MODESTO CITY COUNCIL
RESOLUTION NO. 97-1

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(495), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(495). (U. S. RENTALS)

WHEREAS, a verified application for an amendment to Section 26-3-9 of the Zoning Map was filed by U. S. Rentals on September 23, 1996, to rezone from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495), to allow expansion of the U. S. Rentals equipment storage yard, property located on the north side of Yosemite Boulevard between North Riverside Drive and Trask Lane, described as follows:

C-2 and R-3 to P-D(495) as an Addition to P-D(495)

Being a portion of the southwest quarter of Section 26, Township 3 South, Range 9 East Mount Diablo Base and Meridian, being more particularly described as follows:

Parcel B as per parcel map filed December 29, 1971, in book 29 of parcel maps, page 150, Stanislaus County Records.

Including also all of Yosemite Boulevard located between the above described property and the south line of said Section 26.

and,

WHEREAS, after a public hearing on November 18, 1996, 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. 96-61, that rezoning of the
property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. That the P-D Zone will allow expansion of an existing equipment rental yard business on adjacent property and will contribute to a mixture of uses provided for in the Mixed Use (MU) area designated for this portion of Yosemite Boulevard by the General Plan.

2. That the P-D plot plan, including conditions of approval will assure that this commercial-industrial use will be compatible with the adjacent commercial and residential neighborhoods.

WHEREAS, after a public hearing held on January 7, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of U. S. Rentals for an amendment to Section 26-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 96-61 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3019-C.S. on the 7th day of January, 1997, reclassifying the above-described property from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495).
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(495), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Planned Development No. 495 for U.S. Rentals" as amended in red, stamped approved by the City Council on January 1, 1997.

2. Phase I Landscaping

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

a. Screen landscaping shall be installed along the north property line. Said landscaping shall extend from the northwest corner of the Phase I expansion area east 118 feet to the existing shop building located on the adjacent existing facility as amended in red on the approved plot plan. A matching ten-foot landscaped setback shall also be provided along the rental yard frontage westerly to the new exit only driveway. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

Phase II Landscaping

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

a. Ten-foot-wide planter with screen landscaping adjacent to the inside of the eight-foot masonry wall along the Glendale Avenue frontage of the property.

b. Ten-foot-wide planter with screen landscaping along the west property line extending 130 feet south from Glendale Avenue to the Southeast corner of property located at 2434 Glendale Avenue.
3. **Phase I Fencing**

Fences or walls shall be constructed prior to occupancy and shall be as follows:

a. 118 lineal feet of eight-foot-high solid masonry wall along the north property line of the expanded Phase I portion of the P-D and extending east to the existing shop building located adjacent to the rear property line of 2434 Glendale Avenue.

**Phase II Fencing**

Fences and walls shall be constructed prior to occupancy and shall be as follows:

a. Eight-foot-high solid masonry wall along north property line and Glendale Avenue. That portion adjacent to Glendale Avenue to be provided in a backup lot configuration with adjacent alternating planters and street tree knockouts in full-width sidewalk.

b. Eight-foot-high solid masonry wall along west property line extending south from Glendale 130 feet to the southeast corner of property located at 2434 Glendale Avenue.

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

5. **Phase I**

Street dedication consistent with standard specifications to provide 57 feet north of center line of Yosemite 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.

**Phase II**

Street dedication consistent with standard specifications to provide 30 feet of right of way south of the center line of Glendale Avenue and corner radius connection with Kingston Lane 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. Street improvements consistent to standard specifications along Glendale Avenue to be developed in a backup lot configuration 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. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

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

9. 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 Planning and Community Development Director.

10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

11. The premises may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week.

12. 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.
13. Equipment storage yard area not paved shall be treated for dust control. Equipment testing and/or repair shall not be allowed on the north 105-foot portion of the equipment rental yard. This rear area shall be used only for the storage of equipment rental items.

14. No signs shall be permitted above eight feet in height on the north face of the buildings and no signs shall be allowed on the north face of the masonry wall along Glendale Avenue.

15. All signs shall comply with the sign requirements of the C-2 Zone.

16. The cement storage silo shall not exceed a maximum height of 20 feet and shall be of a uniform color with no signs permitted.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(495):

The entire construction program shall be accomplished in two phases as follows:

Phase I - Construction to begin on or before November 18, 1998, and completion to be not later than November 18, 1999.

Phase II - Construction to begin on or before November 18, 1999, and completion to be not later than November 18, 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 Zone 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(495), as an addition to Planned Development Zone, P-D(495), 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 January, 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, 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
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 26-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, AND MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(495), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(495), PROPERTY LOCATED ON THE NORTH SIDE OF YOSEMITE BOULEVARD BETWEEN NORTH RIVERSIDE DRIVE AND TRASK LANE. (U. S. RENTALS)

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, U. S. Rentals has proposed that the zoning designation for the property located the north side of Yosemite Boulevard between north Riverside Drive and Trask Lane be amended to rezone from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495), property located on the north side of Yosemite Boulevard between north Riverside Drive and Trask Lane, in the City of Modesto ("the project"), and

WHEREAS, on October 21, 1996, the City's Community Development Department by Environmental Assessment 96-132 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 November 18, 1996, 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 October 21, 1996, 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 January, 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, 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
City of Modesto
Initial Study

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this convalescent hospital expansion with a Conditional Use Permit (CUP). 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:
Rezone C-2 to P-D as and addition to P-D(495)

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

C. Contact person, address and phone number:
Sean Tobin, MID-Valley Engineering, Inc., 209-526-4214
900 - H Street, Modesto, CA. 95353

D. Project Location:
2443 Yosemite Boulevard

E. Project sponsor:
US Rentals

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
C-2

H. Description of Proposed Project:
This is an application to rezone, from C-2 to P-D as an addition to P-D(495), a 0.42 acre parcel to allow expansion of the adjacent US Rentals equipment yard.
I. Surrounding land uses:
North - Vacant R-3, Medium High Density Residential Zone
South - Yosemite Boulevard and County area which is zoned M, Industrial
East - Planned Development (495) allowing the existing US Rentals equipment yard
West - C-2, General Commercial

J. Other public agencies whose approval is required:
None

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

A. Traffic and Circulation, This rezoning to expand an existing equipment rental yard will tend to increase traffic, however, this increase will be insignificant as compared to that generated by adjacent commercial uses. The additional increment of vehicle trips to the rental yard would not generate enough traffic to significantly impact the area. 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 rezoning will facilitate expansion of an existing equipment rental yard facility in a commercial area 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 CUP project is adjacent to and surrounded by urban development. It is located in a commercial zone and adjacent to commercial and industrial uses on three sides. Because of the nature of out door equipment rental yards, some noise will be generated by this use, however, the existing yard has been a compatible use with the adjacent residential uses to the north. The addition of an eight-foot high masonry wall along the north and west property lines of this facility will help to mitigate noise generated by this use. Therefore, no noise impacts will be associated with this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land
The rezoning 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 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.

