Plan policy for provision of public infrastructure and community services.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Carver-Bangs Specific Plan to allow changes in Public Service Providers, 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 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AMENDMENT NO. 1 TO CARVER-BANGS SPECIFIC PLAN
IV. Public Facilities

A. OVERVIEW

This chapter describes development of the transportation and circulation, wastewater collection and treatment, water delivery, stormwater drainage, solid waste disposal, energy, parks and recreation, schools, community services (i.e., fire, police, and other services), and infrastructure necessary to support residential development in the Plan area. Relevant City General Plan community services and facilities policies are presented in Table 4-1. Specific Plan policies have been developed to ensure compliance with the General Plan.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

B. TRANSPORTATION AND CIRCULATION

Specific Plan and focused EIR preparation included a traffic analysis, performed under the direction of the City Public Works and Transportation Department, to determine the impacts of the development on the transportation and circulation system of the region. This analysis assessed existing conditions (1996), five year future conditions without the project and five year future conditions with the project. Exhibit 4-1 diagrams the proposed road classifications for the projects surrounding circulation system. Exhibit 4-2 shows the proposed bikeways that will be developed in the planning area. Proposed street sections are detailed on Exhibits 4-3 through 4-6. The proposed street sections were developed in accordance with city standards, applicable surrounding specific plans, and the General Plan Street Cross Sections.

The following intersections were analyzed for daily and P.M. Peak hour traffic as they exist today and under year 2001 conditions. Information on the long term cumulative impacts for surrounding and project area intersections was obtained from the City of Modesto General Plan Traffic Model.

Existing Study Intersections:

- Bangs Avenue/Carver Road
- Cheyenne Way/Prescott Avenue
- American Avenue Access (1)
- Prescott Avenue Access (1)
- Bangs Avenue Access (3)
MODESTO CITY COUNCIL
RESOLUTION NO. 97-633

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 CARVER-BANGS SPECIFIC PLAN: APPROVING AMENDMENT NO. 1 TO THE CARVER-BANGS SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

WHEREAS, on April 1, 1997, by Resolution No. 97-162, the City Council of the City of Modesto certified the Final Environmental Impact Report ("EIR") (SCH 93042004) for the Carver-Bangs Specific Plan, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 97-120 reviewed a proposed Amendment No. 1 to the Carver-Bangs Specific Plan to allow changes in public service (utility) providers, 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 November 4, 1997, 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 occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Carver-Bangs Specific Plan EIR.

2. No new information, which was not known and could not have been known at the time the Carver-Bangs Specific Plan EIR was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-120, provides substantial evidence to support findings 1, and 2 above.

4. 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: 

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

Initial Study

E.A. No. 97-120
L. PURPOSE:

On April 1, 1997, the Modesto City Council certified the Final Environmental Impact Report for the Kiernan Business Park and Carver Bangs Specific Plans (SCH# 94082005). This Final EIR analyzed the impacts of build-out of the Carver-Bangs Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the Specific Plan Amendment No. 1 to the Carver-Bangs Specific Plan as described below.
II. PROJECT DESCRIPTION

A. **Project title:** Specific Plan Amendment No. 1 to the Carver-Bangs Specific Plan for Future Change in Utility Providers

B. **Lead agency name and address:**
   City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. **Contact person and phone number:**
   Steve Nish, Community Development Department, (209) 577-5280

D. **Project Location:**
   Between Bangs Avenue and Carver Avenue, eastward from Dale Road to the City Limits.

E. **Project sponsor:**
   City of Modesto, Community Development Department

F. **General Plan Designation:** Kiernan/Carver Comprehensive Planning District

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

H. **Description of Proposed Project:**
   This project is for the purpose of amending the Public Facilities Overview section of the Specific Plan text, Chapter 4, Page 4-1, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan.

I. **Surrounding land uses:**
   This project is adjoined on the north and west by agricultural land, with a MID canal immediately to the north. It is adjoined on the west by agricultural lands, and to the south by Bangs Avenue and existing City residential area.

J. **Other public agencies whose approval is required:** none
III. ANALYSIS OF PROJECT CONFORMANCE WITH THE KIERNAN BUSINESS PARK AND CARVER-BANGS SPECIFIC PLANS FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SEC. 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Kiernan Business Park and Carver-Bangs Specific Plans, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Carver-Bangs Specific Plan in the following categories:

- Traffic and Circulation Needs
- Degradation of Air Quality
- Generation of Noise
- Increased Demand for Water Supplies
- Increased Demand for Sanitary Sewer Services
- Loss of Sensitive Wildlife and Plant Habitat
- Drainage, Flooding, and Water Quality
- Increased Demand for Storm Drainage
- Generation of Hazardous Materials
- Increased Demand for Schools
- Increased Demand for Parks and Open Space

The proposed amendment, the addition of text allowing changes in service providers (see Project Description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with
respect to the circumstances under which this project is being undertaken which will require major revision in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR.

C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c))

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plans Final Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final 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 Final Focused EIR was certified as complete, that would require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 120, provides substantial evidence to support the above findings.

Signature:  

Steve Nish,  
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 97-634

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(525).
(KEARNEY VENTURES)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Kearney Ventures on August 11, 1997, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(525), to allow a strip commercial center, property located on the east side of Oakdale Road south of Wylie Drive, described as follows:

R-1 to P-D(525)

All that certain real property shown as Parcel 1, 2 and 3 on that certain parcel map filed for record in Book 15 of Parcel Maps at Page 24, Stanislaus County Records, on September 24, 1972, lying within the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California.

Including the north 4.00 feet of the 14.00-foot-wide alley immediately adjacent to the above-mentioned Parcel 3.

Including also the eastern 46.50 feet of Oakdale Road located immediately adjacent to and between the above-mentioned Parcels 1, 2 and 3 and the west line of Section 23-3-9.

and

WHEREAS, after a public hearing held on October 6, 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. 97-76, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:
1. The proposed commercial development is in an area designated for (MU) Mixed Uses and the site will be well served by the signalized drop curb approach driveway entrance at the intersection of Oakdale Road and Wylie Drive.

2. The P-D Zone and conditions of approval of the commercial use will tend to insure a degree of compatibility consonant with the surrounding properties.

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Kearney Ventures for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-76 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3073-C.S. on the 4th day of November, 1997, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(525).

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(525), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Oakdale-Wylie Center" as amended in red, stamped approved by the Council on November 4, 1997.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south, east, and north property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Minimum five-gallon screen landscape material shall be used to provide a 15-foot-high screen in five years.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Eight-foot-high solid decorative masonry wall along the south and east property lines. An eight-foot-high decorative masonry wall is also required along the north property line unless the adjacent property is commercially zoned.

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

5. A seven-foot street dedication consistent with Standard Specifications along Oakdale Road 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. Maximum two-driveway approaches shall be allowed for this development on Oakdale Road including a signalized drop curb approach at the intersection of Oakdale Road and Wylie Drive and a full-access drop curb approach at the far south Oakdale Road frontage of the property. To facilitate these approaches, one parking space at the northwest corner of the site adjacent to the Oakdale Road frontage and two parking spaces abutting the southwest corner of the site adjacent to Oakdale Road frontage shall be removed.

7. The existing traffic signals and equipment at the Oakdale Road/Wylie Drive "T" intersection shall be relocated clear of the future 114-foot right of way for Oakdale Road and modified to provide a four-legged type intersection signal that will also serve the new drop curb access approach opposite Wylie Drive. The developer shall be responsible for all work and costs related to the signal modification/relocation. Signal modification plans shall be as per current City Standards as approved by the City Traffic Engineer.

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

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

11. 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.

12. Any business may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m., seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.

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

14. The loading dock area on the east side of the shopping center may not be used for outside storage of any type of material.

15. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7:00 a.m. and 10:00 p.m.

16. No signs shall be permitted above eight feet in height on the east face of the building(s).

17. All signs shall comply with the sign requirements of the C-3 Zone.

18. 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(525):

The entire construction program be accomplished in one phase, construction to begin on or before October 6, 1999, and completion to be not later than October 6, 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(525), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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

APPROVED AS TO DESCRIPTION:

By Community Development Department
Development Services
MODESTO CITY COUNCIL
RESOLUTION NO. 97-635

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 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(525), PROPERTY LOCATED ON THE EAST SIDE OF OAKDALE ROAD SOUTH OF WYLIE DRIVE. (KEARNEY VENTURES)

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

WHEREAS, Kearney Ventures has proposed that the zoning designation for the property located on the east side of Oakdale Road south of Wylie Drive be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(525), property located on the east side of Oakdale Road south of Wylie Drive, in the City of Modesto ("the project"), and

WHEREAS, on September 17, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-97 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 October 6, 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 September 17, 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 4th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
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-l to P-D, Planned Development Zone. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Kearney Ventures to Rezone from R-l to P-D, Planned Development Zone for a Strip Commercial Center, Property Located on the East side of Oakdale Road South of Wylie Drive.

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. 95353
phone (209) 526-4214

D. Project Location:
property located on east side of Oakdale Road south of Wylie Drive

E. Project sponsor:
Kearney Ventures
5674 Stoneridge Drive, suite 108
Pleasanton, CA. 94588

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
Existing R-1
H. Description of Proposed Project:
This is an application to rezone 2.78 acres from R-1, Low Density Residential
Zone to P-D, Planned Development Zone for a strip commercial center
containing 26,130 square feet of building area. The property is composed of
three parcels located on the east side of Oakdale Road south of Wylie Drive.
The parcel directly opposite Wylie Drive is developed with a church facility
and the remaining two parcels each contain a dwelling. Redevelopment of
these parcels will provide a Rite Aid drug store building containing 16,692
square feet and a Leslie's Pools store which will share a 9,380 square foot
building with a yet to be named tenant. The applicant's plot plan also
provides an off-street parking design with the total number of spaces
exceeding minimum code requirements for retail commercial.

I. Surrounding land uses:
North immediately north is an undeveloped lot, zoned R-3,
Medium High Density Residential
East R-1, Low Density Residential (dwellings)
South R-2, Medium Density Residential
West C-1, Neighborhood Commercial
P-D(137), allowing a car wash, service station and office 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 P-D zone for a strip commercial center will
generate an increase of traffic in the area. A site traffic mitigation study was
provided by the applicant as part of their rezoning application to address traffic
issues. Development of the proposed commercial use is consistent with the
Traffic and Circulation needs section of the MEIR. The Existing Conditions,
Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and
Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality
This proposed rezoning for commercial uses 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 commercial 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 commercial uses. Because of building walls, setbacks, required property line fencing to the east, south, and north, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts on this commercial development or the adjacent residential neighborhood will be associated with the resulting retail commercial 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 P-D zone will allow commercial 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 3 is located approximately 0.25 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 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 commercial 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 commercial use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore still valid.

R. **Energy**
This 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 planned development for a strip commercial center is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 92052017).

B. The project 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 planned development for a strip commercial center that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

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

Signature: [Signature] Date: 9/17/97

C.C. ATTY

Contract Administrator

George Closson
MODESTO CITY COUNCIL
RESOLUTION NO. 97-636


WHEREAS, the bids received for printing of the ride guides for the January to June period of Fiscal Year 1997-1998 and authorizing the purchase of printing of the ride guides for additional years, up to and including Fiscal Year 1999-2000, were opened at 11:00 a.m. on October 21, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $13,150.20 for the January to June period of Fiscal Year 1997-1998 and the additional years, up to and including Fiscal Year 1999-2000, for a total 2 1/2 year estimated cost of $65,751.00 from Walker Business Forms be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Walker Business Forms 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 4th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-637

A RESOLUTION ACCEPTING THE BID OF MCCAIN TRAFFIC SUPPLY FOR PURCHASE OF TWENTY-TWO CONTROLLERS

WHEREAS, the bids received for twenty-two controllers were opened at 11:00 a.m. on October 14, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $138,610.45 from McCain Traffic Supply be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of McCain Traffic Supply 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 4th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

JEAN ADAMS, City Clerk
MO DE STO C I TY C O UNCIL
R ESOLUTION NO. 97-638

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FIRST QUARTER OF FISCAL YEAR 1997-98

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1997-98;

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 4th day of November, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams

APPROVED AS TO SUFFICIENCY:

By: [Signature]

STAN FEATHERS, Budget Officer
Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

Appr

Description

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6,107315
1,377.583 (1,377,578)
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## Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

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## Attachment A
### First Quarter Report FY 97-98
#### Budget Adjustment Detail

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### Attachment B

**First Quarter Report FY 97-98**

**Budget Adjustment Detail**

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# Attachment B

First Quarter Report FY 97-98

Budget Adjustment Detail

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-638

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO
FOR THE FIRST QUARTER OF FISCAL YEAR 1997-98

WHEREAS, the first quarter financial analysis has been completed and it has been
determined that certain adjustments are required to the Annual Budget of the City of Modesto for
the Fiscal Year 1997-98;

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 4th day of November, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams

( seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer

STAN FEATHERS, Budget Officer
## Attachment A
**First Quarter Report FY 97-98**
**Budget Adjustment Detail**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Appr Unit</th>
<th>Object/Revenue</th>
<th>Current Budget</th>
<th>Adjustment Amount</th>
<th>Revised Budget</th>
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### Attachment A

**First Quarter Report FY 97-98**

**Budget Adjustment Detail**

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<td>1454</td>
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## Attachment A

**First Quarter Report FY 97-98**

**Budget Adjustment Detail**

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<tr>
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<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Appt Unit</th>
<th>Object/Revenue</th>
<th>Current Budget</th>
<th>Adjustment Amount</th>
<th>Revised Budget</th>
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<td>&quot;12&quot; Maine-Hatch, Morgan, Glenn &amp; Whitmore</td>
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Attachment B
First Quarter Report FY 97-98
Budget Adjustment Detail

Description

Bw1ding Fee- All Incluslve
Zoning Fees
Environmental Impavt Fees
Developer's Share of Project
Bingo Permits
Coun!y Vehicle Theft Allocation
Domestic Vilence Grant
Miscellaneous Revenue
Crime Bill Grant
Universal Hiring Grant
Traffic Safe!y Program Grant
Miscellaneous Revenue
Federal Law Enforcement Grant
Interest
Miscellaneous Recreation Fees
Billing Fees
Items for Resale
Transfer In from SUQQlemental Law Enforcement Fund
Transfer In from Traffic Safe!y
Current Yr Secured Taxes
';urrent Yr Unsecured Taxes
SUQplemental Roll
Cable TV Franchise
Garbage Franchise
Motor Vehicle License Fees
Interest
Parking Fines
COPS-FY97
Vehicle Release
Transfer In from Local TransQortation Fund
Transfer In from CDBG Direct Program Fund
CDBG Operating Grant

"Emergency Shelterl!Grant
CDBG Operating Grant
CDBG OQerating Grant
CDBG Operating Grant
CDBG Operating Grant
CDBG Operating Grant

"HOME rt Grant
Transfer In from General Fund
Interest
Capital Facili!y Fee Revenue
Capital Facili!y Fee Revenue-Coun!y
Developer Contribution
Intereset
Transfer In from Water Fund 610
"fA -CaQital Grant
J'EMA
FEMA
Transfer In from General Fund
Transfer In from Sup[>lemental Law Enforcement Fund

Fund Aaency

010
010
010
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010
010
010
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010
010
010
010
010
010
010
010
010
010
040
060
070
070
113
113
113
113
113
115
116
117
130
130
141
141
141
141
612
651
660
660
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720

140
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190
190
190
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700
700
140
140
140
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140
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140
140
700
510
430
430
430
430
700
510
330
330
701
700

Oran

1401
1401
1401
1421
1901
1941
1942
1961
1962
1963
1966
1969
1980
1980
3769
3769
3769
7000
7000
9510
9510
9510
9510
9510
9510
9510
9510
9510
9510
7000
7000
1452
1452
1454
1456
1462
1466
1467
1458
7000
9510

7000
9510
3311
3311
7001
7000

ObjecU
Revenue

4001
4008
4009
4058
2204
3312
3503
8155
3175
3177
3176
8155
3506
6101
4074
4093
8143
9040
9060
1101
1107
1110
1301
1307
3119
6101
7113
3502
4028
9051
9113
3513
3518
3513
3513
3513
3513
3513
3517
9010
6101
4015
4016
4057
6101
9610
3605
8122
8171
9010
9040

Current

Adjustment

Budae!

Amoun!

Revised
Budae!

50,000
15,000
2,000
14,000
(2,000)
98,700
(7,908)
(47,000)
(82,718)
(6,207)
(28,715)
47,000
227,265
10,000
2,000
30,000
10,000
85,176
164,637
(200,000)
30,000
7,500
45,000
75,000
83,000
(60,000)
(60,000)
252,274
53,409
100,000
55,904
(36,843)
67,000
116,902
(13,991)
225,954
100,318
18,565
108,825
229,111
30,000
187,440
96,680
600,000
65,000
102,059
200,078
(460,000)
95,875
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167,098

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30,000
10,000
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7,325,000
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295,907
684,914
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540,000
55,904
534,031
134,000
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900,325
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828,000
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165,000
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167,098

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400,000
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## Attachment B
### First Quarter Report FY 97-98
#### Budget Adjustment Detail

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<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object/Revenue</th>
<th>Current Budget</th>
<th>Adjustment Amount</th>
<th>Revised Budget</th>
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<td>7000</td>
<td>9738</td>
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<td>342,067</td>
<td>342,067</td>
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MODESTO CITY COUNCIL  
RESOLUTION NO. 97-639

A RESOLUTION ESTABLISHING THE REVISED 1997-98 FISCAL YEAR APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS TO BE USED IN THE CALCULATION

WHEREAS, adoption of the Fiscal Year 1997-98 budget requires that Council establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for that year; and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, it has been determined that a correction to the Appropriation Limit needs to be established.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit and the price and population factors to be used in determining the 1997-98 appropriations limit is hereby established.