2
E. Increased Demand for Water Supplies
This rezoning will provide for expansion of an equipment rental yard and 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 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
This rezoning 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 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
This rezoning and resulting development will not present any new impacts that
have not already been addressed in the MEIR. The mitigation measures will not
reduce the impacts of increased runoff within the baseline developed area to a
less than significant level. The Existing Conditions, Impacts Analysis and the
Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water
Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage
The rezoning and resulting development of this equipment rental yard facility
expansion 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 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 rezoning will not impact the Modesto City School system, as this is a commercial facility expansion. Besides, 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 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 rezoning proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 8 is less than one mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

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

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

A. The proposed rezoning and resulting expansion of the US Rentals equipment yard is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

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

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

D. There are no specific features unique to the rezoning for expansion of the US Rentals equipment yard 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: 10/21/96
MODESTO CITY COUNCIL
RESOLUTION NO. 97-3

A RESOLUTION APPROVING AN AMENDMENT TO THE
MODESTO URBAN AREA GENERAL PLAN TEXT
EXTENDING THE DRY CREEK COMPREHENSIVE
PLANNING DISTRICT, ADDING A PARK PLANNING
DISTRICT, DIVIDING THE EMPIRE NORTH
COMPREHENSIVE PLANNING DISTRICT (C.P.D.), AND
EXEMPTING THE EMPIRE NORTH UNIT 1 SPECIFIC
PLAN FROM CONFORMING TO THE NEOTRADITIONAL
PRINCIPLES.

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

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

WHEREAS, said General Plan has been amended by Modesto
City Council Resolutions No. 95-584, No. 96-20, 96-338, and 96-
639, copies of which are on file in the office of the City Clerk,
and

WHEREAS, the Dry Creek Comprehensive Planning District
is bounded on the east by the Santa Fe Railroad, and

WHEREAS, the Park Planning Areas Diagram (Figure V-1)
of the General Plan does not specify a Park Planning Area for the
Empire North Comprehensive Planning District, and

WHEREAS, the Empire North Comprehensive Planning
district is bounded by the Santa Fe Railroad, Parker Road, Church
WHEREAS, Policy 4.1 (2) in the Empire North Comprehensive Planning District requires the Comprehensive Plan for this District to address the Neotraditional Planning Principles presented in Section III-C(3) of the General Plan, and

WHEREAS, the City of Modesto Parks and Recreation Department has proposed revising the Empire North and Dry Creek Comprehensive Planning District boundaries by an extension eastward to Church Street to incorporate the entire length of the Dry Creek floodplain area within the City's General Plan into one Comprehensive District, and

WHEREAS, the City of Modesto Parks and Recreation Department has proposed to add the Empire North Comprehensive Planning District to the Park Planning Areas Diagram of the General Plan, and

WHEREAS, the Empire North Unit 1 Specific Plan has proposed that the Empire North Comprehensive Planning District be split into two Comprehensive Planning Districts, north and south of the proposed extension of the Dry Creek Comprehensive Planning District, and

WHEREAS, the Empire North Unit 1 Specific Plan has proposed that said Specific Plan be exempt from addressing the Neotraditional Planning Principles presented in Section III-C(3) of the General Plan, and

WHEREAS, a Draft Focused Environmental Impact Report
(Draft EIR SCH #95122030) was prepared pursuant to Section 21158 of the Public Resources Code for public review and comment for the required 45-day period from July 30, 1996, through September 16, 1996, and

WHEREAS, the Final Focused EIR incorporating all the comments received during the public review period and responses thereto, was released for the required 10-day period on November 22, 1996, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines the Planning Commission certified that it reviewed and considered the findings of the Final Focused Environmental Impact Report (SCH 95122030) prepared for the proposed Empire North Unit 1 Specific Plan, and proposed amendments to the General Plan, and

WHEREAS, pursuant to provisions of the Government Code Section 65402 of the State of California, the Modesto Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, on December 2, 1996, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the Empire North Unit 1 Specific Plan, Final Focused EIR, and proposed amendment to the General Plan, and

WHEREAS, after said public hearing, the Modesto City
Planning Commission adopted Resolution No. 96-63, recommending to the City Council an amendment to the General Plan to extend the Dry Creek Comprehensive Planning District, to add a Park Planning District, to divide the Empire North Comprehensive Planning District (C.P.D.), and to exempt the Empire North Unit 1 Specific Plan from conforming to the Neotraditional Principles, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on January 7, 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 held for the purpose of receiving public comment on the proposed items,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan text extending the Dry Creek Comprehensive Planning District, adding a Park Planning District, dividing the Empire North Comprehensive Planning District, (C.P.D.), and exempting the Empire North Unit 1 Specific Plan from Conforming to the Neotraditional Principles, in the City of Modesto, is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto for the following reasons:

1. Expand Dry Creek Regional Park. The transfer of this portion of Dry Creek and its flood plain area, adding it to the Dry Creek Comprehensive Planning District (Regional Park) is necessary for
the long term protection and maintenance of its open-space and habitat values.

2. **Add Empire North Park Comprehensive Planning District to Park Planning Areas Diagram.** The Park Planning Area Diagram, originally adopted into the General Plan in the 1970's does not cover the North Empire Comprehensive Planning District. The new Comprehensive Planning District Policy is necessary to reflect the physical design constraints that exist for the northern part of the Empire North CPD that inhibit access to a neighborhood park south of Dry Creek.

3. **Divide the Empire North Comprehensive Planning District into two parts.** A private applicant, Dr. Kenneth Lemings, proposes this Amendment in response to Proposal #1 from the City Parks and Recreation department. Segmenting the Empire North CPD would allow approval of a Specific Plan over the northerly 45 acres (north of Dry Creek).

4. **Neotraditional Policies not applicable to North Portion of Empire North Comprehensive Planning District.** The part of the Empire North CPD located north of Dry Creek has physical constraints which inhibit the application of neotraditional design concepts. These include its relatively small size and no room for development of, or connection to, neighborhood amenities such as shopping and parks.

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds and determines as follows:

That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

BE IT FURTHER RESOLVED that the proposed amendment to the General Plan to revise the Empire North Comprehensive Planning District, Dry Creek Comprehensive Planning District, and Park Planning Areas Diagram, is hereby approved, to read as shown
on the attached Exhibit "A".

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

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance No. 3020-C.S. pre zoning the Empire North Unit 1 Specific Plan Area to Specific Plan-Overlay, SP-O, introduced by the Council on January 7, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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, McClanahan

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
Exhibit "A"
Exhibit III-5

DRY CREEK

COMPREHENSIVE PLANNING DISTRICT

1. **Overview**

This 469.509-acre Comprehensive Planning District contains a significant amount of public land owned by the City of Modesto, along the Dry Creek flood plain. A linear park is anticipated in this Comprehensive Planning District.

2. **Principal Comprehensive Planning District Policies**

The Comprehensive Plan to implement this Comprehensive Planning District shall address the **Principal Comprehensive Planning District Policies** presented in this Chapter.

3. **Land Use Description**

   a. **Land Use Types:** (See Section III-B)

   - 469.509 acres designated "Open Space"

   b. **Distribution of Land Uses Within the CPD**

   Not applicable, as there is only one land use proposed.

4. **Land Use Policies**

   a. **Implementation of Adopted Land Use Policies:**

   The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

   (1) Overall Land Use Policies (Section III-C(1))

   b. **Supplemental Land Use Policies:**

   In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

   (1) This Comprehensive Planning District anticipates a public park. Prior to acquiring parcels, interim residential uses may be allowed,
(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,400 dwelling units.

(2) Compatibility with Santa Fe Railroad, as a significant noise generator, should be addressed in the Comprehensive Plan for this Comprehensive Planning District.

(3) The Comprehensive Plan for this Comprehensive Planning District should incorporate open space and recreational opportunities along Dry Creek, as an extension of the Dry Creek Comprehensive Planning District. These may incorporate the River Greenway Program policies presented in Section B-6 of Chapter VII.

(4) Notwithstanding the Park Planning Area on Figure V-5, No. 74, the residential area north of Dry Creek does not need to provide access to any neighborhood parks south of Dry Creek.

c. **Housing Policy Implementation:**

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

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

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

a. This Comprehensive Planning District will be served by the Yosemite sanitary sewer trunk. As an interim measure, a tie-in to the existing sanitary sewer lines in Empire may be permitted, as determined by the Public Works and Transportation Department.

6. **Focused EIR:**

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

a. A total of 1,400 dwelling units was assumed for the Comprehensive Planning District.
1. Overview

This 27,022-acre Comprehensive Planning District proposes predominantly "Village Residential" uses immediately north of existing residential development in Empire. This two-part Comprehensive Planning District is divided by the Dry Creek, running through the north end of this Comprehensive Planning District, presents a significant opportunity for recreational and open space opportunities.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 27,022 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land-use proposed.

- 47 acres north of Dry creek CPD designated "Village Residential"
- 174 acres south of Dry Creek designated "Village Residential"

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))
(2) Neotraditional Planning Principles (Section III-C(3))
b. **Supplemental Land Use Policies:**

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

1. Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,400 dwelling units.

2. Compatibility with Santa Fe Railroad, as a significant noise generator, should be addressed in the Comprehensive Plan for this Comprehensive Planning District.

3. The Comprehensive Plan for this Comprehensive Planning District should incorporate open space and recreational opportunities along Dry Creek, as an extension of the River Greenway Program policies presented in Section B-6 of Chapter VII.

c. **Housing Policy Implementation:**

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

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

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

a. This Comprehensive Planning District will be served by the Yosemite sanitary sewer trunk. As an interim measure, a tie-in to the existing sanitary sewer lines in Empire may be permitted, as determined by the Public Works and Transportation Department.
6. **Focused EIR:**

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

a. A total of 1,400 dwelling units was assumed for the Comprehensive Planning District.

b. A biological analysis will need to be prepared.

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

None.

Special considerations are as follows:

a. The Santa Fe Railroad
b. The Dry Creek and the flood plain
   - The segmented nature of the CPD
   - The Eastside Mosquito Abatement District's Airstrip
MODESTO CITY COUNCIL
RESOLUTION NO. 97-4

A RESOLUTION ADOPTING THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN.

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

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

WHEREAS, the 270-acre Comprehensive Planning District (CPD), entitled "North Empire Comprehensive Planning District", was incorporated into the City's General Plan for the first time, and LAFCO added this area to the City's Sphere of Influence in February, 1996, and

WHEREAS, a single Specific Plan would have been used to implement the entire 270-acre CPD presented in the General Plan, however, the General Plan also allows processing a smaller Specific Plan, "as long as the remaining area within the CPD can still comply with the General Plan policies" presented in Chapter III of the General Plan, and
WHEREAS, the applicant, Dr. Kenneth Lemings, has proposed, and Staff supports, the processing of the 96-acre "Empire North - Unit 1" Specific Plan, leaving approximately 170 acres in the Empire North Comprehensive Planning District to be processed at a later time, and

WHEREAS, the City Parks and Recreation Department has proposed further changes to the General Plan by revising the "Empire North" and "Dry Creek" CPD boundaries to incorporate the entire length of the Dry Creek floodplain area into one Comprehensive Planning District, and

WHEREAS, a Draft Specific Plan dated November 21, 1996, was distributed for public review on or about that date and was made available to the Planning Commission prior to the December 2, 1996, public hearing, and

WHEREAS, a Notice of Preparation was circulated from December 18, 1995, through January 19, 1996, and

WHEREAS, a Draft Focused Environmental Impact Report (Draft EIR SCH #95122030) was prepared pursuant to Section 21158 of the Public Resources Code for public review and comment for the required 45-day period from July 30, 1996, through September 16, 1996, and

WHEREAS, the Final Focused EIR incorporating all the comments received during the public review period and responses thereto, was released for the required 10-day period on November 22, 1996, and
WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines the Planning Commission certified that it reviewed and considered the Final Focused EIR for the Empire North Unit 1 Specific Plan, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 2, 1996, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the adoption of the Draft Specific Plan, and

WHEREAS, by Resolution No. 96-62 adopted on December 2, 1996, the Planning Commission recommended to the City Council the adoption of the Empire North Unit 1 Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on January 7, 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 held and evidence both oral and documentary was received and considered,

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

1. That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the proposed Specific Plan is consistent with the City of Modesto Urban Area General Plan.
BE IT FURTHER RESOLVED that the Council hereby adopts the Empire North Unit 1 Specific Plan, a copy of which is attached hereto as Exhibit "A".

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

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific Plan to the Board of Supervisors of the County of Stanislaus.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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, McClanahan

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Exhibit "A"
City of Modesto

Empire North Unit 1
Specific Plan

1997

Adopted January 7, 1997
City Council Resolution No. 97-4
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Chapter 1. Introduction

A. PURPOSE AND INTENT

The Empire North Unit 1 Specific Plan (Specific Plan or Plan) is part of a comprehensive planning process that serves to implement the City of Modesto's (City's) Urban Area General Plan (General Plan) goals and objectives through development of Comprehensive Planning Districts (CPDs). The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in Government Code Section 65450.

The Specific Plan area is within the Empire North CPD and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-6). Policies and provisions of the Empire North CPD include:

1. containing a maximum of 1,400 dwelling units;
2. maintaining compatibility with the Santa Fe Railroad (SFRR), a significant noise generator;
3. incorporating open space and recreation opportunities along Dry Creek, as an extension of the Dry Creek CPD; and
4. implementing adopted City General Plan policies.

The Empire North Unit 1 Specific Plan will guide development of land within the Plan area. The Specific Plan will implement Modesto's long-range objective of orderly growth by providing housing and open space for City residents.

B. PROJECT LOCATION

The Empire North Unit 1 Specific Plan area is located at the eastern edge of the City (Figure 1-1). The Plan area is located approximately 5 miles east of downtown Modesto in unincorporated Stanislaus County adjacent to the City's boundary. The Plan area is within the City's General Plan area and sphere of influence but is outside the city limits. The approximately 96-acre Plan area is held in multiple ownerships and covers the northerly portion of the 270-acre Empire North CPD (Figure 1-2).
Figure 1-1
Regional Location
Figure 1-2
Empire North Unit 1 Specific Plan
The Plan area is bordered by Parker Road on the north, the SFRR on the west, and the southerly bluff line of Dry Creek on the east and south. Two single-family residences and agricultural fields are on the site. Land uses in the vicinity include residential uses to the west, rural residential and agriculture uses to the north and east, open space along Dry Creek to the southwest, and the site of a proposed business park (Village One) to the northwest. A Modesto Irrigation District lateral canal is north of Parker Road.

C. UNIQUE ASPECTS OF THE SPECIFIC PLAN AREA

The unique aspects of the Plan area include Dry Creek, a main tributary of the Tuolumne River, and the proximity of railroad tracks and a local airstrip.