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 4th day of November, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: 
Councilmembers: None

ABSENT: 
Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feather
STAN FEATHERS, Budget Officer
A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET APPROVING CAPITAL FACILITIES FEES FOR PELANDALE/SNYDER PROJECT

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required; and the Capital Facilities Fees for the Pelandale/Snyder Project has been established.

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 4th day of November 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs and Fisher

ATTEST: JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
**First Quarter Report FY 97-98**  
**Budget Adjustment Detail**

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<th>Type of Account</th>
<th>Description</th>
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<th>Agency</th>
<th>Orgn</th>
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<th>Adjustment Amount</th>
<th>Revised Budget</th>
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<tr>
<td>Appropriation</td>
<td>Peelandale Expressway: Phase IA</td>
<td>141</td>
<td>430</td>
<td>J</td>
<td>6040</td>
<td>0</td>
<td>1,382,000</td>
<td>1,382,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Briggsmore/McHenry Intersection - ROW</td>
<td>141</td>
<td>430</td>
<td>H069</td>
<td>6040</td>
<td>437,876</td>
<td>(300,000)</td>
<td>137,876</td>
</tr>
</tbody>
</table>

Adjustment to fund Peelandale expressway: Phase IA per the adopted Peelandale/Synder Financing Plan, and to reduce the Briggsmore/McHenry intersection to reflect anticipated expenditures.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-641

A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION RELATING TO SICK LEAVE PROVISIONS.

WHEREAS, by Resolution No. 97-177, adopted on April 1, 1997, the Council approved a Memorandum of Understanding between the City of Modesto and the Modesto City Fire fighters Association for the Fiscal Years 1996-97 to 2000-01, and

WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association (MCFFA) have met and conferred in good faith concerning an amendment to said MOU relating to the use of sick leave and the conversion of accumulated sick leave to deferred compensation, and

WHEREAS, to accommodate the Family Medical Leave Act and to provide more flexibility for short-term absences, the proposed amendment reduces the minimum use of sick leave from 12 hours to 5 hours, and

WHEREAS, under the proposed amendment, employees may convert 85% of accumulated sick leave to deferred compensation up to 1,800 hours, and

WHEREAS, the proposed Amendment to the Memorandum of Understanding represents the mutual understandings reached as a result of meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the Memorandum of Understanding between the City of Modesto and the Modesto City
Fire Fighters Association relating to sick leave provisions as stated above is hereby approved and shall become effective on November 4, 1997. A copy of said Amendment to the Memorandum of Understanding is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Amendment to the Memorandum of Understanding by the designated City Officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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. 97-642


WHEREAS, on Tuesday, November 4, 1997, a Regular Municipal Election was held in the City of Modesto (herein called “City”) and in the Modesto High School District (herein called “District”) of Stanislaus County to elect Councilmembers, Board of Education Members, and to submit to the qualified electors in the City of Modesto certain sewer service advisory measures, as follows:

1. One Councilmember to Chair No. 2 for a term of four years;
2. One Councilmember to Chair No. 3 for a term of two years;
3. One Councilmember to Chair No. 4 for a term of four years;
4. One Councilmember to Chair No. 5 for a term of four years;
5. Elect four members to the Modesto Board of Education of said District for a term of four years;
6. Measure “M” relating to the Modesto Citizen’s Advisory Growth Management Act of 1995 (Aarvig Initiative);
7. Measure “P” relating to providing sewer service to the areas of the Modesto Urban Area General Plan (Kiernan Business Park, Carver-Bangs, Pelandale/Snyder, and the Kiernan/McHenry Comprehensive Planning District); and
8. Measure “Q” relating to providing sewer service to areas in Fairview Village, North Beyer Park, The Bluffs Subdivision, Coffee/Claratina...
Comprehensive Planning District, and the Southwest quadrant of Roselle/Claribel Comprehensive Planning District, and

WHEREAS, said election was held on Tuesday, November 4, 1997, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, the City Clerk canvassed the returns of said regular election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 12, 1997, a copy of which is attached here to marked Exhibit “A” and made a part hereof,

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

SECTION 1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Sections 15308 and 15309 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is
attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city.
(b) The whole number of votes cast in the Modesto High School District.
(c) The names of the persons voted for.
(d) For what office each person was voted for.
(d) The number of votes given in the city to each person.
(e) The number of votes given in the city for Measure M.
(f) The number of votes given in the city for Measure P.
(g) The number of votes given in the city for Measure Q.

SECTION 3. That, at said regular municipal election, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit “A”, are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

Mike Serpa
Councilmember, for a term of four years, Chair No. 4, Modesto City Council.

Kenni Friedman
Councilmember, for a term of four years, Chair No. 5, Modesto City Council.

Kitty Thomson
Member, Board of Education, for a term of four years.
Kate Nyegaard  Member, Board of Education, for a term of four years.
Cindy Marks  Member, Board of Education, for a term of four years.
Ricardo Cordova  Member, Board of Education, for a term of four years.

SECTION 4. At said regular municipal election, a majority vote was not cast for Councilmember for Chairs Nos. 2 and 3, therefore, a second municipal election shall be held on Tuesday, December 9, 1997, at which time the two candidates receiving the highest number of votes for Chair No. 2, Armour Smith and Dan Thayer, for a term of four years, and the two candidates receiving the highest number of votes for Chair No. 3, Bill Conrad and Carmen Sabatino, for a term of two years, shall have their names on the ballot for election to the office of Councilmember.

SECTION 5. The following votes were cast for Measures M, P and Q:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure M:</td>
<td>11,849</td>
<td>7,263</td>
</tr>
<tr>
<td>Growth Management Act of 1995</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure P:</td>
<td>7,134</td>
<td>12,021</td>
</tr>
<tr>
<td>Provide Sewer to Urban Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure Q:</td>
<td>6,952</td>
<td>12,133</td>
</tr>
<tr>
<td>Provide Sewer to Areas in Measure Q</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Measure M. More than a majority of all of the votes cast at the election on Measure M were in favor of said Growth Management Act of 1995, and said Measure did
carry and was approved and was ratified by a majority of the qualified voters voting on said Measure M.

Measure P. A majority vote was not cast for Measure P, to provide sewer to the areas in Measure P, therefore, said measure was defeated.

Measure Q. A majority vote was not cast for Measure Q, to provide sewer to areas in Measure Q, therefore, said measure was defeated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, 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

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 4, 1997

I, Jean Adams, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on November 10, 1997, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 4, 1997, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair 2, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armour Smith</td>
<td>6,625</td>
<td>34.7</td>
</tr>
<tr>
<td>Dan Thayer</td>
<td>6,098</td>
<td>31.9</td>
</tr>
<tr>
<td>Jerold Ford</td>
<td>2,381</td>
<td>12.4</td>
</tr>
<tr>
<td>Jesse Alexander</td>
<td>1,721</td>
<td>9.0</td>
</tr>
<tr>
<td>Marcus Nugent</td>
<td>1,479</td>
<td>7.7</td>
</tr>
<tr>
<td>Charles Taylor</td>
<td>766</td>
<td>4.0</td>
</tr>
</tbody>
</table>

| Chair 3, Modesto City Council | | |
| Bill Conrad | 6,705 | 34.3 |
| Carmen Sabatino | 5,568 | 28.5 |
| Barney Hale | 5,351 | 27.3 |
| Chip Langman | 1,911 | 9.7 |

| Chair 4, Modesto City Council | | |
| Mike Serpa | 11,224 | 60.5 |
| Douglas Welborn | 7,328 | 39.4 |

| Chair 5, Modesto City Council | | |
| Kenni Friedman | 11,788 | 64.2 |
| Ross Smirfitt | 6,551 | 35.7 |

| Measure M | | |
| Growth Mgmt Act of 1995 | 11,849 | YES | 61.9 |
| | 7,263 | NO | 38.0 |

| Measure P | | |
| Provide Sewer to Urban Area | 7,134 | YES | 37.2 |
| | 12,021 | NO | 62.7 |

| Measure Q | | |
| Provide Sewer to Areas in Measure Q | 6,952 | YES | 36.4 |
| | 12,133 | NO | 63.5 |
Member, Modesto Board of Education

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kitty Thomson</td>
<td>12,550</td>
<td>15.9</td>
</tr>
<tr>
<td>Kate Nyegaard</td>
<td>12,429</td>
<td>15.8</td>
</tr>
<tr>
<td>Cindy Marks</td>
<td>12,348</td>
<td>15.7</td>
</tr>
<tr>
<td>Ricardo Cordova</td>
<td>11,922</td>
<td>15.1</td>
</tr>
<tr>
<td>Sandy Lucas</td>
<td>8,292</td>
<td>10.5</td>
</tr>
<tr>
<td>Steven Grenbeaux</td>
<td>8,130</td>
<td>10.3</td>
</tr>
<tr>
<td>Adrienne “Tande” Riner</td>
<td>4,515</td>
<td>5.7</td>
</tr>
<tr>
<td>David Messinger</td>
<td>4,042</td>
<td>5.1</td>
</tr>
<tr>
<td>Regina Guzman</td>
<td>2,394</td>
<td>3.0</td>
</tr>
<tr>
<td>Leah Casey-Hinkle</td>
<td>1,894</td>
<td>2.4</td>
</tr>
</tbody>
</table>

Voter Turnout

<table>
<thead>
<tr>
<th>Category</th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto Council Seats</td>
<td>20,892</td>
<td>24.9</td>
</tr>
<tr>
<td>Measures M, P &amp; Q</td>
<td>20,860</td>
<td>24.8</td>
</tr>
<tr>
<td>Modesto High School District</td>
<td>24,374</td>
<td>22.9</td>
</tr>
</tbody>
</table>

JEAN ADAMS  
City Clerk/Auditor  
City of Modesto  

November 12, 1997
MODESTO CITY COUNCIL
RESOLUTION NO. 97-643

A RESOLUTION DESIGNATING THE GUNDLACH HOME
AT 410 ELMWOOD AVENUE AS A MODESTO LANDMARK
PRESERVATION SITE. (OWNERS: RONNIE AND
DEWEYNNE GUNDLACH)

WHEREAS, Chapter 10 of Title IX 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 October 20, 1997, 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. 97-11, that the
Gundlach Home at 410 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 November 12, 1997, in the City
Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and
determined that the Gundlach Home at 410 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 410 Elmwood Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Gundlach Home at 410 Elmwood Avenue has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Architectural significance as a well-maintained Provincial 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.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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

MICHAEL D. MILICH, City Attorney
EXHIBIT "A" - LEGAL DESCRIPTION

The land referred to herein is situated in the state of California, county of Stanislaus, city of MODESTO and is described as follows:

LOTS 18 AND 19 IN BLOCK 553 OF THE CITY OF MODESTO, AS PER MAP FILED ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, STANISLAUS COUNTY RECORDS.

ASSESSOR'S PARCEL NUMBER: 110-03-74-101
MODESTO CITY COUNCIL
RESOLUTION NO. 97-644

A RESOLUTION APPROVING A HISTORIC PROPERTY
PRESERVATION AGREEMENT (MILLS ACT CONTRACT
NO. 6) FOR THE GUNDLACH HOME AT 410 ELMWOOD
AVENUE, LANDMARK SITE NO. 40, AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE CONTRACT ON
BEHALF OF THE CITY OF MODESTO. (OWNERS:
RONNIE AND DEWEYNNE GUNDLACH)

WHEREAS, Ronnie and Deweynne Gundlach, owners of the Gundlach Home at
410 Elmwood Avenue applied for Landmark Site Designation for this site with Landmark
Preservation Commission recommendation for designation on October 20, 1997, and

WHEREAS, Chapter 10 of Title IX 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 the Gundlach Home at 410
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 October 20, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 6, by Resolution No. 97-12, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Gundlach Home at 410 Elmwood Avenue, and

WHEREAS, after a public hearing held on November 12, 1997, 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 Gundlach Home at 410 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. 6) for the Gundlach Home at 410 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 12th day of November, 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: Cogdill, Dobbs, Fisher, Friedman,
McClanahan, 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. 97-645

A RESOLUTION GRANTING APPROVAL OF A ONE-TIME ONLY "HOLIDAY (CHRISTMAS) SIGN PACKAGE".

WHEREAS, by a report dated November 4, 1997, City staff recommended to the City Council a waiver of provisions of the Modesto Municipal Code to allow businesses additional time to display banners, flags, and holiday theme inflatables, and to display merchandise outdoors from November 15, 1997, through January 15, 1998, without payment of a permit fee, and

WHEREAS, the Council considered said recommendation at its meeting of November 12, 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby waives the provisions of the Modesto Municipal Code and grants a one-time only "Holiday (Christmas) Sign Package" to allow businesses to display banners, flags, and holiday theme inflatables, and to display merchandise outdoors from November 15, 1997, through January 15, 1998, without payment of a permit fee. Said Christmas Sign Package is more particularly described in the Staff report dated November 4, 1997, attached hereto and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of November, 1997, by Councilmember
McClanahan, 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:     Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
To: Mayor and City Council
From: Virginia Magana, Neighborhood Preservation Unit Supervisor
Date: November 4, 1997
Subject: One -Time Only Holiday Sign Program

RECOMMENDED COUNCIL ACTION:
We are asking Council to consider adoption of a resolution to waive provisions of the Modesto Municipal Code and to allow businesses additional time to display banners, flags, holiday theme inflatables and display merchandise outdoors from November 15, 1997 through January 15, 1998, without payment of a permit fee.

BACKGROUND:
In the past six months, the City Council has directed the Neighborhood Preservation Unit to step up the enforcement of illegal signs. During the same time-period, the Council also hired a sign consultant to work with the Council appointed Sign Improvement Committee to begin a comprehensive review and rewrite of the City’s sign ordinance.

While these two projects are running concurrently, the focus and goals for each project are different. Consequently, business owners have expressed concerns of an economic nature and requested consideration of special rules for the upcoming holiday season.

REASON FOR RECOMMENDATION:
To help create a smoother transition to possible changes in the new sign ordinance, and to support “the Spirit of Economic Development”, we would like to offer all businesses in a commercial location, a one-time only “Holiday Sign Program” for the Christmas holidays.
STEPS FOLLOWING APPROVAL:

The "Holiday Sign Program" would be in effect from November 15, 1997 thru January 15, 1998. Businesses would be allowed to: fly holiday banners, with or without text; flags, setup a holiday theme (cold air) inflatable balloons (only if they meet the required safety regulations); and/or display merchandise outdoors through this entire time period - without a permit. This would be in addition to the businesses regular yearly allotment of outdoor sales permits.

The use of A-frame signs, balloons, pennants and streamers would still be a violation of the municipal code and are not allowed. The code currently allows Christmas lights to outline a building during the above-mentioned period without a permit.

Prepared By: Virginia Magana
Virginia Magana
Neighborhood Preservation Unit Supervisor

Recommended By: Phil Testa
Phil Testa
Community Development Director

Approved By: J. Edward Tewes
J. Edward Tewes
City Manager
## Temporary Sign
### Summary Guidelines with Proposed Holiday Program

<table>
<thead>
<tr>
<th>Allowed</th>
<th>Allowed by Permit</th>
<th>Prohibited</th>
<th>Holiday Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-Frame</td>
<td></td>
<td>√</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Balloons</td>
<td></td>
<td>√</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Banners</td>
<td>-Holiday</td>
<td></td>
<td>Allowed</td>
</tr>
<tr>
<td></td>
<td>-Advertising Text</td>
<td>√</td>
<td>Allowed</td>
</tr>
<tr>
<td>Flags (Legitimate Countries and one Corporate Flag per Property)</td>
<td>√</td>
<td></td>
<td>Allowed</td>
</tr>
<tr>
<td>Flags (Others)</td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Inflatables</td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Outdoor Display of Merchandise</td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Pennants</td>
<td></td>
<td>√</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Time Parameters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost of Permit</td>
<td></td>
<td></td>
<td>$35.00</td>
</tr>
</tbody>
</table>

- Six permits each year, each permit good for 9 days—a total of 54 days a year
MODESTO CITY COUNCIL
RESOLUTION NO. 97-646

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND OATES, ERICKSON AND HOULIHAN FOR OFFICE SPACE AT 2005 EVERGREEN AVENUE, SUITE 600, FOR A NEW POLICE SUBSTATION FOR THE NORTHWEST AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oates, Erickson and Houlihan for office space at 2005 Evergreen Avenue, Suite 600, for a new Police Substation for the Northwest Area 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 November, 1997, 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:  Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Cogdill

ATTEST:  Jean Adams, City Clerk
CITY OF MODESTO
RESOLUTION NO. 97-647

A RESOLUTION APPROVING A RIGHT OF ENTRY AND INDEMNIFICATION AGREEMENT WITH FRED J. AND PENEOPE J. TOELKES FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fred J. and Penelope J. Toelkes to allow entry and indemnification for the parallel outfall 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 November, 1997, 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. 97-648

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVE ELLIOTT DBA PERFORMANCE TIRE AND WHEEL FOR RELOCATION EXPENSES

WHEREAS, the City acquired the property for the Police Facilities project and Performance Tire and Wheel at 1024 G Street is the only remaining tenant; and

WHEREAS, as part of the acquisition it is the City's responsibility to assist in relocating the tenants; and

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dave Elliott dba Performance Tire and Wheel for relocation expenses in the amount of $92,000.00 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 November, 1997, 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: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-649

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF FUNDS FOR THE NORTH BEYER PARK AND COFFEE/CLARATINA NEIGHBORHOOD SANITARY SEWER SUBTRUNK AND LIFT STATION CONSTRUCTION PROJECT

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

FROM: 621-4BO-F735-6040 $85,000
TO: 621-4BO-H818-6060 $85,000

The North Beyer Subtrunk Project encountered difficulties in the acquisition of right-of-way, as a result of negotiations with the property owner. Changes to the lift station site resulted in increased costs to design and construction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1997, by Councilmember Cogdill, who moved its 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. 97-650

A RESOLUTION ACCEPTING THE PROJECT TITLED "SCADA SYSTEM ADDITIONS - PHASE II" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled SCADA System Additions-Phase II, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated May 20, 1997.