Dry Creek flows westerly, through the Empire North CPD, from the Sierras to its confluence with the Tuolumne river in central Modesto. The portion of the Dry Creek corridor and floodplain that bisects the Empire North CPD has an average width of 800 feet. The creek features include a year round surface flow; a riparian corridor with mature overstory; and a low, broad floodplain. Dry Creek’s floodplain covers 48.5 acres. This area is now part of the Dry Creek CPD.

The SFRR right-of-way adjacent to the west boundary of the Specific Plan area has a single set of railroad tracks which are used for both freight and passenger (Amtrak) service. The railroad tracks and the East Side Mosquito Abatement District airstrip to the north are considered significant noise generators.

These characteristics are considered unique in that they do not affect development in most areas of the City and require specialized project design features and mitigation measures. The project’s proximity to Dry Creek initiates the application of open space and resource protection policies. The project’s proximity to the railroad tracks and the East Side Mosquito Abatement District airstrip initiates the application of noise reduction and safety policies. These policies are found in the Policy Summary section. Related mitigation measures are found in the focused EIR.

D. DESIGNATION OF SUB-AREAS

There are three sub-areas in the Specific Plan, as shown in Figure 1-3. Sub-area A would allow development of up to 171 residential units. Sub-area B also is designated residential development. Sub-area C, within the floodplain of Dry Creek, is designated as Open Space by the General Plan amendment for the easterly extension of the Dry Creek CPD. Residential uses will comply with Village Residential policies of the City’s General Plan. The Village Residential land use designation is intended for areas of predominantly single-family residential use but includes multi-family and senior housing uses, with a recommended overall density of 5.1 dwelling units per gross acre. The open space (Sub-area C) designation is consistent with the easterly extension of the Dry Creek CPD.
Figure 1-3
Empire North Unit 1 Specific Plan: Ownership Parcels and Sub-areas A, B, and C
which is adjacent to the southwestern corner of the Plan area, and potential linkages with upstream portions of the creek further to the east.

The Plan area is proposed to be annexed to the City and served by urban-level public infrastructure. Access to the site would be from Parker Road, currently a two-lane, publicly maintained road. City water, sewer, police, and fire services are proposed to be extended to the Plan area. Solid waste collection services also would be extended to the site by a private provider. Other services, including energy and schools, also would be provided by public agencies or special districts.

E. DRY CREEK COMPREHENSIVE PLANNING DISTRICT

The Dry Creek CPD is a public park and open space corridor along the Dry Creek floodplain, extending from the downtown area to the easterly city limits of the City of Modesto. This CPD was extended, by city general plan amendment, to include the portion of the Dry Creek floodplain that was previously a part of the Empire North CPD. This action has increased the size of the Dry Creek CPD from 460 acres, to 509 acres. All land within the CPD is designated as open space in the Modesto Urban Area General Plan. The park and open space corridor include riparian, open water and foraging habitat for wildlife species as well as regional and local recreation facilities.

The Modesto General Plan specifies that a comprehensive plan be prepared for each CPD. The preparation of a Park Master Plan for the Dry Creek regional park shall suffice as the Comprehensive Plan for the Dry Creek CPD. The exact boundaries of the Dry Creek CPD shall be determined by the Comprehensive Plan. The portion of the Dry Creek CPD that was formerly part of the Empire North CPD is 47.3 acres in size and includes the Dry Creek corridor, riparian area and flat floodplain areas to the north and south. The riparian area along the creek corridor provides habitat for sensitive species and should be retained in a natural state.

The floodplain areas adjacent to the creek corridor and riparian area may be suitable for development of recreation uses. These uses could include the easterly extension of the regional park, a local public park, trails or a private recreation area. Any public or private entity constructing improvements within the designated open space of the Dry Creek CPD would also be responsible for providing access, protection and maintenance.

F. PROJECT OBJECTIVES

Primary objectives of the Specific Plan are to allow development in conformance with the City's General Plan and to streamline the environmental review requirement. A focused EIR for the Specific Plan area, tiered from the City's Master Environmental Impact Report (EIR), also has been prepared. The focused EIR analyzed only the proposed project's additional significant effects on
Figure 1-4
Empire North and Dry Creek Comprehensive Planning Districts
the environment and any new or additional mitigation measures that were not identified or analyzed in the City’s Master EIR. The City’s Master EIR has already analyzed and mitigated many of the potential impacts associated with development of the Plan area. The focused EIR will refer to appropriate sections of the City’s Master EIR to document mitigation of specific issues. The Specific Plan also will incorporate mitigation of certain environmental impacts into the project standards, and this mitigation will be documented in the focused EIR. All mitigation measures described in the focused EIR have been included in the Specific Plan.

G. STATUTORY AUTHORITY

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

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

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

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

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

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

5. A statement of the relationship between the specific plan and the city’s general plan.
H. RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN

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

I. SPECIFIC PLAN ADOPTION AND SEVERABILITY

Adoption of the Empire North Unit 1 Specific Plan and certification of the focused EIR establishes the standards, criteria, and mitigation measures for annexation, tentative and final subdivision map approval, prezoning, and development of the Plan area.

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

J. ORGANIZATION OF THE SPECIFIC PLAN

The content of the Specific Plan is consistent with requirements identified in Section 65451 of the California Government Code and City Community Development Guidelines for preparing comprehensive plans. The City guidelines include a list of general plan policies adopted to guide development within the CPDs. Applicable policies have been carried forward and are presented in the Specific Plan. The City's General Plan policies have been grouped according to their focus on community development, community services and facilities, public safety, and environmental resource and open space issues. The Specific Plan is organized into the following chapters:

Chapter 1. Introduction. The purpose, location, description, and unique aspects of the Specific Plan area are presented in this chapter.

Chapter 2. Land Use Designations. This chapter presents community development policies of the City's General Plan and describes the residential and open space uses proposed for the Plan area.
Chapter 3. Standards and Criteria by Which Development Will Proceed. The performance criteria and development standards for complying with City codes and ordinances are described in this chapter.

Chapter 4. Public Facilities. This chapter presents community services and facilities policies of the City's General Plan and describes how these policies will be followed within the Specific Plan area.

Chapter 5. Implementation and Financing. This chapter presents environmental resources and open space policies of the City's General Plan and describes how these policies will be followed in subsequent actions and development of Specific Plan uses.

Chapter 6. List of Preparers. This chapter identifies individuals involved in preparation of the report.

K. STRUCTURE OF POLICIES WITHIN SPECIFIC PLAN

Throughout this Specific Plan document, a variety of policies are presented, in order to comply with State law requirements for Specific Plans.

All Policies pertinent to this Specific Plan are clearly labeled and shown in bold type (for example, "Policy LU-1"). Future development and/or public infrastructure construction by the City shall conform to these Policies, where relevant. Unless otherwise specified, all Specific Plan policies apply to all three sub-areas. All other narrative in this Specific Plan is descriptive only and does not form the basis for findings of conformance for subsequent projects.
Chapter 2. Land Use Designations

A. OVERVIEW

The City’s General Plan land use designations for Empire North Unit I are Village Residential and Open Space. The northerly portion of the Plan area will remain Village Residential; however, the Dry Creek corridor is designated as Open Space by a General Plan amendment adopted in 1996 for extending the Dry Creek CPD. This Specific Plan implements both the Village Residential and Open Space land use designations. This chapter presents the City’s General Plan community development policies that will guide the general distribution and extent of uses within the residentially designated portion of the Plan area.

1. Specific Plan Goals

The City’s General Plan contains a hierarchy of policies to guide development of residential and open space uses within the Plan area. City community development policies identify the use of CPDs to implement development in planned urbanizing areas. CPD policies provide the next level of guidance, by using CPDs as planning units for unified direction and encouraging cooperation among affected property owners. The policies for the Empire North CPD offer more focused guidance on issues specific to the Plan area. The City’s General Plan also contains applicable policies concerning community services and facilities, public safety, and environmental resources and open space, which are presented in subsequent chapters.

The goals of the Specific Plan are to facilitate development of Village Residential uses in Empire North Unit 1 (Figure 2-1), consistent with policies and standards of the City.

2. Relevant General Plan Policies

Empire North Unit 1 will be developed in compliance with applicable City General Plan community development, CPD, and related policies. City General Plan policies regarding land uses implemented through the Specific Plan are identified in Table 2-1. For each of the general plan policies listed in Table 2-1, 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. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.
Specific Plan Boundary

Dry Creek Comprehensive Planning District

Village Residential

Open Space

Dry Creek

Figure 2-1
Specific Land Use Designations
Table 2-1 Relevant General Plan Land Use Policies and Specific Plan Compliance

<table>
<thead>
<tr>
<th>General Plan Land Use Policy</th>
<th>Specific Plan Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Plans, adopted pursuant to Section 65450 et seq. of the California Government Code,</td>
<td>This Specific Plan provides policy guidance for future development within the Empire North</td>
</tr>
<tr>
<td>may be used to provide primary policy guidance to future development within their respective</td>
<td>Unit 1 planning area. The adopted Specific Plan implements Village Residential uses for the</td>
</tr>
<tr>
<td>geographic areas. Specific Plans may be adopted to implement any of the Land Use Designations</td>
<td>Empire North CPD and designates Open Space uses for the Dry Creek CPD extension, within</td>
</tr>
<tr>
<td>presented on the land Use Diagram, and they may be used within any Growth Strategy Designation:</td>
<td>Modesto’s Planned Urbanizing Area. (Specific Plan, Chapter 2)</td>
</tr>
<tr>
<td>Redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section B, p. V-7)</td>
<td></td>
</tr>
<tr>
<td>Since each Comprehensive Planning District contains a number of properties, unified direction</td>
<td>There are four property owners within the Empire North Unit 1 planning area. Each property</td>
</tr>
<tr>
<td>from affected property owners should be encouraged, particularly for privately initiated applications.</td>
<td>owner will be able to follow the unified direction provided in the Specific Plan for development</td>
</tr>
<tr>
<td>In the case of disparate or unknown development intentions, the City may proactively seek consensus</td>
<td>of their respective properties. (Specific Plan, Chapter 2)</td>
</tr>
<tr>
<td>from affected property owners. (Section D, p. III-11)</td>
<td></td>
</tr>
<tr>
<td>Comprehensive Plans, as defined in Chapter VIII, shall be used for the implementation of the</td>
<td>This Specific Plan serves as a Comprehensive Plan, for implementing the policies and</td>
</tr>
<tr>
<td>Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in</td>
<td>provisions of the Empire North Comprehensive Planning District as defined in Chapter III of</td>
</tr>
<tr>
<td>Section 65450 et seq. of the California Government Code, are particularly suited for this</td>
<td>the Modesto General Plan. (Specific Plan, Chapter 1)</td>
</tr>
<tr>
<td>purpose. Other options are available, provided that they present sufficient guidance for</td>
<td></td>
</tr>
<tr>
<td>future development. (Section D, p. III-12)</td>
<td></td>
</tr>
<tr>
<td>More than one Comprehensive Plan may be processed within a given Comprehensive Planning</td>
<td>There will be more than One Specific Plan for the Empire North Comprehensive Planning</td>
</tr>
<tr>
<td>District, as long as the remaining area within the CPD can still comply with the General Plan</td>
<td>District. This Specific Plan implements residential development for the area north of Dry</td>
</tr>
<tr>
<td>policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement</td>
<td>Creek and the easterly extension of the Dry Creek CPD, which was done as a separate GPA.</td>
</tr>
<tr>
<td>more than one Comprehensive Planning District. (Section D, p. III-12)</td>
<td>(Specific Plan, Chapter 1)</td>
</tr>
<tr>
<td>Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review</td>
<td>The EIR for the Empire North Unit 1 Specific Plan is a focused EIR and is intended to</td>
</tr>
<tr>
<td>of that Comprehensive Plan, if the City as Lead Agency can make the following finding:</td>
<td>streamline CEQA review. The City, as lead agency, will make all required findings in</td>
</tr>
<tr>
<td>No substantial changes have occurred with respect to the circumstances under which the master</td>
<td>accordance with the Public Resources Code at the time of EIR certification. (Specific Plan,</td>
</tr>
<tr>
<td>environmental impact report was certified or that no new information, which was not known and</td>
<td>Chapter 1)</td>
</tr>
<tr>
<td>could not have been known at the time that the master environmental impact report was</td>
<td></td>
</tr>
<tr>
<td>certified as complete, has become available. (Section 21157.6(a) of Public Resources Code.)</td>
<td></td>
</tr>
<tr>
<td>(Section D, p. III-12)</td>
<td></td>
</tr>
</tbody>
</table>
All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District's narrative. (Section D, p. III-13)  
The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, VI, and VII. (Section D, p. III-13)  
The policy requirements presented in the Empire North Comprehensive Planning District narrative (Exhibit III-6) have been applied in this specific plan. (Specific Plan, Chapter 1)  
The Empire North CPD is within the City's Planned Urbanizing Area. The City's Planned Urbanizing Area policies have been addressed in this Specific Plan. (Specific Plan, Chapters 1, 2, 3, 4)

B. GENERAL PLAN LAND USE POLICIES

Empire North Unit 1 will provide additional residential units to house Modesto's growing population. These units will be developed consistent with density requirements and other characteristics of the Village Residential General Plan designation. The recommended overall density for the Village Residential designation is 5.1 dwelling units per gross acre. Village Residential uses are intended to be predominantly single family, with provisions for multi-family and senior housing, commercial uses, schools, and parks. The Unit 1 Plan area is not expected to accommodate all these uses; however, development of Unit 1 is not expected to preclude development of any of these uses in the Empire North CPD.

The policy requirements presented in the Empire North CPD (General Plan Exhibit III-6) are incorporated into this Specific Plan, as well as growth strategies for the planned urbanizing area. The City General Plan includes the following language relating to consistency of comprehensive plan policy with General Plan policy:

Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with general plan policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.