NOW, THEREFORE, BE IT RESOLVED that the SCADA System Additions-Phase II be accepted from said contractor, Collins Electrical Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $92,461.64 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of November, 1997, 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

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-651

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Councilmember Mike Serpa is hereby designated to serve as Vice mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of November, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-652

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARTA ALVAREZ FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE NOVEMBER 18, 1997

WHEREAS, Marta Alvarez was appointed a member of the Affirmative Action Commission on April 8, 1997; and

WHEREAS, Marta Alvarez has tendered her resignation from the Affirmative Action Commission, effective November 18, 1997; and

WHEREAS, Marta Alvarez 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 Marta Alvarez 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 Marta Alvarez 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 18th day of November, 1997, 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
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF NANCY BRONSTEIN FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE NOVEMBER 18, 1997

WHEREAS, Nancy Bronstein was appointed a member of the Affirmative Action Commission on January 7, 1997; and

WHEREAS, Nancy Bronstein has tendered her resignation from the Affirmative Action Commission, effective November 18, 1997; and

WHEREAS, Nancy Bronstein 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 Nancy Bronstein 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 Nancy Bronstein 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 18th day of November, 1997, 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. 97-654

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: APPROVAL OF PRECISE PLAN FOR AREA NO. 33 PERTAINING TO BRADLEY ESTATES SUBDIVISION AND AMENDMENT OF ZONING MAP FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH OF MERLE AVENUE WEST OF FINE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (STEWARD BRADLEY)

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, Stewart Bradley proposes to develop an 80-lot, single-family subdivision called "Bradley Estates", all on a 16.93-acre site located on the south side of Merle Avenue west of Fine Avenue, and

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

WHEREAS, by Environmental Assessment No. 97-129, findings have been made 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. 97-88, adopted on November 3, 1997, and City staff, by a report dated November 14, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 33 of the Village One Specific Plan as set forth in said Resolution No. 97-88, and an Amendment to Section 13-3-9 of the Zoning Map to rezone from a Specific Plan-Holding (SP-H) Zone to a Specific Plan-Overlay (SP-O) Zone, Precise Plan Area 33, located on the south side Merle Avenue, west of Fine Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 25, 1997, at 4:00 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. 97-129, entitled "City of Modesto Initial Study Precise Plan No. 33, Rezoning to Specific Plan Overlay Zone, and Bradley Estates Vesting Tentative Subdivision

11/25/97
Map", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994, State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required for purposes of Section 15168, State CEQA Guidelines.

2. The proposed Precise Plan, Area No. 33, poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 97-129, entitled "City of Modesto Initial Study Precise Plan No. 33, Rezoning to Specific Plan-Overlay Zone, and Bradley Estates Vesting Tentative Subdivision Map E.A. No. 97-129", 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 25th day of November, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"
City of Modesto
Initial Study

Precise Plan No. 33, Rezoning to Specific Plan-Overlay Zone, and Bradley Estates Vesting Tentative Subdivision Map
E.A. No. 97-129

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:

Precise Plan No. 33, Rezoning to Specific Plan-Overlay Zone, and Bradley Estates 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 Merle Avenue east of Maid Mariane Lane.

E. **Project Sponsor:**

Stewart Bradley, 3524 Merle Avenue, Modesto, CA 95355

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 35 acres with single-family residential development, with an expected dwelling-unit yield of 175 dwelling units. The subdivision is for the purpose of subdividing the western 16.93 acres of the Precise Plan to create 80 single-family lots.

I. **Surrounding land uses:**

The project is adjoined on the west by an approved single-family subdivision, currently under construction, by an M.I.D. canal and the Briggsmore Avenue expressway to the south, and by existing agricultural areas to the east and north, on which there is an approved Specific Plan for future residential development.

J. **Other public agencies whose approval is required:** none

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**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 proposed by this Precise Plan, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. 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. The development proposed by this Precise Plan, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the air quality impacts of this project are 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 development proposed by this Precise Plan, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. 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, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. 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 this Precise Plan, rezoning and subdivision map 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, rezoning and subdivision map 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, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. 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, rezoning and subdivision map 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 this Precise Plan,
rezoning and subdivision map 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 this Precise Plan, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. 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, rezoning and subdivision map 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 this Precise Plan, rezoning and subdivision map 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 this Precise Plan, rezoning and subdivision map 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 the project is being undertaken which will require major revisions in the Village One Program EIR.

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

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature: 

Steve Mitchell
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 97-655

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSID MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 96-626 AND AMENDING RESOLUTION NO. 97-123 RELATING TO TOURNAMENT GREEN FEES.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course, Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course need to be revised,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be
accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools’ schedules of matches from each school coach.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

(d) Multiple Play Cards. Golfers can purchase a weekday 6, 8 or 10 multiple play card for Dryden/Creekside or Muni. The multiple play card will be good for the calendar month issued except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Parks and Recreation Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting
professionals or others, for services rendered to the golf course. Free play must be approved by the Parks and Recreation Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King’s Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 6. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 7. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after December 1, 1997.

SECTION 8. REPEALS. Resolution No. 96-626 adopted on November 19, 1996, is hereby rescinded November 30, 1997.

SECTION 9. AMENDMENT. Resolution No. 97-123 adopted on March 4, 1997, is hereby amended as to tournament green fees.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Serpa

NOES: Councilmembers: Dobbs, Fisher, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE DECEMBER 1, 1997

CREEKSID & DRYDEN

Weekdays, 9-holes $12.50
Weekdays, 9-holes (seniors/juniors/disabled) $10.00
Weekdays, 18-holes $17.00
Weekdays, 18-holes (seniors/juniors/disabled) $13.50
Weekdays, 18-holes (juniors, after noon) $8.50
Weekdays Mid-day, 18-holes $12.00
Weekdays Super-Twilight, 18-holes $6.00
Weekdays afternoon League Play $11.00
Weekends/Holidays, 9-holes $13.00
Weekends/Holidays, 18-holes $21.00
Weekends/Holidays, 18-holes (juniors, after noon) $10.50
Weekends/Holidays Mid-day, 18-holes $14.00
Weekends/Holidays Super-Twilight, 18-holes $8.00

6-play Valu-Play booklet $72.00
6-play Valu-Play booklet (seniors/juniors/disabled) $60.00
8-play Valu-Play booklet $96.00
8-play Valu-Play booklet (seniors/juniors/disabled) $80.00
10-play Valu-Play booklet $120.00
10-play Valu-Play booklet (seniors/juniors/disabled) $100.00

MUNI

Weekdays, 9-holes $9.00
Weekdays, 9-holes (seniors/juniors/disabled) $7.00
Weekdays, 9-holes (juniors, after noon) $4.50
Weekdays Mid-day, 9-holes $7.00
Weekdays Super-Twilight, 9-holes $5.00
Weekdays afternoon League Play $6.00
Weekends/Holidays, 9-holes $11.00
Weekends/Holidays, 9-holes (juniors, after noon) $5.50
Weekends/Holidays Mid-day, 9-holes $8.00
Weekends/Holidays Super-Twilight, 9-holes $6.00

6-play Valu-Play booklet $36.00
6-play Valu-Play booklet (seniors/juniors/disabled) $30.00
8-play Valu-Play booklet $48.00
8-play Valu-Play booklet (seniors/juniors/disabled) $40.00
10-play Valu-Play booklet $60.00
10-play Valu-Play booklet (seniors/juniors/disabled) $50.00
**TOURNAMENT FEE SCHEDULE AND POLICY**  
**EFFECTIVE DECEMBER 1, 1997**

<table>
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<th>FEE PER PLAYER</th>
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<td>Shotgun Tee</td>
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**CREEKSIDE & DRYDEN**

- **Weekday**
  - $27.00
  - $48.00
  - $48.00
- **Weekends**
  - $31.00
  - $53.00
  - $53.00

**MUNI**

- **Weekday**
  - $17.00
  - $30.00
  - N/A
- **Weekend**
  - $21.00
  - $34.00
  - N/A

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($17.00 weekdays/$21.00 weekends at Creekside/Dryden and $9.00 weekdays/$11.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 144 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($21.00 weekdays/$26.00 weekends at Creekside/Dryden and $10.00 weekdays/$12.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($21.00 weekdays/$26.00 weekends); cart rental ($13.00 at Creekside/Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-656

A RESOLUTION APPROVING THE FINAL MAP OF THE CENTER COURT SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Charleston Place, a California Limited Partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 19.6 acres, known as Center Court Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of May, 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 Center Court 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 25th day of November, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Mayor Lang

NOES: Councilmembers: Friedman, 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. 97-657

A RESOLUTION APPROVING A DEFERRAL AGREEMENT FOR THE CENTER COURT SUBDIVISION.

WHEREAS, Charleston Place, a California Limited Partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 19.6 acres, known as Center Court Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of May, 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 Center Court Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, prior to submission of the final map to the City Council, Subdivider is required to pay to City subdivision fees in the sum of $71,496.06, as set forth in a letter to O'Dell Engineering from the Community Development Department dated September 11, 1997, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, J.C. Williams on behalf of Charleston Place, the developer of the project, has requested a deferral of the fees over a six month term,
WHEREAS, on November 25, 1997, the Council adopted Resolution No. 97-656 approving the final map and authorizing the City Manager to sign the Subdivision Agreement, contingent and concurrent with the adoption of this resolution approving a Deferral Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved contingent upon the following:

1. Subdivider shall pay to City a portion of the Fees in the sum of $21,496.06.

2. Subdivider shall pay the remainder of the fees in the sum of $50,000 per building permit issued by City for Center Court Subdivision, with any outstanding balance of fees all due and payable on May 24, 1998.

3. Subdivider shall assign to City a Time Deposit Account to secure payment of the fees. 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, a Deferral Agreement with Subdivider.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Mayor Lang

NOES: Councilmembers: Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
September 11, 1997

O’Dell Engineering
1101 M Street, Suite 1
Modesto, CA 95354

RE: SUBDIVISION FEES – CENTER COURT SUBDIVISION

The following fees are payable to the City Attorney’s Office prior to submission of the Final Map to the City Council.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Checking (Standard Fee of $385.00)</td>
<td>$385.00</td>
</tr>
<tr>
<td>52 Lots @ $7.85 each</td>
<td>408.20</td>
</tr>
<tr>
<td>Prints (3 Mylars @ $8.35 each)</td>
<td>25.05</td>
</tr>
<tr>
<td>3 Sepias @ $1.35 each</td>
<td>4.05</td>
</tr>
<tr>
<td>84 Blueprints @ $0.30 each</td>
<td>25.20</td>
</tr>
<tr>
<td>Street Trees (183 Trees @ $66.00 each)</td>
<td>12,078.00</td>
</tr>
<tr>
<td>Street Name/Traffic Signs (6 Name/Traffic Signs @ $175.00)</td>
<td>1,050.00</td>
</tr>
<tr>
<td>Subtrunk Sewer (20.40 Gross Acre @ $645.00/Gross Acre)</td>
<td>13,158.00</td>
</tr>
<tr>
<td>Monument Deposit (198 Monuments Remaining @ $40.00 Each)</td>
<td>7,920.00</td>
</tr>
<tr>
<td>Improvement Plan Checking Fee (Standard Fee of $335.00 plus $10.75/lot for each lot over 10 lots) Standard Fee + 52 Lots:</td>
<td>894.00</td>
</tr>
<tr>
<td>Water Systems Fee (888,714 S.F. Gross @ $0.04/sq. ft.)</td>
<td>35,548.56</td>
</tr>
<tr>
<td><strong>TOTAL FEES</strong></td>
<td><strong>$71,496.06</strong></td>
</tr>
</tbody>
</table>

Make one check payable to the City of Modesto for the total amount of the above fees and deliver it to the City Attorney’s Office.

An additional check payable to the Stanislaus County Recorder will be required to record the map and any other required documents. The exact amount will depend upon the number of sheets of the approved documents. As an alternative, a voucher from a title company acceptable to the County Recorder may be submitted. This check or voucher should also be delivered to the City Attorney’s Office.
The County Clerk's Certificate as to taxes and assessments on the subdivision signature sheet must be executed prior to the filing of the Final Map.

The Subdivision Agreement has been prepared and the two originals (Blue Backed) to be signed are available for signature in the City Attorney's Office.

A performance Bond in the amount of 100% of the estimated cost of the improvements and a Payment Bond in the amount of 50% of the cost of the improvements and a warranty bond in the amount of 10% of the cost of improvements are required and they are to be submitted to the City Attorney's Office. The estimated cost of the improvements is $812,000.00.

Security for the construction of storm drain piping and basin in the amount of $106,500.00 is also required.

All of the above requirements must be met before the Final Map may be presented to the City Council for approval. The Final Map will be filed following the Council approval depending on when the Guarantee of Ownership is submitted.

Sincerely,

KEITH COGINS
Associate Civil Engineer
Development Services Division/Permits Section

cc: City Attorney
    City Clerk (2)
    Finance - M. Quidice
    P&R/Trees - Chuck Gilstrap
    Bob Cagliardi
A RESOLUTION APPOINTING CHRIS HARRIGFELD TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Chris Harrigfeld is hereby appointed to the Housing Rehabilitation Loan Committee, with a term expiration of January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-659

A RESOLUTION APPOINTING CLARENCE ATTERBURY, JAMES ANDERSON AND EDWIN PENFOLD 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 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members 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 25th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION APPOINTING ARNOLD NAIMARK 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. Arnold Naimark 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 25th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________
DEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-661

A RESOLUTION APPOINTING DANIEL HEVRON, CARMAN KING, JEROME KOPP, AND LINDA LEWIS TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Daniel Hevron, Carman King, Jerome Kopp, and Linda Lewis are hereby appointed to the Community Qualities Forum, with term expirations as follows: Daniel Hevron’s term expires January 1, 2001; Carman King, Jerome Kopp and Linda Lewis’ terms expire January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-672

A RESOLUTION ACCEPTING THE EAST LEVEE ROAD RECONSTRUCTION PROJECT AT THE REMOTE PONDS AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the East Levee Road reconstruction project at the Remote Ponds has been completed by Teichert Construction, in accordance with the contract agreement dated June 24, 1997.

NOW, THEREFORE, BE IT RESOLVED that the East Levee Road reconstruction project at the Remote Ponds be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $67,335.70, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 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: Cogdill, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-673

A RESOLUTION AMENDING CITY COUNCIL
RESOLUTION NO. 87-237, AS AMENDED BY
RESOLUTION NOS. 87-1183, 88-317 AND 92-389, TO
AMEND THE AFFIRMATIVE ACTION PROGRAM TO
EXTEND TERMS OF OFFICE FOR AFFIRMATIVE ACTION
COMMISSIONERS FROM TWO TO FOUR YEAR TERMS,
WITH A TWO-TERM MAXIMUM.

WHEREAS, on April 7, 1987, the City Council by Resolution No. 87-237
adopted a revised Affirmative Action Program for the City of Modesto, which is marked
Exhibit “A” and attached to said Resolution No. 87-237, a copy of which is on file in the
office of the City Clerk, and

WHEREAS, by Resolution Nos. 87-1183 and 88-317, adopted on November
10, 1987, and April 26, 1988, respectively, the City of Modesto amended Resolution No. 87-
237 and revised the Affirmative Action Commission membership listed on page 5 of the
revised Affirmative Action Program dated March 1987, and

WHEREAS, the subsection entitled “Affirmative Action Commission” on page
5 of the Affirmative Action Program specifies two-year terms of office for membership on the
Commission, and

WHEREAS, by a staff report dated November 21, 1997, it was recommended
to the City Council that the terms of office for Affirmative Action Commissioners should be
extended from two to four-year terms with a two-term maximum consistent with other boards
and commissions, and

WHEREAS, the Economic Development, Community and Intergovernmental
Relations Committee has reviewed the recommendation on October 8, 1997, and agreed with the proposed staff recommendation, and

WHEREAS, said matter was considered by the Council on December 2, 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the subsection entitled “Affirmative Action Commission” on page 5 of the Affirmative Action Program, attached as Exhibit “A” to Council Resolution No. 87-237, a copy of which is on file in the office of the City Clerk, and as amended thereafter by Resolution Nos. 87-1183, 88-317 and 92-389, is hereby amended to read as follows:

Affirmative Action Commission

The Commission shall consist of eleven (11) members appointed by the City Council including a member from the Human Relations Commission. Representation shall include members of protected classes: females, minorities, the disabled and workers over forty (40) years of age.

Membership on the Commission shall be for a term of four (4) years, with a two-term maximum.

At the first meeting of each calendar year, the Commission shall designate a chair and vice-chair from among its members to serve for a one (1) year period.

When an interim vacancy occurs on the Commission, an appointment may be made by the City Council to fill the unexpired term of the membership vacated. All members serve at the discretion of the City Council and serve without compensation.

The Affirmative Action Officer shall serve as staff/secretary for the Commission keeping all minutes of all meetings and providing necessary assistance for the functioning of the Commission.