C. LAND USE PLAN SUMMARY

As shown in Table 2-2, the Empire North Unit 1 Specific Plan designates a total of 47.3 acres for Village Residential uses and 48.5 acres as open space in the Dry Creek CPD. The residential uses will be located in Sub-areas A and B and the Dry Creek CPD in Sub-area C.
Table 2-2. Land Use Summary for the Empire North Unit 1 Specific Plan

<table>
<thead>
<tr>
<th>Area</th>
<th>Acres</th>
<th>Residential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-area A - Village Residential</td>
<td>33.5</td>
<td>171</td>
</tr>
<tr>
<td>Sub-area B - Village Residential</td>
<td>13.8</td>
<td>70</td>
</tr>
<tr>
<td>Sub-area C - Open Space: Dry Creek CPD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-area C-1 - Floodplain - Aldrin</td>
<td>8.0</td>
<td></td>
</tr>
<tr>
<td>Sub-area C2 - Floodplain - Machado</td>
<td>8.8</td>
<td></td>
</tr>
<tr>
<td>Sub-area C3 - Floodplain - Swatman</td>
<td>13.3</td>
<td></td>
</tr>
<tr>
<td>Sub-area C4 - Floodplain - Powell</td>
<td>18.4</td>
<td>0*</td>
</tr>
<tr>
<td>Total residential (Sub-areas A and B)</td>
<td>47.3</td>
<td>241</td>
</tr>
<tr>
<td>Total open space (Sub-area C)</td>
<td>48.5</td>
<td>0*</td>
</tr>
<tr>
<td>Total Specific Plan area</td>
<td>95.8</td>
<td>241</td>
</tr>
</tbody>
</table>

* Note exception provided by Policy LU-4.

D. LAND USE PLAN DESIGNATIONS

LU-1. Development shall be required to be consistent with Figure 2-1, Specific Plan Land Use Designations and Table 2-1, which are hereby adopted into this Specific Plan. All subsequent development shall conform with these designated land uses.

The following sections describe the policies for Village Residential and Open Space uses that will guide development in the Unit 1 Plan area.

1. Village Residential

LU-2. The Village Residential general plan designation, which is incorporated into this Specific Plan, allows for a maximum of 241 units in subareas A and B, as shown in Table 2-2. Residential unit calculations are based on gross acreage.

LU-3. The Village Residential designation typically includes neo-traditional planning principles in project design. These principles are not considered applicable by the General Plan to Empire North Unit 1 because of the small developable area and configuration and location of the site, which make application of these principles impractical. Certain pedestrian-oriented features, such as walkways and access to Dry Creek open space, are incorporated into the Specific Plan. The majority of residential units in the Plan area will be
single-family dwellings conforming with Article 5, Low Density Residential Zone (R-1), of the City’s Planning and Zoning Code.

2. Open Space

The City’s General Plan addresses the need for a variety of open space as part of physical urban development. Policies in the City’s General Plan concerning open space are intended to preserve natural resources, promote public health and safety, and provide for a River Greenway Program. These policies are applicable to the Stanislaus and Tuolumne Rivers and Dry Creek, a tributary of the Tuolumne River. The Empire North Unit 1 Specific Plan addresses application of open space policies for Dry Creek.

LU-4. The Open Space general plan designation, which is incorporated into this Specific Plan, recommends low-impact recreational facilities, public ownership, and agriculture. In addition, low-density residential uses not exceeding one dwelling unit per 10 acres is a recommended residential density.

A supplemental City General Plan policy for the Empire North CPD states:

The Comprehensive Plan for the Comprehensive Planning District should incorporate open space and recreation opportunities along Dry Creek, as an extension of the Dry Creek Comprehensive Planning District. These may incorporate the River Greenway Program policies presented in Section B-6 of Chapter VII.

This policy is being implemented by the General Plan amendment for the Dry Creek CPD extension. River Greenway Program policies include protecting and enhancing visual corridors, incorporating public access points and pedestrian and bicycle paths into residential development, and protecting environmentally sensitive habitat areas from significant disruption of habitat values.

LU-5. The extension of the Dry Creek CPD through the Plan area provides the opportunity to add 48.5 acres to the existing 460-acre park that extends from the downtown area, south of Yosemite Boulevard to the SFR bridge over Dry Creek. Additional information about the extension of the Dry Creek CPD is included in Chapter 4, Section H.2., of this Specific Plan.

3. Specific Plan Overlay Zone

LU-6. The City General Plan contains policies that generally guide development of residential and open space uses and more specific standards and criteria that address the unique aspects of the Specific Plan area. To incorporate these specific criteria into the project design, the Specific Plan applies a Specific Plan-Overlay (SP-O) Zone to the Plan area.
Chapter 3. Standards and Criteria by Which Development Will Proceed

This chapter provides standards and criteria to be followed in the development of Empire North Unit 1, including supplemental development standards in compliance with Section 65451 (a)(3) of the California Government Code. This includes development standards for residential uses (i.e., minimum lot sizes, setbacks and height requirements), performance standards for noise attenuation, flood hazard, public safety and natural resource (biological and archaeological or historical) protection to address the unique features of the Plan area. Relevant General Plan policies addressing flood hazard, noise, and public safety and natural resource issues that affect the Plan area are presented in Table 3-1, followed by standards and criteria for residential development, use of open space, and supporting community facilities and services in the Empire North Unit 1 Plan area. For each of the general plan policies listed in Table 3-1, 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.

<table>
<thead>
<tr>
<th>General Plan Land Use Policy</th>
<th>Specific Plan Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>New urban development shall be approved only when the developer shows it to be protected from &quot;100-year&quot; floods. (Section C, p. VI-3)</td>
<td>The 100-year-flood zone for Dry Creek has been designated as open space and will not be developed for residential uses. (Specific Plan, Chapter 1)</td>
</tr>
<tr>
<td>Undeveloped floodway and floodplain areas shall be preserved for non-urban use. (Section C, p. VI-3)</td>
<td>The Dry Creek floodway and flood zone is now part of the Dry Creek CPD and will be preserved for non-urban uses. (Specific Plan, Chapter 1)</td>
</tr>
<tr>
<td>The Focused Environmental Impact Report, for any Comprehensive Planning District located within a &quot;Flood Potential Study Area&quot; on Figure VI-2, shall include a Flood Hazard Analysis developed to mitigate all of the Flood Hazard impacts identified in the Master Environmental Impact Report. (Section C, p. VI-3)</td>
<td>The Empire North CPD is within the Flood Potential Study Area and a flood hazard analysis, included in the focused EIR, mitigated all flood hazards identified in the Master EIR. (EIR, Chapter 3)</td>
</tr>
<tr>
<td>The results of the Flood Hazard Analysis shall be incorporated into the project design of any Comprehensive Plan. (Section C, p. VI-4)</td>
<td>The Dry Creek flood zone is part of the Dry Creek CPD and designated as open space. (Specific Plan, Chapter 2)</td>
</tr>
</tbody>
</table>
The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses . . . that minimize the exposure of [present and future] community residents to excessive noise." (Section 65302(f), Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (Section G, p. VII-16)

For all lands within the Planned Urbanizing Area, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area, as delineated on Figure 7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram).

Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City’s existing biological resources map for future planning purposes. (Section E, p. VII-8)

All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signage and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend. (Section E, p. VII-8)

A noise analysis, prepared by a qualified noise specialist, was performed for the focused EIR. The noise analysis, which included development of noise contours, was the basis for mitigation measures, including sound barriers along Parker Road. These noise mitigation measures are included in the EIR and policies to reduce noise impacts are included in the specific plan. (EIR, Chapter 3)

The Empire North CPD is within the Planned Urbanizing area and a site survey was conducted by a qualified biologist to determine the presence of any sensitive natural communities or species. The site survey did determine the presence of two sensitive species, Valley Elderberry Longhorn beetle (VELB) and Swainson’s hawk. Mitigation measures to reduce impacts on these species to a less-than-significant level are included in both the specific plan and the EIR.

Follow up surveys to determine whether Swainson’s Hawk are nesting on the project site are required in the project EIR. Any significant results from those surveys will be recorded onto the city’s existing biological resources map. (EIR, Chapter 3)

Most of the habitat found to contain or potentially contain sensitive species is within the area designated as open space, within the easterly extension of the Dry Creek CPD. A portion of Subarea A contains elderberry bushes, which provide suitable habitat for the VELB. Setbacks from the habitat, to protect the VELB, have been incorporated as mitigation measures in the EIR and are included in the policy summary of the specific plan. These measures are designed to protect habitat that contributes to the long-term conservation of sensitive species and ecosystems. (EIR, Chapter 3)
Where formally listed species are determined present, consultation shall be carried out with the CDFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated. (Section E, p. VII-9)

The VELB is a species listed as threatened under the federal Endangered Species Act. Swainson’s hawk is state listed as threatened under the California Endangered Species Act. Mitigation for VELB impacts includes obtaining a Section 10a permit from the USFWS. Mitigation for Swainson’s hawk includes complying with California Department of Fish and Game Code Section 2081. These measures will provide for agency consultation in accordance with the state and federal endangered species acts. (EIR, Chapter 3)

Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report. (Section E, p. VII-9)

Other implementation measures to be implemented include avoiding disturbance to nesting Swainson’s hawk. (EIR, Chapter 3)

For all proposed development within an archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.

Where proposed development could affect the resources, the City shall consult Table 8-1 in the Master Environmental Impact Report for the steps to be implemented. (Section F, p. VII-10)

The Empire North CPD is within the City’s archaeological resource study area. A records search for the area within a 1-mile radius of the site was conducted at the Central California Information Center at Turlock. The search did not locate any formally recorded archaeological or historical sites within the search area. A cultural resources surface field reconnaissance was also conducted. Results of the field reconnaissance are documented in the EIR. (EIR, Chapter 3, Section D.)

Provisions for consulting Table 8-1 in the Master Environmental Impact Report have been incorporated into the EIR. (EIR, Chapter 3, Section D.)

A. IMPLEMENTATION OF LAND USE AND DEVELOPMENT STANDARDS

This section describes how the Specific Plan meets Government Code Section 65451(a) (3), specifically related to Development Regulations. This section also describes how the Specific Plan assists in the implementation of the Specific Plan Overlay Zone (SP-O Zone) (Article 19, Sections 10-2.1901 through 10-2.1905 of the Modesto Municipal Code).

1. Purpose and Intent of the Specific Plan Overlay Zone

The purpose of the SP-O Zone is to permit residential development within the Empire North Unit Specific Plan area.
2. Application of the SP-O Zone

LU-7. The City Zoning map as allowed by Section 10-2.305 of the Modesto Municipal Code, “The Zoning Map”, shall indicate SP-O zoning for the area of the Empire North Unit 1 Specific Plan designated for Village Residential Uses.

3. Effect of the SP-O Overlay Zone

LU-8. Development regulations within the Empire North Unit 1 Specific Plan shall correspond exactly to those regulations specified in Title X of the Modesto Municipal Code for the Low-Density Residential Zone (R-1), Article 5. These development regulations include permitted uses, plot plan uses, conditional uses, home businesses, garage sales, animals and fowl, height, front side and rear yards, street frontage, area, and lot width and lot coverage requirements.

4. Exceptions Adopted by This Specific Plan

LU-9. Any development proposed within 300 feet of the Dry Creek CPD shall conform to the following additional regulations, which shall be included on the tentative subdivision map:

a. Lots adjacent to Dry Creek. Lots that back up to Dry Creek are not required to have fences. However, if rear-of-lot fencing is built, it shall be of a wrought iron, see-through variety.

b. Open Space Easements. The area below the 100-year floodplain line on any subdivision map shall be included in an open space easement and shall be encumbered with the following conditions:

1. The easement shall be granted to the City with maintenance of the easement to be assumed by the homeowners of each lot or homeowners association.

2. Plant life, including but not limited to trees, shrubs, and grasses shall not be removed except with the prior approval of the City Parks and Recreation Director.

3. The “Open Space” area shall be maintained in its natural state.

4. The area shall be kept free of trash and refuse and shall be maintained in a visually attractive state.
5. The 100-year floodplain shall be shown on the final map.

6. The form of the “Open Space Easement” shall be prepared to the satisfaction of the City Attorney and recorded with the final map.

5. Subsequent Exceptions to Development Regulations

LU-10. The Planning Commission may grant exceptions to any of the development regulations listed above, by resolution, based on the following considerations:

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

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

b. Exception Examples. Examples of such exceptions may include, but are not limited to, the following proposals:

1. Lot sizes smaller than 5,000 square feet.
2. Condominiums/community apartment projects/stock cooperatives.
3. Subdivisions with private streets, including gated subdivisions.
4. Senior housing facilities.
5. Residential care facilities.
6. Neighborhood commercial uses.
7. Attached housing.

c. Submittal Requirements. An application to the Planning Commission to adopt further exceptions to development standards shall include the following submittals:

1. A development plan and any elevations, perspectives, or floor plans necessary for project evaluation as determined by the Director.
2. A development schedule.
3. A tentative subdivision map if the project contains residential units.

d. Conditions. In granting any exceptions, the Planning Commission may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health safety or welfare. Examples of conditions are height, signs, lot coverage, yards, and density and parking requirements.
B. ENVIRONMENTAL PROTECTION MEASURES

A focused EIR prepared for Empire North Unit contains mitigation measures that are identified as policies in this Specific Plan. Mitigation measures derived from the focused EIR ensure that environmental impacts are offset to the maximum extent feasible.

1. Noise

Noise from Parker Road and the SFRR will affect the Plan area. Noise impacts from the segment of Parker Road adjacent to the Specific Plan area have been estimated based on 2015 traffic projections for Parker Road west of Santa Fe Avenue. Train noise contours have been taken directly from Figure 3-2 of the General Plan noise element. Figure 3-1 of the Specific Plan depicts noise contours on the project site from traffic on Parker Road and train passages on the SFRR track along the west side of the project site. Noise from these sources exceed the City’s standard of 60 dB-L_{dn} for residential development and the 65-dB L_{dn} threshold that triggers additional study for projects exposed to noise.

Noise from aircraft using the East Side Mosquito Abatement District (District) airstrip to the northwest also affects the Plan area. A study has been conducted to evaluate aircraft noise impacts on the Plan area. Because of the type of aircraft used and the low volume of operations, noise contours or single-event noise levels could not be developed. However, the study concludes that significant noise impacts would occur in the Plan area.

EP-1. Interior Noise Reduction. Design of the proposed residential building shells will be evaluated to ensure that interior noise levels resulting from traffic, trains, and aircraft are 45-dB L_{dn} or less. Special construction design features needed to meet this interior noise level will be specified. Although design features (e.g., acoustical insulation) are available to address interior noise resulting from aircraft flyovers, design features to address significant exterior noise impacts from aircraft are not available.

The following Specific Plan Noise Policy shall be implemented to inform new residents of noise from the airstrip; however, this measure will not reduce the impact of exposure to noise from the airstrip to a less-than-significant level.

EP-1(a). The Aviation Easement required by Policy EP-7 shall also provide notice to future residents in Sub-area A regarding potential noise impacts caused by the airstrip.
2. Biological Resources

Development associated with the Specific Plan could result in potentially significant impacts on sensitive plant and wildlife habitats and species in the Plan area, including impacts on VELB located in Sub-area C and loss of Swainson's Hawk foraging habitat in A and C. Impacts on biological resources shall be mitigated by implementing the following Specific Plan Environmental Protection Policies, listed below; note that either EP-2 or EP-3 needs to be implemented.