From time to time, Department Affirmative Action Coordinators may be appointed by department heads, as required, and shall attend Commission meetings as directed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 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: Cogdill, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

12/30/97
MODESTO CITY COUNCIL
RESOLUTION NO. 97-674

A RESOLUTION AUTHORIZING THE EXTENSION OF TERM OF OFFICE FOR ROBERT ANDREWS AS AN AFFIRMATIVE ACTION COMMISSIONER THROUGH DECEMBER OF 2000, TERM TO EXPIRE JANUARY 1, 2001

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

WHEREAS, Robert Andrews was appointed to the Affirmative Action by City Council Resolution No. 92-687 on December 15, 1992, and reappointed by City Council Resolution No. 95-55 on January 24, 1995; and

WHEREAS, on December 2, 1997, by Resolution No. 97-673, the term of office of Affirmative Action Commissioners was extended from two to four years, with a two term maximum, and it is the desire of the Commissioners that Mr. Andrews' term of office be extended so he can serve for a total of eight years, consistent with recommendation for two four-year terms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the term of office for Robert Andrews is hereby extended to January 1, 2001.

The City Clerk is hereby directed to transmit a copy of this resolution to the Secretary of the Affirmative Action Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 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: Cogdill, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-675

A RESOLUTION APPROVING AN AGREEMENT WITH SHUTT MOEN ASSOCIATES FOR THE DESIGN, ENGINEERING, AND CONSTRUCTION ADMINISTRATION OF MODESTO CITY-COUNTY AIRPORT IMPROVEMENT PROJECTS INCLUDED AS PART OF AIP GRANT 3-06-0153-20

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Shutt Moen Associates for the design, engineering, and construction administration of the Modesto City-County Airport improvement projects included as part of AIP Grant 3-06-0153-20 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 2nd day of December, 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: Cogdill, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: JUDY C. HALL, Acting City Clerk
RESOLUTION NO. 97-676


AMTRAK RAIL STATION PROJECT

APN2-191/014-26-04-880

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

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to implement the Amtrak Rail Station 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, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1250.240, 1240.410 and 1240.610 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 City Council of the City of Modesto 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.

WHEREAS, pursuant to the provisions of Section 7267.2 of the Government Code of the State of California, the City of Modesto has made an offer to the owner or owners of record to acquire the real property for just compensation;

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED 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 the real property more particularly described in said Exhibit "A" is necessary for the Project;
4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property;

5. The law firm of Meyers, Nave, Riback, Silver & Wilson 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;

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 determined 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 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, 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

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
LEGAL DESCRIPTION
FOR
AMTRAK SITE

ALL that certain real property being a portion of the South half of Section 18, Township 3 South, Range 10 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the South quarter corner of said Section 18 and proceeding thence North 88°33'00" West along the south line of said Section, a distance of 449.42 feet to a point which bears North 00°17'58" East, 53.89 feet from the centerline-centerline intersection of Parker Road and Held Drive; thence leaving said section line and proceeding North 00°17'58" East, a distance of 106.11 feet to a point on the Northerly line of the 140.00 foot wide right-of-way for the Modesto Irrigation District's Lateral No. 3; thence South 89°42'02" East along said right-of-way line, a distance of 36.00 feet to the TRUE POINT OF BEGINNING; thence leaving said right-of-way line and proceeding North 01°05'21" West, a distance of 165.05 feet; thence North 00°17'58" East, a distance of 171.99 feet to the beginning of a curve concave to the Southwest, having a radius of 882.00 feet; thence Northerly 278.11 feet along said curve through a central angle of 18°03'59", to the point of tangency with a line which bears North 17°46'01" West; thence along said line a distance of 137.33 feet; thence North 72°13'59" East, a distance of 308.67 feet to a point on the Southwesterly line of the 100.00 foot wide right-of-way for the Burlington Northern Santa Fe Railroad; thence South 17°46'01" East along last said right-of-way line, a distance of 700.91 feet to a point on the above mentioned Northerly right-of-way line of Modesto Irrigation District Lateral No. 3; thence South 67°47'48" West along last said right-of-way line, a distance of 445.33 feet to an angle point; thence North 89°42'02" West along said right-of-way line, a distance of 9.32 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way record.

Containing 5.84 acres, more or less.
ROAD DEDICATION
HELD DRIVE

ALL that certain real property being a portion of the Southwest quarter of Section 18, Township 3 South, Range 10 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the South quarter corner of said Section 18 and proceeding thence North 88°33'00" West along the South line of said section, a distance of 449.42 feet to a point which bears North 00°17'58" East, 53.89 feet from the centerline-centerline intersection of Parker Road and Held Drive; thence leaving said section line and proceeding North 00°17'58" East, a distance of 106.11 feet to a point on the Northerly line of the 140.00 foot wide right-of-way for the Modesto Irrigation District's Lateral No. 3 and the TRUE POINT OF BEGINNING; thence North 89°42'02" West along said right-of-way line, a distance of 36.00 feet; thence leaving said right-of-way line and proceeding North 06°31'31" East, a distance of 165.98 feet; thence North 00°17'58" East, a distance of 171.99 feet to the beginning of a curve concave to the Southwest, having a radius of 832.00 feet; thence northerly 262.34 feet along said curve through a central angle of 18°03'59" to the point of tangency with a line which bears North 17°46'01" West; thence along said line a distance of 137.33 feet; thence North 72°13'59" East, a distance of 50.00 feet; thence South 17°46'01" East, a distance of 137.33 feet to the beginning of a curve concave to the Southwest, having a radius of 882.00 feet; thence Southerly 278.11 feet along said curve through a central angle of 18°03'59", to the point of tangency with a line which bears South 00°17'58" West; thence along said line a distance of 171.99 feet; thence South 01°05'21" East, a distance of 165.05 feet to a point on the above mentioned northerly right-of-way line of Modesto Irrigation District Lateral No. 3; thence North 89°42'02" West along said right-of-way line, a distance of 36.00 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 39,042 square feet, more or less.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-677

A RESOLUTION AUTHORIZING STAFF TO SUBMIT
A FLOOD DISASTER RELIEF APPLICATION TO
THE U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT FOR DISASTER RELIEF
INITIATIVE FUNDS AND AUTHORIZING THE CITY
MANAGER TO EXECUTE NECESSARY
DOCUMENTS RELATING TO SAID APPLICATION.

WHEREAS, the City of Modesto is eligible for $650,426.00 in supplemental
Community Development Block Grant (CDBG) funds ("Funds") from the Emergency Disaster
Relief Initiative passed by Congress in 1997, and

WHEREAS, although some CDBG regulations were waived for this program,
eligible uses were still limited to those directly benefitting low and moderate income households
and neighborhoods, and

WHEREAS, said Funds are to be used to address the results of the January, 1997
floods, such as flood repairs or flood mitigation efforts, and

WHEREAS, in order to access the Funds the City is required to prepare an Action
Plan ("Plan") describing the activities the City intends to carry out with the Funds, a copy of which
is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, the City intends to use the Funds to purchase fourteen (14) residential
parcels ("Parcels") on the south side of Hillside Drive, between Empire and Tioga, in the Airport
area, and

WHEREAS, since all Parcels will need to be acquired, it is possible that the City
may have to exercise its' Eminent Domain powers in order to acquire the Parcels, and
WHEREAS, if it is necessary for the City to exercise its' Eminent Domain powers, all tenants of the Parcels will be relocated and owners of the Parcels will receive fair market value for their property, as determined by appraisals and negotiation, and

WHEREAS, once acquired, the land will be donated to the Tuolumne River Regional Park to be kept in passive use, a small portion of the land will be set aside for a community garden, the median strip on Hillside will be removed and the street reconstructed, and

WHEREAS, the total cost of the project may reach $1,000,000.00, and the additional required funds will come from unallocated CDBG funds, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 9, 1997, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing was held,

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 Flood Disaster Relief Application to the U.S. Department of Housing and Urban Development for a grant in the amount of $650,426.00.

BE IT FURTHER RESOLVED that any additional funds required to carry out the Plan shall come from unallocated CDBG funds.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, 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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
City of Modesto
Community Development Department
Office of Housing & Neighborhoods

Application For Disaster Recovery Funds

Action Plan For Disaster Recovery

I. Action Plan Summary

The City of Modesto is proposing to acquire 14 adjacent residential parcels on the south side of Hillside Drive. These properties are located in a low-income census tract within the flood plain along the Tuolumne River. Most of the properties suffered devastating flooding last January. Our intent is to remove the residential structures to limit personal risk and financial loss in case of future flooding. The properties would be converted to public open space for inclusion in the Tuolumne River Regional Park. A fence will border the street side of the property to discourage illegal trash dumping, and a small parcel may be set aside as a community garden. Street improvements would be made to Hillside Drive to include regrading and removal of the median for flood mitigation purposes.

Properties would be appraised to determined values and eligible residents would be provided relocation assistance. Once the properties are acquired, the existing structures would be demolished and/or removed. The total cost of the project is estimated at $1,032,900 as follows: Property Acquisition $658,000; Demolition Costs $68,000; Relocation Costs $194,900; and Hillside Drive Street Improvements $112,000. The project’s total cost would be covered by $650,426 in disaster relief funds and $382,474 in CDBG carryover funds.

II. Recovery Needs

On January 4, 1997, a major flooding of the Tuolumne River caused significant damage to public and private property. Much of the damage occurred to property along the flood plains of Dry Creek and the Tuolumne River. For several days the swollen river inundated both rich and poor sections of the City. Over 400 Modesto residents were evacuated to emergency shelters and the City’s sewer treatment plant was left inoperable for an extended period. Many families whose homes were destroyed or damaged were in the low and moderate income category. Once the flood waters receded, City and County residents and local governments were left with the major task of rebuilding and repairing damaged property. That work continues today. Long after FEMA settlements have been made, lower-income residents, in particular, still struggle to put their homes and lives back together.
The Airport neighborhood, located just north of the Tuolumne River (See Modesto Urban Map at Attachment A), was one of the hardest hit areas. Located in a low income census tract (census tract no. 21), this neighborhood houses some of the City’s poorest residents. The flood waters went well past the 100-year flood plain, resulting in many residents losing their homes or having them badly damaged. The properties that suffered the most damage comprised older, single-family residential homes located within the Tuolumne River flood plain. If a similar flooding occurred, these homes would likely suffer repetitive flood damage.

Modesto has been active in the Airport neighborhood for the last three or four years focusing on housing rehabilitation, street improvements, and crime prevention. The flood, along with other neighborhood-driven priorities, prompted the City to drop the mandatory housing rehabilitation program once required for homeowners in this area. The Airport neighborhood is still a City Target Area for concentrated services, however, housing rehabilitation is now a voluntary program.

III. Plan For Recovery

It has been almost a year since the January floods. Most, if not all, of the City residents displaced by the floods are back into their homes or have found other housing. Properties destroyed by the floods were largely demolished. Some of the demolitions in the Airport neighborhood were done and paid for by the City, at the owner’s request. Repair work is still being done on flood-damaged homes that can be saved. Owners are using their own funds, donated material, and reimbursements from FEMA or other agencies to pay for their repair costs.

Modesto’s Flood Hazard Mitigation Plan discourages any construction of permanent structures below twelve inches above the base-flood elevation. The 50- and 100-year flood plains within the City limits have been set aside as regional parks and golf courses. The City has aggressively sought and acquired most of the land adjacent to the Tuolumne River to preserve wetlands, maintain a flood buffer, and to develop a model park system contiguous with the river. Homes constructed within the flood plains are subject to strict building codes that require the bottom structural floors to be able to survive a 100-year flood event. Our Flood Mitigation Plan has historically served the City well by limiting damage during floods that were less than 100-year events.

Acquiring residential properties in the City’s flood plain was determined as the best use for expending the disaster relief funds. This strategy is consistent with the City’s Flood Hazard Mitigation Plan. Removing the structures will limit personal risk and financial loss in the event of future flooding. Acquiring the properties in the Airport neighborhood was selected because of their location (adjacent properties all within 100-year flood plain), proximity to the Tuolumne
River Regional Park, and the benefit that the project would contribute to the neighborhood (reduce slum and blight and crime).

IV. Proposed Use of HUD Disaster Recovery Funds

The City is proposing to acquire 14 adjacent residential parcels on the south side of Hillside Drive (See Project Area Map at Attachment B). These properties are located in a low-income census tract within the flood plain along the Tuolumne River. The majority of the properties suffered substantial damage during the floods. Residents would be relocated and the properties would be converted to public open space for inclusion in the Tuolumne River Regional Park. The additional park land would remain as passive, unimproved, open space. Amenities would be limited to avoid further financial loss in the event of future flooding. After the land is transferred, the City will negotiate with the Park to allow a small parcel to be set aside as a community garden. The exact size and location of the garden has not been determined. A fence will border the Hillside Street side of the property to discourage illegal trash dumping. Street improvements would be made to Hillside Drive to include regrading and removal of the median for flood mitigation purposes. The total cost of the project is estimated at $1,032,900 as summarized in the Project Budget (See Attachment C). Other project detail includes the following:

1. National Objective
The activity proposed in this Action Plan benefits low and moderate income persons in accordance with the criteria for national objections described in Section 570.208. The project is an “area benefit activity” that will serve a low-income census tract that has also been designated by the City (and approved by HUD) as a Target Area in need of substantial neighborhood revitalization.

2. Proposed Project Site
The project site is located within the A-24 flood zone as indicated on Flood Insurance Map (FIRM) panel number 060387-0015C, dated August 17, 1982. The size of all 14 parcels combined is approximately 2.5 acres. The street addresses are:

| 1630 Hillside Drive | 1714 Hillside Drive | 1738 Hillside Drive |
| 1634 Hillside Drive | 1718 Hillside Drive | 1742 Hillside Drive |
| 1638 Hillside Drive | 1720 Hillside Drive | 1746 Hillside Drive |
| 1700 Hillside Drive | 1726 Hillside Drive | 1131 Tioga Drive |
| 1710 Hillside Drive | 1734 Hillside Drive |

Hillside Drive, a public street north of the parcels will be regraded to a slope of 1:8 with a 44-feet wide road area and the streets and sidewalks will be rehabilitated, as part of the flood mitigation plan.

City of Modesto
Action Plan For Disaster Recovery
December 1, 1997
3. Determining Property Values and Relocation
Properties will be uniformly appraised at their post-flood values by a certified appraiser to determine values. Once the properties are acquired, the existing structures will be demolished and/or removed. All the properties will need to be acquired to achieve the best flood mitigation results. This may require the City to exercise its eminent domain powers and force holdout owners, if any, to sell their properties involuntarily. If this turns out to be the case, involuntary relocation rules will apply to all displaced persons and they would be provided up to 60 months relocation assistance in accordance with section 104(d) and the Uniform Relocation Act. Some families may be eligible to receive Section 8 Certificates. The Stanislaus County Housing Authority has informed us that persons displaced by the floods receive priority. The City is coordinating with FEMA and other reimbursing agencies to guard against duplicate payments to flood victims.

V. Expected Federal, Non-Federal, and Private Resources
Following the January floods, the community responded with an array of public and private financial assistance to help City and County residents recover from the disaster. Documented funds that came into the area include the following: United Way/Sierra Health Foundation-$470,000; Salvation Army-$300,000; Greater Modesto Area Churches-$100,000; private donor-$25,000. The City also received funds for City-owned properties destroyed or damaged by the floods. To date, Modesto has received reimbursement funds from the following agencies: FEMA-$584,626; OES-$297,384. The City also hopes to receive an additional $587,096 FEMA reimbursement for damage done to the City-owned Dryden Golf Course. Public properties owned by the City of Modesto sustained over $3 million in damages. The golf course and the waste-water treatment plant were hit particularly hard.

Many of the areas impacted by the flood have not fully recovered. In June, the Greater Modesto Area Churches estimated that there were 50 homes in the area in some stage of rebuilding and an additional 100 homes needing help. The work on many homes have since been completed, but due to limited resources all the work is not done. The non-City funds mentioned above were donated to help both City and County residents recover. None of the funds described are tied to the Airport neighborhood project being proposed in this Action Plan.

VI. Environmental Review
Before any disaster recovery funds are committed, the City will complete environmental review procedures for the proposed project as set forth in 24 CFR Part 58. The review will follow the eight-step decision process required by Executive Order 11988 (Flood Plain Management). The review process will start on December 9, 1997, when the Action Plan is expected to be approved by the City Council. The environmental review is expected to be completed by early February, 1998.
VII. Citizen Participation Plan

To give citizens an opportunity to make their voices heard in the development of the Disaster Recovery Action Plan, the proposed Plan was presented to Airport Neighbors United at a neighborhood meeting on November 17, 1997. The neighbors in attendance voiced their support and made suggestions that were used in the Plan's final project description. The Plan was presented to the Citizens Housing & Community Development Committee (CH&CDC) on November 21, 1997, at a meeting open to the public. Our intent was to give citizens another opportunity to comment, and to have the CH&CDC recommend that the proposal be submitted to the City Council for approval. The Action Plan was submitted to the City Council at a Public Hearing on December 9, 1997. The Public Hearing was announced in the Modesto Bee. To give citizens an opportunity to examine the content, and to submit final comments on the Action Plan document, the City conducted a 15-day comment period from December 1, 1997 through December 15, 1997. The public comment period was announced in the Modesto Bee and copies of the document were available for pickup in the Office of Housing & Neighborhoods. There were no written or verbal comments received during the comment period.

VIII. Monitoring Standards & Procedures

The City of Modesto, through its Housing & Neighborhoods Office, administers numerous community development programs funded by Community Development Block Grant, HOME Investment Partnerships Program, and the Emergency Shelter Grant program. Written monitoring procedures have been developed for all the major programs administered by our office to assure that funds are properly accounted for and spent only on eligible activities. These procedures are described in detail in our Policy and Procedures Manual, and include on-site monitoring and verifying and cross-referencing expenditures on a monthly basis for recipients funded monthly. The results of written monitoring reports for all recipients funded under the CDBG public service category are reviewed by the CH&CDC and the City Council. The monitoring procedures developed by our office offer a coordinated approach with “checks and balances” to verify that funds are being accounted for properly. These procedures have proven to be very effective in allowing staff to manage a variety of programs.

IX. Attachments

The following Attachments are included as part of this Action Plan:
Attachment A - Modesto Urban Area Map
Attachment B - Project Area Map
Attachment C - Project Budget
Attachment D - SF 424
Attachment E - Certifications (5 pages)
Airport Neighborhood

FLOOD DAMAGE IN MODESTO

Project Area Map

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Action Plan Project Boundary
FIRM 100 Year Flood Plain
Flood Level Within The City Limits, Storm January 1997
Damage Less Than 50% of Home Valuation
Damage Greater Than 50% of Home Valuation

CITY OF MODESTO
COMMUNITY DEVELOPMENT DEPARTMENT
MARCH 19, 1997
SOURCE OF FUNDS:
Disaster Recovery Initiative Grant $650,426
Unallocated CDBG Carryover Funds $382,474
Total Sources $1,032,900

USE OF FUNDS:
Property Acquisition Costs:
Property Acquisition $630,000
14 parcels @ $45,000 each
Title & Appraisal Fees $14,000
14 parcels @ $1,000 each
Property Acquisition Administrative Fees $14,000
14 parcels @ $1,000 each
Total Acquisition Costs $658,000

Demolition Costs:
Demolition of Housing Units $68,000
17 housing units @ $4,000 per unit

Relocation Costs:
Replacement Housing Differential Payments $112,500
5 housing units @ $22,500 each
Rental Assistance $72,000
8 families @ $9,000 per family
Moving Expenses $10,400
13 families @ $800 per family
Total Relocation Costs $194,900

Hillside Drive Street Improvement Costs:
Construction (850 feet @ $90 per foot) $76,500
Dirt removal/regrading costs $12,000
Design $7,000
Contingency $7,000
Construction Administration $9,500
Total Hillside Drive Street Improvements $112,000

Fencing Along Hillside Drive $0

Total Project Cost $1,032,900
Application for Federal Assistance

2. Date Submitted

5. Applicant Information

Legal Name

Address (give city, county, State, and zip code):

Employer Identification Number (EIN):

Organizational Unit

Name, telephone number, and facsimile number of the person to be contacted on matters involving this application (give area codes)

6. Type of Application:

- New
- Continuation
- Revision

If Revision, enter appropriate letter(s) in box(es):

A. Increase Award
B. Decrease Award
C. Increase Duration
D. Decrease Duration
E. Other (specify):

7. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Descriptive Title of Applicant's Project:

2 Areas Affected by Project (cities, counties, States, etc.):

1 Proposed Project:

14. Congressional Districts of:

a. Applicant
b. Project

5. Estimated Funding:

16. Is Application Subject to Review by State Executive Order 12372 Process?

a. Yes

This preapplication/application was made available to the State Executive Order 12372 Process for review on:

Date:

b. No

Program is not covered by E.O. 12372

or

Program has not been selected by State for review.

17. Is the Applicant Delinquent on Any Federal Debt?

Yes

If "Yes," explain below or attach an explanation

No

To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

Name of Authorized Representative

Title

Telephone Number

Date Signed
In accordance with applicable statutes, regulations, and notices, the grantee certifies that:

1. It possesses legal authority to make a grant submission and to execute a disaster recovery program;

2. Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the grantee to submit the Action Plan for Disaster Recovery and amendments thereto and all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the Action Plan and to provide such additional information as may be required;

3. Compliance with Anti-discrimination Laws. The grant will be conducted and administered in compliance with:
   a. Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. §2000d et seq.);
   and
   b. The Fair Housing Act (42 U.S.C. 3601-20);

4. Affirmatively Further Fair Housing. It will affirmatively furthering fair housing;

5. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under the HUD Disaster Recovery Initiative by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
   a. Funds received under the HUD Disaster Recovery Initiative are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Housing and Community Development Act of 1974, as amended; or
   
   2. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient
funds received under the HUD Disaster Recovery Initiative to comply with the requirements of subparagraph a. above;

6. Drug Free Workplace. It will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b. Establishing an ongoing drug-free awareness program to inform employees about:
   
i. The dangers of drug abuse in the workplace;
   
ii. The grantees policy of maintaining a drug-free workplace;
   
iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
   
iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will:
   
i. Abide by the terms of the statement; and
   
ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under
subparagraph d.ii., with respect to any employee who is so convicted:

i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a, b, c, d, e and f.

h. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ___ if there are workplaces on file that are not identified here;

7. Anti-Lobbying. To the best of its knowledge and belief:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. It will require that the language of paragraph 7 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients
shall certify and disclose accordingly;

8. **Acquisition and Relocation.** Except as waived, it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under section II F. of Federal Register Notice and Federal implementing regulations;

9. **Citizen Participation.** Except as waived, it will:
   a. furnish citizens or, as appropriate, units of general local government information concerning the amount of funds available for proposed HUD Disaster Recovery grant activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
   b. publish a proposed Action Plan for Disaster Recovery in such manner to afford affected citizens or, as appropriate, units of general local government an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;
   c. provide citizens or, as appropriate, units of general local government with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under this grant from one eligible activity to another or in the method of distribution of such funds; and
   d. identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

In preparing the Action Plan for Disaster Recovery, the grantee shall consider any such comments and views and may, if deemed appropriate by the grantee, modify the proposed Action Plan for Disaster Recovery. The Action Plan for Disaster Recovery shall be made available to the public;

10. **Excessive force.** It has adopted and is enforcing:
   a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
   b. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;
11. **Compliance with Lead-based Paint Procedures.** Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with requirements of § 570.608; and

12. **Compliance with Applicable Laws.** It will comply with other applicable laws.

______________________________
Signature  

______________________________
Date

______________________________
Title
MODESTO CITY COUNCIL
RESOLUTION NO. 97-678

A RESOLUTION APPROVING A CAPITAL FACILITIES FEES (CFF) DEFERRAL FOR SUNRISE PARTNERS FOR 60 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.

WHEREAS, on November 3, 1997, Sunrise Partners, a for-profit affordable housing developer, submitted a letter by Bill Zoslocki seeking exemption of CFF for 60 very-low-income apartment units and deferral of CFF for 60 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, and

WHEREAS, on March 19, 1996, the City Council granted a zone change on the subject site from P-D (466) to R-2, to allow this development, and

WHEREAS, on March 12, 1996, the City Council approved the allocation of HOME and Redevelopment Housing set-aside funds totaling $500,000, and

WHEREAS, on November 26, 1996, the City Council approved the allocation of additional HOME and Redevelopment funds totaling another $500,000, for a total loan of $1,000,000 in HOME and Redevelopment Housing set-aside funds ($765,000 HOME, $235,000 RDA), and

WHEREAS, on May 6, 1997, the City Council approved a Density Bonus for this project, granting a bonus of 17 apartment units, for a total of 120 units, and

12/11/97
WHEREAS, said request for exemption and deferral involves an exception to CFF Administrative Guideline #18, which provides deferral requirements for “not-for-profit sponsors”, and

WHEREAS, approval of this request will provide a basis to grant future exceptions to this guideline by allowing deferrals for “for-profit” affordable housing developers, and

WHEREAS, the CFF deferral policy (CFF Administrative Guideline #17) calls for an agreement to ensure affordable units and further provides that (a) the project is a residential density bonus project providing units for at least 10% very-low-income households or 20% low-income households; (b) the CFF total is at least $25,000 (Category B); (c) the applicant enter into a deferred payment agreement with the City to pay 20% of CFF at the time the building permit is issued, with the remaining 80% to be paid in equal installments over the next 5 years (or less at property owner’s option); and (d) for interest, collection charges, and other terms as noted in City Council Resolution No. 91-703 establishing the CFF Deferred Payment Policy, except that security for the loan shall take the form of an irrevocable Letter of Credit, and

WHEREAS, the Sunrise Partners’ deferral agreement will require 60 units to be rented to households earning 50% of the Median Area Income (MAI), and the other 60 units to be rented to households earning no more than 60% of the MAI, and the project’s units will be rent-restricted for a period of 50 years due to the involvement of tax credit financing, and

WHEREAS, CFF Administrative Guideline #25 calls for residential exemptions
and deferrals not to exceed 2% of the total CFF program housing units, and current exemptions and potential exemptions, including the current request, total 606 units which represents 43% of the total number of allowable exemptions and/or deferrals, and

WHEREAS, $28,980 (20% of the CFF FEES) will be due at the time the building permit is issued, and $115,920 (the remaining 80% of the CFF fees) will be paid in equal installments over the next 5 years, and

WHEREAS, the Community Development and Housing Committee considered this request on December 3, 1997, and recommended approval, and

WHEREAS, said matter was considered by the City Council at its meeting on December 9, 1997, at 4:00 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that, after due consideration, it hereby approves the request of Sunrise Partners for a deferral of CFF totaling $115,920, for 60 low-income apartment units in the proposed 120-unit Ashwood Village Apartment Complex, to be paid in equal installments over the next 5 years, but does not approve the request for exemption of CFF in connection with 60 very-low-income apartment units.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the deferral agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Cogdill, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ABOUT TEN VARIABLE FREQUENCY DRIVES PER YEAR, FOR UP TO TWO AND ONE-HALF YEARS

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 about ten variable frequency drives per year, for up to two and one-half years, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 12, 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-680

A RESOLUTION ACCEPTING THE BID OF BARHAM INC. FOR THE CONSTRUCTION OF THE BEYER SKATE PARK

WHEREAS, the bids received for Beyer Skate Park were opened at 11:00 a.m. on November 12, 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 $144,788 from Barham 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 Barham 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 9th day of December, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, 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. 97-681

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HARWOOD TECHNOLOGIES ENTERPRISES (HTE) INC. FOR UTILITY BILLING SOFTWARE LICENSE AND SERVICES

WHEREAS, the bids received for Utility Billing Software License and Services were opened at 11:00 a.m. on August 27, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $278,358 from Harwood Technologies Enterprises (HTE) Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the bid of $278,358 from Harwood Technologies Enterprises (HTE) Inc. be accepted and the execution of an agreement between the City of Modesto and Harwood Technologies Enterprises Inc. for utility billing software license and services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-682

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO COMPLETE THE FUNDING FOR THE CAPITAL IMPROVEMENT PROJECT - UTILITY BILLING SOFTWARE REPLACEMENT

WHEREAS, in June 1996, the City Council approved Capital Improvement Project Acct #130-120-H390-Utility Billing Software Replacement; and

WHEREAS, the bid from HTE is higher than estimated by staff; however, it reflects the going rate for utility billing software; and

WHEREAS, in order for HTE’s software to interface with the City’s current software applications and laser printer, an additional $25,200 in modifications are required; and staff requires an additional $16,799 worth of project management and training time from HTE.

WHEREAS, funding for the balance of this project will come from enterprise contingency 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 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ___________________________
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ___________________________
STAN FEATHERS, Budget Officer
## Attachment A

### Transfers for Funding Utility Billing Software Replacement

**FROM:**

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<tr>
<th>Account</th>
<th>Description</th>
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<tr>
<td>713-120-J860-6070</td>
<td>IBM RS/6000 Mainframe Replacement</td>
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<td>713-700-7000-7130</td>
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**TO:**

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<tr>
<th>Account</th>
<th>Description</th>
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<tr>
<td>130-120-H390-6070</td>
<td>Utility Billing Software Replacement</td>
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</tr>
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</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 97-683

A RESOLUTION ACCEPTING THE PROJECT TITLED WATER SYSTEM IMPROVEMENTS PROJECT—SOUTH SANTA CRUZ AVENUE AND MONTEREY AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Water System Improvements Project—South Santa Cruz Avenue and Monterey Avenue, has been completed by D.Y. Yount Construction Company, in accordance with the contract agreement dated August 5, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Water System Improvements Project—South Santa Cruz Avenue and Monterey Avenue be accepted from said contractor, D.Y. Yount Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $357,358.00 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-684

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPAQ FILE SERVERS, HARDWARE, SOFTWARE, AND THE INSTALLATION OF SIX HIGH SPEED COMMUNICATION LINES FROM INFINET FOR THE POLICE DEPARTMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Compaq file servers, hardware, software, and the installation of six high speed communication lines from Infinet for the Police Department is hereby waived.

BE IT FURTHER RESOLVED that purchase of Compaq file servers, hardware, software, and the installation of six high speed communication lines from Infinet for the Police Department for a total price of $146,229.14.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-685

A RESOLUTION AUTHORIZING THE PROPOSED DESIGN AND COST ESTIMATES, AND RECOMMENDING THAT THE CITY/COUNTY JOINT POWERS AGENCY PROCEED WITH BIDDING OF BLOCK A OF THE 10TH STREET PLACE PROJECT.

WHEREAS, over the past few months the Joint Powers Agency (JPA) and the Redevelopment Agency have been working on the technical approach documents in relation to the 10th Street Place Project, and

WHEREAS, under the design/build process being used for this project, the JPA’s design team prepares these documents which provide the general design and specifications for the project, but they do not prepare the final construction drawings, and

WHEREAS, preparation of the final construction drawings, as well as the actual construction, is the responsibility of the design/build team awarded the project, and

WHEREAS, the technical approach documents are ready for approval, enabling the JPA to proceed with bidding the final construction document and construction of Block A of the project, and

WHEREAS, staff reports that the cost of construction based on the recommended final design has been estimated to be within the previously approved budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the proposed design and cost estimates, and recommend that the City/County Joint Powers Agency proceed with bidding of Block A of the 10th Street Place project as recommended by staff.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Dobbs, Cogdill, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-686

A RESOLUTION AUTHORIZING THE PROJECT DELIVERY METHOD RECOMMENDED BY THE CONSTRUCTION MANAGER, VANIR CONSTRUCTION MANAGEMENT, INC., ON THE POLICE HEADQUARTERS EXPANSION PROJECT AND AUTHORIZING CITY STAFF TO PROCURE ARCHITECTURAL DESIGN SERVICES FOR THE PROJECT.

WHEREAS, in September, 1997, City staff selected Vanir Construction Management, Inc., (VCM) to provide Construction Management (CM) services on the Police Headquarters Expansion Project, and

WHEREAS, one of the requirements of VCM is to determine how best to deliver this project, that is, what method should the City use in project design and construction, and

WHEREAS, the method recommended by VCM to deliver the project is the traditional Design-Bid-Build method, and

WHEREAS, the Ad Hoc Committee on the Tenth Street Place project considered this recommendation at its meeting on November 25, 1997, and concurred with the recommended design approach, and

WHEREAS, once Council has approved the delivery method City staff proposes to procure architectural design services for the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the delivery method recommended by the Construction Manager, Vanir Construction Management, Inc., on the Police Headquarters Expansion Project and authorizes City staff to procure architectural design services for the project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, 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
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES FOR DESIGN SERVICES FOR THE AMTRAK STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Pacific Design Associates for design services for the Amtrak Station be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-688

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO AND EMPIRE TRACTION COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-15-59) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto and Empire Traction Company for acquisition of real property interests (APN 36-15-59) for the Cannery Segregation Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-689

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-15-58) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-15-58) for the Cannery Segregation Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-690

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-20-24) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-20-24) for the Cannery Segregation Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-691

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-20-25) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-20-25) for the Cannery Segregation Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: 
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-692

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-20-37) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-20-37) for the Cannery Segregation Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-693

A RESOLUTION APPROVING A GRANT APPLICATION
FOR FUNDING FROM THE STATE RESOURCES
AGENCY, FOR THE ENVIRONMENTAL
ENHANCEMENT AND MITIGATION PROGRAM FOR
DEVELOPMENT OF A BICYCLE TRAIL WITHIN THE
HETCH HETCHY UTILITY EASEMENT FROM
SHAWNEE AVENUE TO SEMALLON DRIVE, AND
AUTHORIZING THE CITY MANAGER TO EXECUTE
NECESSARY DOCUMENTS RELATING TO SAID
APPLICATION.

WHEREAS, the Legislature of the State of California has enacted AB 471
(Chapter 106 of the Statutes of 1989), which is intended to provide $10 million annually for a
period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for
projects to enhance and mitigate the environmental impacts of modified or new public
transportation facilities, and

WHEREAS, the State Resources Agency (“Agency”) has established the
procedures and criteria for reviewing grant proposals and is required to submit to the California
Transportation Commission a list of recommended projects from which the grant recipients will
be selected, and

WHEREAS, said procedures and criteria established by the Agency require a
resolution certifying the approval of application by the applicant’s governing body before
submission of said grant application to the State, and
WHEREAS, the grant application contains assurances that the applicant must comply with and if selected, the applicant will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project, and

WHEREAS, the City of Modesto is eligible to apply for up to $250,000.00 in grant funding for projects that mitigate the environmental impact of recently constructed or modified transportation facilities, and

WHEREAS, the 1992 widening of Standiford Avenue is the project related to this grant proposal, and

WHEREAS, continued development of the Class I bicycle trail within the Hetch Hetchy utility easement from Shawnee Avenue to Semallon Drive, including trail construction, signalization at the Shawnee/Standiford intersection and landscaping along the trail, will be supported by this project, and

WHEREAS, in 1996 the Modesto City Council adopted the Modesto Non-Motorized Transportation Master Plan, and

WHEREAS, development of a bicycle trail within the Hetch Hetchy utility easement is included in the first priorities of the Modesto Non-Motorized Transportation Master Plan, and

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

WHEREAS, the total cost of the project is estimated at $386,100.00, and the balance of the project funds will come from the Local Transportation Fund, Non-Motorized,
and/or Capital Facility Fees and through in-kind services (included at 5% of total project costs),

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

1. That the grant application to the State of California for funding of $250,000.00 from the State Resources Agency, Environmental Enhancement and Mitigation Program for development of a bicycle trail within the Hetch Hetchy easement from Shawnee Avenue to Semallon Drive is hereby approved.

2. That the City of Modesto certifies that it will make adequate provisions for operation and maintenance of the project.

3. That J. Edward Tewes, City Manager, or his authorized designee, is hereby appointed as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so forth, which may be necessary for the completion of the said project.

4. That the balance of the project funds shall come from the Local Transportation Fund, Non-Motorized, and/or Capital Facility Fees and through in-kind services.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Sepra, 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

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-694

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

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

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

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

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

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

Wastewater Treatment Plant Relief Operator

The job specifications for the classification of Wastewater Treatment Plant Relief Operator (Range 121) as shown on the attached Exhibit “A”, which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:
Police Officer/Police Officer Trainee

Laboratory Analyst

Events Supervisor

The job specifications for the classification of Police Officer/Police Officer Trainee, as shown on the attached Exhibit "B"; Laboratory Analyst, as shown on the attached Exhibit "C"; and Events Supervisor, as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 9, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney
WASTEWATER TREATMENT PLANT ATTENDANT
WASTEWATER TREATMENT PLANT OPERATOR
WASTEWATER TREATMENT PLANT RELIEF 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

To learn the operation, maintenance and repair function of the Water Quality Control Division; to perform a variety of maintenance services on an assigned shift.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement through the series, or when filled from the outside require prior work experience directly related to the area of assignment.

Wastewater Treatment Plant Attendant - This is the entry level class in the Wastewater Treatment Plant Operator series. This class is distinguished from the Wastewater Treatment Plant Operator by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Wastewater Treatment Plant Operator - This is the full journey level class within the Wastewater Treatment Plant Operator series. Employees within this class are distinguished from the Wastewater Treatment Plant Attendant 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.

Wastewater Treatment Plant Relief Operator - Employees appointed as the Relief Operator primarily function as a Wastewater Treatment Plant Operator and in the absence of the Senior Operator, also function as shift supervisor. When working in the capacity of shift supervisor, incumbents are expected to perform the full range of duties performed by the Senior Wastewater Treatment Plant Operator.

Exhibit "A"
SUPERVISION RECEIVED AND EXERCISED

Wastewater Treatment Plant Attendant

Receives immediate supervision from higher level staff.

Wastewater Treatment Plant Operator

Receives general supervision from higher level staff.

May exercise technical supervision over Wastewater Treatment Plant Attendant.

Wastewater Treatment Plant Relief Operator

Receives general supervision for higher level staff.

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

Essential Functions:

Assist in the monitoring of the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment; grease, lubricate, pack, and change belts on engines and pumps.

Paint plant equipment and building; hose down and clean various areas of the plant; maintain plant grounds; mow grass and weeds.

Serve as relief operator of the treatment plant as required to insure continued operation.

Load and unload chlorine cylinders; hook up and test; repair cylinder if necessary.

Check equipment such as generators, chlorinators, air and gas circulators, screens, and grinders for proper operation.

Change chlorine tanks; clean plugged lines.
Essential Functions: (Continued)

Maintain and repair sprinkler systems.
Keep records on maintenance performed.
Load and unload equipment and material; use forklift if necessary.
Remove sludge from drying beds; dispose of properly.
Dig ditches for laying conduit, pipe, airlines; assist in the plumbing and pipe fitting.
Assist in the general operation of a plant's facilities; learn how to make necessary operating changes and adjustments; learn all phases of plant operations.
Participate in carpentry and cement work.
Take weather station readings; record information.
May provide training to other wastewater treatment plant staff.
May collect various water and sewage samples for laboratory tests; may perform laboratory analyses.
Use and maintain self-contained breathing apparatus as required.
Marginal Functions:
Perform related duties as assigned.

Wastewater Treatment Plant Relief Operator

When functioning in the absence of the Senior Wastewater Treatment Plant Operator, the incumbent is expected to perform the following additional duties.

Make calculations to determine if plant is operating correctly and effectively; make necessary adjustments to maintain chemical balances and flow requirements; adjust treatment plant equipment to obtain maximum efficiency and treatment results.

Collect various water and sewage samples for laboratory tests; on occasion may perform some of the more routine laboratory analyses.
Wastewater Treatment Plant Relief Operator

Essential Functions: (Continued)

Inspect wastewater treatment plant equipment and facilities to locate needed repairs to various plant equipment; perform general plant maintenance work.

Prepare daily treatment plant log sheets; identify equipment status and lab sampling schedules; submit daily log sheets for evaluation by City, State and monitory agencies.

QUALIFICATIONS

Wastewater Treatment Plant Attendant

Knowledge of:

Principles, methods and tools employed in the general operation and maintenance of engines, pumps and related equipment.

General maintenance work.

Safe work practices.

Ability to:

Perform general maintenance and servicing work in the City’s wastewater treatment plant facilities.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Understand and carry out oral and written directions.

Learn principles and practices of wastewater treatment plant operations.

Learn to operate, repair, and maintain wastewater treatment plant equipment.

Use and maintain self-contained breathing apparatus (safety mask), per annual physical examination.
Wastewater Treatment Plant Attendant - Continued

Ability to: (Continued)

Learn to read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Learn to take wastewater and sludge samples and perform some routine laboratory tests.

Keep records and maintain reports.

Work irregular work shifts.

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:

Any combination of education and experience equivalent to achievement of the knowledge and abilities listed.

Training:

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

License or Certificate

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

An Operator-in-Training certificate from the California State Water Resources Control Board, as issued through procedures established by the Board, must be obtained upon appointment. In addition, a Grade I certificate from the Board must be obtained no later than two years from the date of appointment.
Wastewater Treatment Plant Operator

In addition to the qualifications for Wastewater Treatment Plant Attendant:

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Wastewater discharge requirements.

Ability to:

Operate, repair, and maintain wastewater treatment plant equipment.

Use and maintain self-contained breathing apparatus.

Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Take wastewater and sludge samples and perform some routine laboratory tests.

Learn to diagnose operating problems and take effective courses of action.

Learn to train assigned staff.

Experience and Training Guidelines

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

Experience:

One year of experience in wastewater treatment plant operations.
Wastewater Treatment Plant Operator - Continued

Experience and Training Guidelines (Continued)

License or Certificate

Possession of a valid Grade I certificate from the California State Water Resources Control Board.

Possession of a valid Grade II certificate from the California State Water Resources Control Board within 2-1/2 years of appointment.

Wastewater Treatment Plant Relief Operator

In addition to the qualifications for Wastewater Treatment Plant Attendant/Operator:

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Principles and methods of bacteriological and chemical sewage analyses.

Wastewater discharge requirements.

Grit disposal.

Computer operation.

Safe work practices.

Ability to:

Use and maintain self-contained breathing apparatus (safety mask) per annual physical examination.
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 experience in wastewater treatment plant operations.

License or Certificate:

Possession of a Grade III certificate from the California State Water Resources Control Board.

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.
CLASS SPECIFICATIONS ARE INTENDED TO PRESENT A DESCRIPTIVE LIST OF THE RANGE OF DUTIES PERFORMED BY EMPLOYEES IN THE CLASS. SPECIFICATIONS ARE NOT INTENDED TO REFLECT ALL DUTIES PERFORMED WITHIN THE JOB.

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over nonsworn personnel.

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

Exhibit "B"
Essential Functions: (Continued)

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.
ESSENTIAL FUNCTIONS (Continued)

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.
ESSENTIAL FUNCTIONS (Continued)

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions;

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (30 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.
Police Officer Trainee - Continued

Ability to: (Continued)

Prepare accurate and grammatically correct written reports.

Experience and Training Guidelines

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

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

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

Police Officer

In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.
Knowledge of: (Continued)

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

Experience and Training Guidelines

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

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.

License or Certificate

Possession of an appropriate, valid California driver’s license.
WORKING CONDITIONS

Environmental Conditions:
Field environment; travel from site to site.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
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 physical, chemical, biological, bacteriological or some instrumental analyses on water, wastewater, industrial waste, storm waters, receiving waters, sludges and environmental samples. Samples may be analyzed for process control, regulatory compliance, public health, litigation, investigations or other studies as required.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Laboratory Analyst I - This is the entry level class in the Laboratory Analyst series. Incumbents are responsible to evaluate, archive and report by manual or electronic means all data obtained from the analyses performed. This class is distinguished from the Laboratory Analyst II by the performance of the more routine duties assigned. Since this class is typically used as a training class, employees may have only limited experience in the required laboratory analysis.

Laboratory Analyst II - This is the full journey level class within the Laboratory Analyst series. This class is distinguished from the Laboratory Analyst 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 procedures and protocol of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from and reports to the Laboratory Manager.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Analyses of drinking water, wastewater, industrial waste waters, sludges, receiving waters, treatment processes, or environmental samples as directed for the following:

- Microbiological analyses such as total coliform, fecal coliforms, e.coli, MPN coliform testing, membrane filtration techniques, heterotrophic plate count, speciation of gram negative bacteria, gram stain, water suitability, toxic residues, sterility, microscopic examinations, or other analyses as required.

- Physical analyses such as pH, temperature, conductance, total dissolved solids, total solids, total volatile solids, suspended solids, volatile suspended solids, % moisture, % solids, % volatile solids, settleable solids, density, brix or other analyses as required.

- Chemical analyses by manual or instrumental means such as alkalinity, dissolved oxygen, calcium, hardness, volatile acids, grease and oil, oxygen demand, chlorine residual, chloride, etc.

- Biochemical analyses such as B.O.D., chlorophyll, or biotoxicity.

Operate equipment including pH meters, conductivity meters, D.O. meters, balances, water baths, ovens, furnaces, burets, pipettes, incubators, autoclaves, distillation units, digestion units, UV-Vis spectrophotometer, calculators, computers, or other laboratory instrumentation as required.

Collect field samples using proper procedures for sampling, sample handling, chain of custody requirements, laboratory or field analyses of samples.

Perform research activities including the development and the implementation of new test procedures.

Research and advise staff on equipment purchases, write specifications or justifications and order material or services for the laboratory.
Essential Functions: (Continued)

Maintain laboratory records, prepare laboratory documentation and agency reports using manual or electronic means.

Clean, maintain, and care for equipment, materials, and the laboratory environment in a safe, efficient, effective and conservative manner.

Marginal Functions:

Train personnel in laboratory, plant, field and outside agencies in laboratory procedures, sampling, and sample handling.

Develop and implement new test procedures as required. May write computer programs to automate reports.

Perform other duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of chemistry, biology, physics, and related sciences as they pertain to water/wastewater treatment and environmental science.

Principles of mathematics and statistics used for laboratory and field calculations.

Laboratory safety; appropriate use, care, and maintenance of various equipment used in the laboratory setting.

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

Basic computer operation.

Ability to:

Learn procedures and materials used in chemical, biochemical, bacteriological, physical and instrumental analyses.

Operate laboratory equipment and understand use of materials.

Analyze data and draw sound conclusions.

Understand and carry out oral and written instructions.
Ability to: (Continued)

Occasionally lift up to 50 lbs.

Communicate in a clear, concise, and appropriate manner both orally and in writing.

Maintain the laboratory environment at an appropriate level.

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:

Laboratory Analyst I

Experience:
Experience in the water quality field or in an environment conducting chemical analyses is desirable.

Training:
Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.

License or Certificate:
Possession of a Grade I Laboratory Analyst Certificate, as issued by the California Water Environmental Association is required within one year of date of appointment. Failure to obtain this certificate will constitute grounds for dismissal from City service.

Possession of, or the ability to obtain, an appropriate, California driver's license.
Laboratory Analyst II

Experience:

A minimum of one year of laboratory experience in conducting chemical analyses related to the water quality field.

Training:

Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.

License or Certificate:

Possession of a Grade II Laboratory Analyst Certificate issued by the California Water Environmental Association.

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

WORKING CONDITIONS

Environmental Conditions:

Laboratory environment; exposure to potentially hazardous chemicals; work in or with water and wastewater.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; manual dexterity and the ability to distinguish color.
EVENTS SUPERVISOR

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

DEFINITION

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

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Centre Plaza Manager.

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

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

Essential Functions:

Booking, scheduling, and sales of Centre Plaza events.

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

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

Prepare event settlements and evaluations.

Supervise Centre Plaza parking operations including hiring and supervision of personnel; recording and depositing monies collected.

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

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

Assist in budget preparation and administration.

Exhibit "D"
ESSENTIAL DUTIES (Continued)

Respond to facility user complaints and inquiries.

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

Maintain records and prepare reports and correspondence, as necessary, related to events and facility use.

Marginal Functions:

Perform other related work as may be assigned.

QUALIFICATIONS

Knowledge of:

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

Basic accounting as used in event and box office bookkeeping and settlement.

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

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

Negotiation techniques.

Principles of administration, budget and personnel management.

Principles of box office and ticketing operations.

Ability to:

Book, schedule, and sell Centre Plaza space to potential users.
Ability to: (Continued)

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

Supervise events in progress.

Supervise, train, and evaluate subordinates.

Communicate clearly and concisely, orally and in writing.

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

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.

Lift and carry heavy objects, if it becomes necessary.

Establish and maintain cooperative relationships with those contacted during work.

Experience and Training Guidelines

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

Experience:

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

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

Training:

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

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

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-695

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-26 TO AMEND THE CLASS
RANGE TABLE TO ESTABLISH A SALARY
RANGE FOR WASTEWATER TREATMENT
PLANT RELIEF OPERATOR.

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

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

as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A"
entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective December 9, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Wastewater Treatment Plant Relief Operator (Range 121).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 9, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 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  
Custodian II |
| 108   | |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
Equipment Service Worker I |
| 111   | Account Clerk  
Animal Control Officer II  
Evidence & Property Specialist |
| 112   | |
| 113   | Computer Operator  
Administrative Technician  
Drafting & Graphics Technician |
| 114   | Electrical Technician I  
Storeskeeper  
Maintenance Worker II  
Equipment Service Worker II |
| 115   | Accounting Technician  
Planning Technician I  
Wastewater Treatment Plant Attendant  
Community Service Officer I  
Assistant to the Events Coordinator  
Code Enforcement Officer I |

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
    Senior Crime Analyst

131 Sr. Civil Engineering Asst.
    Sr. Community Development Program Specialist
<table>
<thead>
<tr>
<th>Page</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>132</td>
<td></td>
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<tr>
<td>133</td>
<td></td>
</tr>
<tr>
<td>134</td>
<td>Senior Building Inspector</td>
</tr>
<tr>
<td></td>
<td>Senior Construction Inspector</td>
</tr>
<tr>
<td></td>
<td>Fire Plan Checker</td>
</tr>
<tr>
<td></td>
<td>Plan Review Engineer</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 97-696

A RESOLUTION ADOPTING THE CITIZEN PARTICIPATION PLAN FOR FISCAL YEAR 1998/99 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the Citizens Housing and Community Development Committee met on November 21, 1997, and recommended adoption of the Citizen Participation Plan for Fiscal Year 1998/99, and

WHEREAS, the Citizen Participation Calendar of Events outlines the manner and timing in which citizens and other interested parties can comment on, and make application for, Community Development Block Grant funds, and provides the dates of upcoming meetings and public hearings of the Citizens Housing and Community Development Committee, leading up to the Council's consideration of the Community Development Block Grant application on May 5, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Citizen Participation Plan for Fiscal Year 1998/99, 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, 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
## CITY OF MODESTO
### ANNUAL ACTION PLAN
#### FY 1998-99

**Citizen Participation Calendar of Events**

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>DATE</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. CH&amp;CDC Meeting to Recommend Approval of the Proposed Calendar of</td>
<td>November 21, 1997</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>Events for the Preparation of the Action Plan for FY97-98; City Hall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Chambers; 801 Eleventh Street, Modesto.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Application Period Opens. Applications available at the Office of</td>
<td>December 12, 1997</td>
<td>8:00 a.m.</td>
</tr>
<tr>
<td>Housing and Neighborhoods; 940 Eleventh Street, Modesto.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Staff Workshop to Provide Technical Assistance; City Hall Council</td>
<td>January 27, 1998</td>
<td>9:00 a.m.</td>
</tr>
<tr>
<td>Chambers; 801 Eleventh Street, Modesto. Tentative Date: Call to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Register</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Application Deadline for Funding Requests; All Funding Requests</td>
<td>February 13, 1998</td>
<td>5:00 p.m.</td>
</tr>
<tr>
<td>Submitted to the Office of Housing and Neighborhoods; 940 Eleventh</td>
<td></td>
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<tr>
<td>Street, Modesto.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Analysis of Application Funding Requests by the Staff of the Office</td>
<td>February 16, 1998 -</td>
<td>April 10, 1998</td>
</tr>
<tr>
<td>of Housing and Neighborhoods; 940 Eleventh Street, Modesto.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of Housing and Neighborhoods; 940 Eleventh Street, Modesto.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. CH&amp;CDC Public Hearing to Consider Requests for Funding; City Hall</td>
<td>March 20, 1998</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>Council Chambers; 801 Eleventh Street, Modesto.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. CH&amp;CDC Public Hearing to Make Final Recommendations for Funding</td>
<td>April 17, 1998</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>Allocations; City Hall Council Chambers, 801 Eleventh Street,</td>
<td></td>
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<tr>
<td>Modesto.</td>
<td></td>
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</tr>
<tr>
<td>10. City Council Public Hearing to Consider and Approve Recommendation</td>
<td>May 5, 1998</td>
<td>4:00 p.m.</td>
</tr>
<tr>
<td>for the Community Development Annual Action Plan for FY1998-99; 801</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eleventh Street, Modesto.</td>
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<td>for FY1998-99 to HUD.</td>
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**JANUARY 2, 1997**

**Exhibit "A"**
MODESTO CITY COUNCIL
RESOLUTION NO. 97-697

A RESOLUTION APPROVING ALLOCATION OF FISCAL
YEAR 1997/98 HOME FUNDS TO DEVELOPERS FOR
AFFORDABLE HOUSING PROJECTS.

WHEREAS, funding requests and recommended allocation of
HOME Funds for Affordable Housing Projects were submitted to the
City Council by a report dated December 9, 1997, from the
Community Development Department ("Report"), a copy of which is
attached hereto as Exhibit "A" and incorporated herein by
reference, and

WHEREAS, a table showing the recommended allocations,
analysis of each project and a spread sheet comparing various
factors for each of the projects was submitted to the City
Council in the Report, and

WHEREAS, staff is recommending that four of the seven
projects submitted receive funding in the total sum of
$982,400.00, provided that the projects meet the conditions as
outlined in the Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that an allocation of $982,400.00 in HOME Funds
for Affordable Housing Projects is hereby approved as set forth
in the Report, a copy of which report is attached hereto as
Exhibit "A" and incorporated herein by reference.
BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of said allocation of HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

(Seal)
Date: December 9, 1997

TO: Mayor and Council

FROM: Community Development Department/Office of Housing & Neighborhoods

SUBJECT: Allocation of FY 1997-98 HOME Funds for Affordable Housing Projects

RECOMMENDED COUNCIL ACTION:

Resolution approving allocation of HOME funds subject to meeting conditions outlined in staff report and authorizing City Manager to execute all necessary loan documents and agreements.

BACKGROUND:

Attached are the staff recommendations for the Affordable Housing program. Applications for seven projects totaling $1,886,570 were received from five applicants for both HOME and Redevelopment funds. This action deals with the recommendations for HOME funding; the Redevelopment Agency will act upon recommendations for Redevelopment Housing Set-Aside funds. For the HOME program, staff is recommending that four projects receive funding for a total of $982,400. Attached is a table showing the recommended allocations, along with staff's analysis of each project and a spreadsheet comparing various factors for each of the projects. Included in the review are the recommendations made to the Redevelopment Agency.

REASON FOR RECOMMENDED ACTION: Approval of these recommended allocations will assist in the development of affordable housing in the community.

STEPS FOLLOWING APPROVAL: Upon approval, staff will work with applicants and the City Attorney's office to develop and execute all required loan agreements. Environmental review will be completed on each project prior to having the loan agreements executed.

Exhibit "A"
Prepared By: __________________
Stephen Young
Housing & Neighborhoods Manager

Recommended By: __________________
Phillip A. Testa
Community Development Director

Approved By: __________________
J. Edward Tewes
City Manager

CC:
Staff Recommendations
Project Comparison Chart

ALTC
STAFF ANALYSIS OF AFFORDABLE HOUSING APPLICATIONS AND RECOMMENDED FUNDING LEVELS

Hacienda Townhouses-Willey Brothers

The applicant, the Willey Brothers (Ray Willey, Jon Seifert, et. al.) is requesting $200,000 of City funds to rehabilitate 30 vacant apartments on three parcels. This project is located at the east corners of Coffee Road and Ensenada Avenue. The applicant proposes to acquire the properties and use City funds to assist in the rehabilitation of the units. The project will be required to maintain at least 6 units with affordable rent restrictions. The applicant is willing to designate all 30 units as low income.

The project is in a highly visible area along one of Modesto's main thoroughfares. The applicant has experience in the acquisition and renovation of both commercial and residential structures. An estimate of the repairs has yet to be finalized for this project.

Staff recommends a loan of $200,000 for this project subject to the following conditions:

a. Demonstrate site control of the property.
b. Submit copies of purchase contract and appraisal.
c. Allow City staff to conduct an inspection of the units, resulting in a list of required repairs (Notice and Order).
d. Work with City staff to estimate the cost of required repairs; Work with city staff to prepare a Work Write-up.
e. Obtain an appraisal for the after-rehab value of the project. Loan to Value ratio not to exceed 80% of after rehab value
f. Agree that rehabilitation costs in excess of the funding allocation will be borne by the property owner.
g. Enter into a loan and affordable housing covenant agreement(s) with the City.
h. Hire a licensed contractor to complete the rehab work.
i. Provide a 15-year operating pro-forma and certified copy or partnership balance sheet.
j. Provide a project schedule for acquisition, repair, and occupancy.
k. Submit evidence of loan commitments necessary to complete the project.
Housing Authority - Brighton Place

The Housing Authority of the County of Stanislaus is requesting a grant of $405,000 of HOME funds to complete nine multi-family units in an eleven-unit development project. The Housing Authority previously received a $48,000 grant to complete the first two units of this project. The project is generally located on the east side of Brighton Road north of Scenic Drive.

The Housing Authority applied for funding through the Youthbuild Program to complete this project, but was unsuccessful in receiving funding. The completed units will be owned by the Housing Authority and rented to low-income households. This project is proposed to be constructed in two phases.

Staff recommends an allocation of $225,000 in HOME funds as a loan for this project.

Prior to funding disbursement, the applicant must do the following:

a. Agree that costs in excess of the funding allocation will be borne by the property owner.

b. Enter into a loan and affordable housing covenant agreement(s) with the City.

Sutter Village-

Sutter Village Associates has applied for financial assistance to rehabilitate 44 units located on Sutter Avenue. The amount of funds requested is $120,000 over a four-year period, with funds to be awarded in increments of $30,000 per year in the form of a grant.

Sutter Village was rehabilitated in 1983 with a HUD Section 8 rehabilitation contract. Under this type of rehabilitation contract, tenants pay 30% of their income for rent and the remainder of the rent is subsidized by the Section 8 program. The owner has utilized all the Section 8 rehabilitation funds, and the property is generally well cared for.

The project-based Section 8 contract expires in November, 1998. At that time the assistance will not be project-based but will transition into tenant-based assistance. Current occupants would be offered a Section 8 certificate and would still continue to live (if they desire) at Sutter Village.
Staff recommends that Sutter Village Associates be awarded $80,000 in Redevelopment Housing Set Aside funds as a one-time allocation for the rehabilitation of the 44-unit Sutter Village. The recommended allocation would be subject to the following conditions:

1. Funds are awarded in the form of a loan. Owner to enter into loan and affordable housing agreement(s). Loan terms to be negotiated. Owner to deposit into an escrow account any additional funds necessary to complete the required work.

2. An inspection is conducted for immediate health and safety hazards (Notice and Order).

3. A work write-up is prepared by City staff and the project is put out to bid by the Office of Housing and Neighborhoods. Additional items (safety doors and cosmetic repairs, in that order) may be included in the work write-up if it is deemed that there are sufficient funds.

4. Work to be completed within 24 months of loan closing.

5. Property owner shall provide current financial statements and a ten-year operating proforma statement.

6. Work to be completed by a licensed general contractor.

STANCO Transitional Housing

STANCO has applied for $137,000 in HOME CHDO (Community Housing Development Organization) funds to acquire an existing 3-unit multifamily apartment. The proposal is to use the triplex for transitional housing and will target homeless youth-at-risk such as runaways and emancipated youth. Supportive services will be provided through a future agreement with the Center for Human Services, and rents at thirty percent of a tenant's gross income will be charged to help offset operating costs.

Staff recommends a loan of $137,400 in HOME CHDO funds to assist with this project for the following reasons. Staff suggests that funds be used for the purchase of no less than three units, but are not conditioning the loan on targeting homeless youth.

0 Working with nonprofits to increase transitional housing and supportive services is a strategy adopted by the City in its Consolidated Plan, to help meet the needs of homeless families and those seeking permanent housing.

0 In the past, the City was able to lease HUD houses for use as transitional houses. HUD houses can no longer be leased for this
The City is required to allocate 15% of its total annual HOME allocation for CHDO housing development activities. STANCO is designated as one of the City's two CHDOs (Self-Help Enterprises is the other). Allocating the full $137,400 to STANCO will fulfill the City's current fiscal year CHDO requirement.

The allocation of funds to STANCO are subject to the following conditions:

1. STANCO must acquire a triplex or fourplex in Modesto suitable for transitional housing. The property selected shall be approved by the City prior to acquisition, and STANCO shall supply supporting documentation on the proposed acquisition (appraisal, tentative sales contract, etc.).

2. The property must be acquired by June 30, 1998.

3. The $137,400 loan may be used for acquisition and rehabilitation work. If rehabilitation work is required, such work must be completed by a licensed contractor and STANCO must work with City staff to provide a complete list of repairs. STANCO shall be responsible for any costs over $137,400 (although it is possible ESG funds may be available for that purpose).

4. To maintain its eligibility as a CHDO, STANCO must demonstrate that a minimum of one-third of its board of directors consist of bona fide representatives of the low-income community. STANCO's current board does not appear to be structured such that the one-third minimum requirement is being met. Funding approval is contingent on STANCO providing assurance, in a form acceptable by the City, that its board of directors does in fact meet the low-income representation requirement. If restructuring of the board is required, such restructuring must be completed within 60 days of funding approval.

5. STANCO must enter into a HOME loan and affordable housing covenant agreement with the City.

Modesto Village

Self-Help Enterprises has applied for $557,570 in HOME funds to assist with the construction of a 10-unit multifamily project estimated to cost $1,943,000 at completion. Six of the units would be offered to large family, low-income tenants. No site has been identified. While this project seems worthy and Self-Help Enterprises is certainly capable of making it a success, we cannot recommend funding at this time due to funding limitations. Staff recommends that the applicant apply again at a future funding round.
Briggs Avenue Subdivision

Self Help Enterprises has applied for $420,000 to develop 21 single family homes under their Self-Help, sweat-equity program on 3.8 acres on the south side of Briggs Avenue at Seybold. The total development cost is estimated at $1.7 million. The project cost will be financed with construction and permanent loans from Wells Fargo Bank, the California Housing Finance Agency (CHFA) and Self-Help’s Washburn Fund. The City’s HOME loan will be utilized as Down Payment Assistance loans to the eventual 21 low income families who help build and purchase these loans.

Staff recommends approval of a HOME allocation of $420,000 subject to the following conditions:

1. Provision of appraisals on the land purchase;
2. Recordation of Final map;
3. Submission and approval of development schedule;
4. Developer agreement that project costs in excess of $1,728,200 be borne by the developer and not charged to buyer’s equity contribution.

Yosemite Meadows Subdivision

STANCO is requesting $137,000 to acquire 17 single family lots along Claus Road. The lots are the remainder from a privately developed subdivision that the owner/developer has decided not to develop. STANCO proposed to acquire the lots and to contract for the construction of 17 single family homes. These homes would then be sold to qualified low income families.

Staff is not recommending any funding for this project. STANCO currently is in the process of developing three units at Maze and Emerald and needs to rehabilitate two additional units to be used for the transitional housing program. Due to their limited amount of staff, there are concerns about STANCO’s capacity to develop a project of this size in a timely manner.

In addition, there is a concern about the cost of financing such a development over an extended period of time. The provision of HOME funds to acquire the land for this project would require that every home be sold to a qualified low income household. Despite the superior location of this project, these units will be competing with other homes for sale in the community, and this might extend the time needed to market and sell the homes. This, in turn, translates to increased carrying costs for the project that STANCO, at this point in its development, is not prepared to handle.
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MODESTO CITY COUNCIL
RESOLUTION NO. 97-698

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: APPROVING THE SEGREGATED CANNERY WASTEWATER RANCH PUMPING FACILITY AND DISTRIBUTION SYSTEM.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("EIR") (SCH 96042009) for the Wastewater Master Plan, and

WHEREAS, on November 18, 1997, the City’s Public Works and Transportation Department by Environmental Assessment Initial Study, reviewed the proposed Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final Master EIR, and

WHEREAS, on December 9, 1997, 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 on November 18, 1997, for the proposed project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in
said Initial Study, makes the following findings:

1. That the project is within the scope of the Master Plan covered by the Wastewater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, 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
City of Modesto
Initial Study to Document Conformance of the
Segregated Cannery Wastewater Ranch Pumping Facility
and Distribution System with the Master EIR for the
Wastewater Master Plan

INTRODUCTION
Section 21157.1(c) of the California Environmental Quality Act provides that "if the lead agency, based on the initial study, determines that a purposed subsequent project will have no additional significant effect on the environment, as defined in subdivision d of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings pursuant to Section 21081 shall be required by this division." This prototype Initial Study has been developed by the City as the information basis on which all subsequent wastewater master plan projects will be evaluated in compliance with Section 21157.1(c).

DETERMINATION
On the basis of this initial evaluation:

I find that the proposed project's effects were adequately addressed in the Wastewater Master Plan Master EIR (State Clearinghouse No. 96042009) or the General Plan Master EIR. No new environmental document nor findings are necessary.

I find that the proposed project's effects were not fully addressed in the Wastewater Master Plan Master EIR and that additional environmental analysis is necessary.

Antonio S. Tovar
Assistant Civil Engineer

November 18, 1997
Date

EXHIBIT A
DESCRIPTION OF SUBSEQUENT PROJECT (Indicate Assessor’s Parcel Number and include attachments as necessary)

Assessor’s Parcel Number: 22-01-08.

The project consists of the design for pumping and conveyance systems for direct land disposal of cannery waste at the Secondary Treatment Plant Site, 7007 Jennings Road, is needed. This will allow conveyance of the segregated cannery wastewater directly to the City’s ranch land without treatment.

EVALUATION OF ENVIRONMENTAL IMPACTS

A. TRAFFIC AND CIRCULATION NEEDS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to traffic and circulation needs. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 21 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The construction and operation of the subsequent project would result in approximately 12 and no vehicle trips per day respectively, and would not substantially degrade the level of service along affected roadways and intersections.

3. The service capacity (regarding circulation) of the subsequent project is zero and is therefore substantially similar to that described in the Wastewater Master Plan Master EIR. Consequently, the subsequent project would support an overall development level and population consistent with the growth projections embodied in the Wastewater Master Plan.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A
B. DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to degradation of air quality and generation of odors. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 36 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction of the subsequent project would result in approximately 0 pounds per day and 0 tons per year of NOx, below the significance levels of 55 pounds per day and 10 tons per year. Operation of the subsequent project would not result in air pollutant emissions substantially in excess of those analyzed in the WWMP MEIR, and therefore would not result in any additional exceedences of SJVUAPCD thresholds.

3. Objectionable odors would not be created in excess of those analyzed and described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

C. GENERATION OF NOISE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to generation of noise. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 38 through 39 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project would not generate significant noise beyond the levels described in the General Plan Master EIR.
Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. The Contractor shall install noise reduction equipment (mufflers) when construction is near homes of schools.

2. Equipment staging areas shall be located as far from residences as possible.

D. LOSS OF AGRICULTURAL LAND

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to loss of agricultural land. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 50 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is outside the General Plan boundary but is proposed to be sited on land that is currently in use, which is not designated as prime farmland, and will therefore not convert prime agricultural land or displace or substantially impair the agricultural productivity of prime agricultural land outside of the City's General Plan boundary.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

E. INCREASED DEMAND FOR WATER SUPPLIES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for water supplies. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 57 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project would not use large amounts of water or significantly waste water in a way not described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

F. INCREASED DEMAND FOR SANITARY SEWER SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for sanitary sewer services. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 58 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not create the need for sanitary sewer services beyond that analyzed in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

G. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to loss of sensitive wildlife and plant habitat. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 69 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project is not the parallel outfall crossing at the Tuolumne Crossing, nor is the pipeline 24C, 7B or 7C as designated on Figure IV-6 of the Wastewater Master Plan Master EIR nor is it located on lands that can be characterized as open pasture lands, wetlands, or vernal pools.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

H. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORIC SITES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to disturbance of archaeological or historic sites. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 77 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not affect any structure or artifact of known historical importance or significance.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

I. DRAINAGE, FLOODING AND WATER QUALITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to drainage, flooding, and water quality. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 92 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project would not locate any structures within a 100-year flood plain that are not described in the WWMP and that would contribute to substantial flooding.

3. The subsequent project would not create any discharges in addition to those analyzed in the WWMP MEIR that could result in a violation of water quality standards.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

J. INCREASED DEMAND FOR STORM DRAINAGE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for storm drainage. Substantial evidence for this conclusion is as follows.

1. Page(s) VI – 98 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not cause the drainage system to unsafely convey and dispose of storm flows.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

K. INCREASED DEMAND FOR PARKS AND RECREATION

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for parks and recreation. Substantial evidence for this conclusion is as follows.
1. Page(s) VI - 106 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Parks and Recreation Director has confirmed that the subsequent project would not result in the long-term disruption of the normal use or require the reduction in size of an existing park not analyzed in Section VI of the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

L. INCREASED DEMAND FOR SCHOOLS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for schools. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 108 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The Director of Planning and Research of the Modesto City Schools has confirmed that the subsequent project would not result in a substantial increase in the demand for schools in addition to that described in Chapter IV, Section 12 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility subsequent project:

1. N/A

M. INCREASED DEMAND FOR POLICE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for police services. Substantial evidence for this conclusion is as follows.
1. Page(s) VI -109 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Police Chief has confirmed that construction and operation of the subsequent project would not exceed the capacity of local police services beyond that described in Chapter IV, Section 13 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

N. INCREASED DEMAND FOR FIRE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for fire services. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 115 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Fire Chief has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for fire services in addition to that described in Chapter IV, Section 14 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

O. GENERATION OF SOLID WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with
regard to generation of solid waste. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 116 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for solid waste in addition to that described in Chapter IV, Section 15 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

P. GENERATION OF HAZARDOUS WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to generation of hazardous waste. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 128 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not potentially result in an unauthorized release of a hazardous substance or generate, use, store, or transport of any hazardous waste substantially in addition to that described in the WWMP MEIR, or violate a federal, state, or local laws or regulations for hazardous materials or hazardous wastes.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A
Q. LANDSLIDES AND SEISMIC ACTIVITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to landslides and seismic activity. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 137 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not located in an area in which landslides and seismic activity threaten the public health and safety.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

R. ENERGY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to energy. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 138 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Directors confirms that the subsequent project would not create a significant increase in demand for energy beyond that analyzed in Chapter IV, Section 18 of the General Plan MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A
MODESTO CITY COUNCIL
RESOLUTION NO. 97-699

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CAMP DRESSER & MCKEE INC. FOR CONSULTANT SERVICES FOR THE DESIGN OF THE SEGREGATED CANNERY WASTEWATER RANCH PUMPING FACILITY AND DISTRIBUTION SYSTEM, AS PART OF THE RANCH IMPROVEMENTS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Camp Dresser & McKee Inc. for consultant services for the design of the segregated cannery wastewater ranch pumping facility and distribution system, as part of the Ranch Improvements Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-700

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $301,000 TO FULLY FUND THE RANCH IMPROVEMENTS PROJECT

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

FROM: 623-480-H868 6050; $301,000
TO: 623-480-H869 6010; $301,000

The Ranch Improvements Project was proposed for funding through the 1997 Wastewater Bond Sale. The Ranch Improvements Funds was depleted as a result of additional costs for flood protection for other bond financed capital projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
REQUEST FOR APPROPRIATION TRANSFER

From: FW&T UTILITIES
Originating Department

Fund Title: SEWERAGE

Council Action Date: 12/09/97
Resolution Number: __________________

Transfer Number: __________________

(1) Budget Staff To Enter After Approvals

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(1) TOTAL for Document: __________________

FOR SERVICE CREDITS

| FROM: | 9990 | | | | | |
| TO:   | 9990 | | | | | |

(1) TOTAL for Document: __________________

JUSTIFICATION

The Ranch Improvements Project was proposed for funding through the 1997 Wastewater Bond Sale. The Ranch Improvements Fund was depleted as a result of additional costs for flood protection for other bond financed capital projects.

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<th>AUTHORIZATION</th>
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<th>DATE</th>
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<td>Transfer requested by DEPARTMENT HEAD or AUTHORIZED ASSISTANT</td>
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<td>12/9/97</td>
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<tr>
<td>Approved as to Funds and Accounts by FINANCE DIRECTOR</td>
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<td>Approved by CITY MANAGER</td>
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January 30, 1997
MODESTO CITY COUNCIL
RESOLUTION NO. 97-701

A RESOLUTION ESTABLISHING A TENTATIVE PRICE LIST FOR "MO-GRO-PRO" YARD WASTE COMPOST.

WHEREAS, in 1996 the City Council approved the development of a co-composting facility at the Secondary Wastewater Treatment Plant on Jennings Road, and

WHEREAS, the development of the co-composting facility provides the City with a cost-effective way to attain multiple objectives: meeting its AB 939 mandated reductions in disposal by recycling yard waste; providing a mechanism for removal and beneficial re-use of biosolids accumulated in the Secondary Treatment ponds; and providing a means of funding the on-going implementation of the Garden Refuse collection program, and

WHEREAS, in February 1997 the City received its composting permit from the California Integrated Waste Management Board, and

WHEREAS, the composting permit allows for the composting of a wide range of materials including yard waste, biosolids, animal manures, and food processing residues, and

WHEREAS, the facility has begun producing clean green compost from yard waste and has a substantial stockpile, and

WHEREAS, the facility has been approached by several large volume soil amendment brokers who are interested in purchasing significant quantities of the material, and

WHEREAS, following a recent compost give-away day, where Modesto residents could pick up compost in bags or in bulk, and distribution of sample bags of product
at community events, the facility has received numerous calls from residents who want to
know where and when they can get more of the product, and

WHEREAS, revenues generated from sales of compost produced by the facility
have the potential to significantly offset operational expenses, and

WHEREAS, City staff has recommended establishing a tentative price list for
both wholesale and retail customers as set forth in Exhibit “A” attached hereto, and

WHEREAS, the proposed tentative price list has been reviewed and approved
by the City’s internal Utility Services and Franchises Committee at its meeting of December 8,
1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the tentative price list for “Mo-Gro-Pro” yard waste compost attached hereto as
Exhibit “A”, is hereby adopted as the fees to be charged for yard waste compost.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, 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

MICHAEL D. MILICH, City Attorney
**MO-GRO-PRO PRICE LIST**

**RETAIL CONSUMER PRICE LIST**

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<tr>
<td>31-40</td>
<td>$8.50/yd</td>
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- Prices for pick up at Modesto Composting
- Trucking can be arranged by Modesto Composting for additional costs (minimum delivery: 10 yards)
- Sales tax will be charged
- Special mixes available

**LANDSCAPER - DISTRIBUTOR PRICE LIST**

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<tr>
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<td>501-1000</td>
<td>$4.00/yd</td>
</tr>
<tr>
<td>1001 +</td>
<td>Call for Pricing</td>
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- Business license required
- Sales Tax charged unless resale number on file
- First come, first served
- Trucking can be arranged by Modesto Composting for additional costs (minimum delivery: 10 yards)
- Maximum amount customer is able to reserve 1,500 yards
- Special mixes available
A RESOLUTION IMPOSING A 24-MONTH MORATORIUM ON THE ISSUANCE OF NEW BINGO PERMITS RELATING TO BINGO GAMES IN THE CITY OF MODESTO.

WHEREAS, California Penal Code section 326.5 was amended, effective January 1, 1997, to change the manner in which a municipal entity may collect fees from bingo operators, and

WHEREAS, the revised State statute permits a municipal entity to impose a fee for law enforcement and public safety costs which are directly related to bingo operations, however, said fees may not exceed the actual costs incurred in providing enforcement and public safety services, and

WHEREAS, currently, the City does not have a system or fee structure in place to provide for the correct charging of public safety costs of bingo operations, and

WHEREAS, City safety services that are applicable to bingo operations are Police Administration, Police Patrol, Police Investigations, Community Development Zoning, Fire Inspecting, and County Health Department Issues (smoking), and

WHEREAS, an analysis of these services to bingo operations must be made and a system of tracking direct services to bingo operations must be established before fees may be substantiated and charged, and

WHEREAS, on December 2, 1997, the Financial Policy Committee unanimously supported the 24-month moratorium as recommended by City staff, and

WHEREAS, on December 9, 1997, the Council considered the staff
recommendation as supported by the Financial Policy Committee for a 24-month moratorium on the issuance of new Bingo Permits relating to bingo games in the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 24-month moratorium on the issuance of new Bingo Permits relating to bingo games in the City of Modesto to establish a system of tracking direct services to bingo operations prior to charging fees for enforcement and public safety services as mentioned above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember McClanahan, who moved its 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Fisher

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. 97-703

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CURTIS & ARATA FOR USE AND EXECUTION OF "STANDARD AGREEMENT FOR LEGAL SERVICES" AND AUTHORIZING THE CITY ATTORNEY TO MODIFY THE DRAFT "STANDARD AGREEMENT" ON A CASE BY CASE BASIS FROM TIME TO TIME, AS APPROPRIATE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Curtis & Arata for Use and Execution of "Standard Agreement for Legal Services" and authorizing the City Attorney to modify the draft "standard agreement" on a case by case basis from time to time, as appropriate, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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. 97-704

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CRABTREE, SCHMIDT, ZEFF, JACOBS & FARRAR FOR USE AND EXECUTION OF "STANDARD AGREEMENT FOR LEGAL SERVICES" AND AUTHORIZING THE CITY ATTORNEY TO MODIFY THE DRAFT "STANDARD AGREEMENT" ON A CASE BY CASE BASIS FROM TIME TO TIME, AS APPROPRIATE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Crabtree, Schmidt, Zeff, Jacobs & Farrar for Use and Execution of "Standard Agreement for Legal Services" and authorizing the City Attorney to modify the draft "standard agreement" on a case by case basis from time to time, as appropriate, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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. 97-705

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $16,000 FROM THE CONTINGENCY RESERVE TO PAY FOR SIGNATURE VERIFICATION BY COUNTY ELECTIONS ON THE REFERENDUM AGAINST RESOLUTION NO. 97-590

WHEREAS, a referendum petition to reconsider Resolution #97-590, adopted by the City Council on October 21, 1997, was circulated and filed in the City Clerk’s office on November 20, 1997;

WHEREAS, after the total number of signatures on the petition was determined by the City Clerk’s office, the petitions were delivered to the County Elections Department on November 21, 1997; and

WHEREAS, funds in the amount of $16,000 to the elections account is needed to pay County Elections for signature verification.

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:

| Account #010-050-0502-0238 | $16,000 |
| Account #010-800-8000-8003 | $(16,000) |

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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-706

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $1,700 FROM THE GENERAL FUND CONTINGENCY RESERVE TO KING KENNEDY & OUTREACH SERVICES, REPAIR & MAINTENANCE FOR WIRING AND LIGHTING IN MELLIS PARK

WHEREAS, prior to the renovation of Mellis Park, a 15' eergreen tree was decorated every year with Christmas lights. This tree has since been removed and the electrical service removed; and

WHEREAS, several non-profit organizations in west Modesto have required that the tradition of lighting a tree continue, utilizing a 45' tree in front of King Kennedy Memorial Center; and

WHEREAS, approximately $1,700 is needed to run electrical service to the tree.

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: #010-800-8000-8003 $1,700
Transfer To:    #010-370-3715-0223 $1,700

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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, 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
A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND VETERINARY SERVICE INC. FOR THE PROPERTIES AT 121 ELM STREET AND 416 JEFFERSON STREET FOR ADMINISTRATIVE OFFICES AND STORAGE FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Veterinary Service Inc. for the properties at 121 Elm Street and 416 Jefferson Street for administrative offices and storage for the Operations and Maintenance Department, for a cost not to exceed $1,500.00 per month be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-708

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE PORTABLE BUILDING FROM PACIFIC MOBILE STRUCTURES INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one portable building from Pacific Mobile Structures Inc. is hereby waived.

BE IT FURTHER RESOLVED that purchase of one portable building for a not to exceed price of $72,622.64.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember McClanahan, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: __________________________
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-709

A RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND KANSAS STATE BANK OF MANHATTAN FOR THE PURCHASE OF ONE PORTABLE BUILDING FROM PACIFIC MOBILE STRUCTURES INC. TO PROVIDE OFFICE SPACE FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement between the City of Modesto and Kansas State Bank of Manhattan for a not to exceed amount of $72,622.64 for the purchase of one portable building from Pacific Mobile Structures Inc. to provide office space for the Operations and Maintenance Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember McClanahan, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, 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 LEASE PURCHASE A MODULAR OFFICE BUILDING FOR THE OPERATIONS AND MAINTENANCE STAFF

WHEREAS, office space is needed near the City Corporation Yard for an administration headquarters building for the new Operations and Maintenance Department; and

WHEREAS, a lease purchase of a modular office building has been issued and payments will be made over a four-year period.

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>
</tr>
</thead>
<tbody>
<tr>
<td>#130-510-9510-8301</td>
<td>$ 63,914</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>#010-480-4801-5148</td>
<td>$(11,444)</td>
</tr>
<tr>
<td>#010-480-4801-0451</td>
<td>$ 11,444</td>
</tr>
<tr>
<td>#010-480-4801-5207</td>
<td>$ 63,914</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 9th day of December, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-711

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO CONFIRMING THE CANVASS OF THE
SECOND REGULAR MUNICIPAL ELECTION WHICH WAS
HELD IN THE CITY OF MODESTO ON DECEMBER 9,
1997, AND DECLARING THE RESULTS OF SAID
ELECTION. (RUN-OFF ELECTION.)

WHEREAS, on Tuesday, November 4, 1997, a Regular Municipal Election was
held in the City of Modesto (herein called “City”) and in the Modesto High School District
(herein called “District”) of Stanislaus County to elect Councilmembers, Board of Education
Members, and to submit to the qualified electors in the City of Modesto certain sewer service
advisory measures, and

WHEREAS, said election was held in accordance with law and the proceedings
of this Council, and the votes thereat received and canvassed, and the returns thereof
ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular election in
accordance with law, and certified the results of the election to the Council by a Certificate of
Canvass and Statement of Votes dated November 12, 1997, a copy of which is on file in the
office of the City Clerk,

WHEREAS, the Charter of the City of Modesto provides that if no candidate
for an elective office of the City receives a majority vote at a regular municipal election, a
Second Regular Municipal Election shall be held at which the two candidates receiving the
highest number of votes at the first election shall have their names on the ballot for election to
the office, and

WHEREAS, at said Regular Municipal Election, a majority vote was not cast for Councilmember for Chairs Nos. 2 and 3, therefore, by Resolution No. 97-642 adopted on November 12, 1997, the City Council set a Second Regular Municipal Election (Run-off Election) to be held on Tuesday, December 9, 1997, at which time the two candidates receiving the highest number of votes for Chair No. 2, Armour Smith and Dan Thayer, for a term of four years, and the two candidates receiving the highest number of votes for Chair No. 3, Bill Conrad and Carmen Sabatino, for a term of two years, would have their names on the ballot for election to the office of Councilmember, and

WHEREAS, on Tuesday, December 9, 1997, the Second Regular Municipal Election was held in the City of Modesto to elect two Councilmembers as mentioned above, and said election was held in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said Second Regular Municipal Election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated December 12, 1997, a copy of which is attached hereto marked Exhibit “A” and made a part hereof,

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

SECTION 1. Said canvass by the City Clerk as shown on said Certificate of
Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Sections 15308 and 15309 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city.
(b) The names of the persons voted for.
(d) For what office each person was voted for.
(d) The number of votes given in the city to each person.

SECTION 3. That, at said Second Regular Municipal Election, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit “A”, are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

Armour C. Smith Councilmember, for a term of four years, Chair No. 2, Modesto City Council.

Bill Conrad Councilmember, for a term of two years, Chair No. 3, Modesto City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, 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

(SEAL)

APPROVED AS TO FORM:

By ________________
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SECOND REGULAR MUNICIPAL ELECTION
December 9, 1997

I, Jean Adams, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 12, 1997, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 9, 1997, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair 2, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armour Smith</td>
<td>12,060</td>
<td>51.8</td>
</tr>
<tr>
<td>Dan Thayer</td>
<td>11,198</td>
<td>48.1</td>
</tr>
<tr>
<td>Chair 3, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bill Conrad</td>
<td>12,838</td>
<td>54.9</td>
</tr>
<tr>
<td>Carmen Sabatino</td>
<td>10,509</td>
<td>45.0</td>
</tr>
<tr>
<td>Voter Turnout</td>
<td>24,154</td>
<td>28.5</td>
</tr>
</tbody>
</table>

December 12, 1997

Jean Adams
JEAN ADAMS
City Clerk/Auditor
City of Modesto
<table>
<thead>
<tr>
<th>Position</th>
<th>#/PCT</th>
<th>#/RPT</th>
<th>#/RPT/100.0</th>
<th>#/PCT</th>
<th>#/RPT</th>
<th>#/RPT/100.0</th>
<th>#/PCT</th>
<th>#/RPT</th>
<th>#/RPT/100.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Member 2</td>
<td></td>
<td></td>
<td></td>
<td>Armour C Smith</td>
<td>12060</td>
<td>51.8</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dan Thayer</td>
<td>11198</td>
<td>48.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Member 3</td>
<td></td>
<td></td>
<td></td>
<td>Bill Conrad</td>
<td>12858</td>
<td>54.9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Carmen Sabatino</td>
<td>10597</td>
<td>45.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Modesto Stats</td>
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<td></td>
<td></td>
<td>Votef Registration</td>
<td>64745</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Accumulated Votef Registration</td>
<td>64745</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Turnout</td>
<td>24154</td>
<td>28.5</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 97-712

A RESOLUTION ACCEPTING THE WORK OF ACME CONSTRUCTION CO., INC. FOR THE JOHN THURMAN FIELD RENOVATION PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Acting Director of Parks and Recreation that the John Thurman Field renovation project has been completed by Acme Construction Co., Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the John Thurman field renovation project be accepted from said contractor, Acme Construction Co., Inc.; that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $2,661,845, as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1997, 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 Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-713

A RESOLUTION ACCEPTING THE WORK OF COLLINS ELECTRICAL CO., INC. FOR THE JOHN THURMAN FIELD RENOVATION (ELECTRICAL) PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Acting Director of Parks and Recreation that the John Thurman Field renovation project (Electrical) has been completed by Collins Electrical Co. Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the John Thurman field renovation project (Electrical) be accepted from said contractor, Collins Electrical Co., Inc.; that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $195,017, as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1997, by Councilmember Fisher, 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 Lang
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-714

A RESOLUTION ACCEPTING THE WORK OF GROVER LANDSCAPING SERVICES, INC. FOR THE JOHN THURMAN FIELD RENOVATION (LANDSCAPING) PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Acting Director of Parks and Recreation that the John Thurman Field renovation project (Landscaping) has been completed by Grover Landscaping Services, Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the John Thurman field renovation project (Landscaping) be accepted from said contractor, Grover Landscaping Services, Inc.; that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $126,707, as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1997, by Councilmember Fisher, 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 Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: JEAN ADAMS, City Clerk

JEAN ADAMS, City Clerk