EP-2. Development within Sub-area C will avoid VELB habitat (i.e., elderberry shrubs) by prohibiting construction activities within 20 feet of elderberry shrubs. The tentative map will be designed to show the setback of 20 feet from the elderberry shrubs where no construction or disturbance shall occur. The City will ensure that this setback is shown on the tentative map and that construction and disturbance are prohibited in the setback during site development,

OR

EP-3. As an alternative to EP-2, Section 10a permits under the federal Endangered Species Act will be obtained by the proponent of any development that could affect VELB in Sub-area C. A Section 10a permit allows take of a listed species if a VELB mitigation plan (as outlined in Appendix E of the focused EIR) is prepared and implemented.

Potential impacts on habitat for Swainson's hawk shall be mitigated by implementing the following policies.

EP-4. A qualified biologist, as approved by DFG, shall be retained to conduct a Swainson's hawk survey within one year before commencing development within any of the three sub-areas of the site. If nesting Swainson's hawks could be affected by the project, nest monitoring by a qualified biologist during construction, as required by DFG, shall be conducted. Construction activities will be modified to avoid disturbance. Follow-up surveys should be conducted each construction year.

EP-5. Mitigation for the loss of Swainson's hawk foraging habitat, resulting from development of Sub-areas A or C, may consist of providing replacement habitat, payment of in-lieu fees for land acquisition in compliance with California Department of Fish and Game Code Section 2081, or other measures acceptable to DFG and the City (see Appendix E of the focused EIR).
3. Archaeological or Cultural Resources

Development of Sub-area B of the Empire North Unit 1 area could result in potential impacts on archaeological or historical resources. The following Specific Plan Environmental Protection Policy, shall be followed to reduce such impacts.

EP-6. A preliminary surface field reconnaissance will be conducted in Sub-area B prior to submittal of the tentative map for this area to identify any areas containing prehistoric deposits. Impacts to areas of significant resources that could be affected by development will be mitigated by adhering to the procedures presented in Table 8-1 of the Master EIR.

4. Public Safety

Analysis of aviation related public safety issues is based on the Shutt Moen Associates report (1996) and describes how development of the Empire North Unit 1 near the East Side Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to the operation of the District airstrip near proposed residential development are: 1) hazards to flight, 2) safety on the ground, and 3) exposure to hazardous materials. The following Specific Plan Environmental Protection Policies, shall be followed to address aviation-related public safety impacts.

EP-7. An avigation easement shall be dedicated in Sub-area A that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77.

EP-8. The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.).

The minimum open space for the emergency landing strip should be approximately 75 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles, structures, and overhead lines.
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.

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
<table>
<thead>
<tr>
<th>General Plan Land Use Policy</th>
<th>Specific Plan Compliance</th>
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</thead>
<tbody>
<tr>
<td>Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V. (Section D, p. III-13)</td>
<td>The Empire North Unit 1 Specific Plan addressed sanitary sewer service for proposed new development. Provisions for extension of City sanitary sewer service to serve the site are described in the specific plan. (Specific Plan, Chapter 4)</td>
</tr>
<tr>
<td>During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5-1 in the Final Master Environmental Impact Report for potential techniques to reduce potable water demand. (Section C, p. V-12)</td>
<td>The Empire North Unit 1 Specific Plan policies include: measures approved by the City to reduce potable water demand for the project; additional water conservation measures contained in City policies; and consideration of water conservation programs considered necessary and appropriate by the City. (Specific Plan Policies)</td>
</tr>
<tr>
<td>The City of Modesto will require each new development project to be served with public sanitary sewers. (Section D, p. V-15)</td>
<td>The Empire North CPD shall be served by the City's sanitary sewer service. Provisions for the extension of sewer services to serve the project site have been incorporated in the specific plan. (Specific Plan Policies)</td>
</tr>
<tr>
<td>The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities. General Plan Figure V-3 presents a diagram that indicates the sanitary sewer trunks necessary to serve each Comprehensive Planning District listed in Chapter III. (Section D, p. V-15)</td>
<td>The extension of wastewater facilities necessary to serve the project are consistent with the sanitary sewer trunk system shown in General Plan Figure V-3. (Specific Plan Policies)</td>
</tr>
<tr>
<td>All of the Storm Water Drainage Policies for the Baseline Developed Area apply within the Planned Urbanizing Area. (Section E, p. V-16)</td>
<td>The City’s Storm Water Drainage Policies for the Baseline Developed Area have been incorporated in the Empire North Unit 1 Specific Plan. (Specific Plan Policies)</td>
</tr>
<tr>
<td>The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state. The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Section E, p. V-17)</td>
<td>The Empire North CPD shall be served by a positive storm drainage system adequate to discharge storm waters to surface waters of the state. The Empire North Unit 1 Specific Plan includes policies to require compliance with the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Specific Plan Policies)</td>
</tr>
<tr>
<td>The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80% of the average annual runoff. Recharge shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Section E, p. V-17)</td>
<td>The Empire North Unit 1 Specific Plan includes a policy to require that storm drainage facilities shall recharge 80% of the average annual runoff to groundwater, using recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Specific Plan Policies)</td>
</tr>
<tr>
<td><strong>Table 4-1. Continued</strong></td>
<td><strong>The Empire North Unit 1 Specific Plan includes a policy to require that runoff in excess of groundwater recharge shall be discharged to waters of the state. (Specific Plan Policies)</strong></td>
</tr>
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<td>--------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>New areas shall be designed so that runoff in excess of groundwater recharge in Policy 3.c. shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph. (Section E, p. V-17)</td>
<td>The Empire North Unit 1 Specific Plan includes provisions for extending the City’s park system into the Empire North CPD. These provisions are consistent with City policies and standards for parks and with relevant policies for the Empire North CPD. (Specific Plan, Chapter 1)</td>
</tr>
<tr>
<td>The policies and standards for the development of the park system within the Planned Urbanizing Area differ in several respects from those in the Baseline Developed Area. These policies and standards will be implemented through each “Comprehensive Plan”, in conjunction of the relevant “Comprehensive Planning District” policies presented in Chapter III. (Section G, p. V-21)</td>
<td>The City fire marshall has determined that adequate fire stations, apparatus, equipment and personnel are available to provide emergency response to the project area. (EIR, Chapter 3)</td>
</tr>
<tr>
<td>The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area. (Section K, p. V-29)</td>
<td>No fire station sites or facilities are proposed within the specific plan area. Development of the specific plan area would not preclude coordination of fire station sites or facilities with other public facilities. (EIR, Chapter 3)</td>
</tr>
<tr>
<td>Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities. (Section K, p. V-29)</td>
<td>The Specific Plan area will be served by the City of Modesto Fire Department. The fire department emergency response system and staffing levels will be expanded to adequately serve the specific plan area, consistent with City facility and service standards. (EIR, Chapter 3)</td>
</tr>
<tr>
<td>The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards: (a) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95% of all cases. (1) The first fire emergency response unit arrives within 6 minutes of dispatch. (2) A full alarm assignment arrives within 10 minutes of dispatch. (3) A second alarm assignment arrives within 15 minutes of dispatch. (b) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2. (Section K, p. V-30)</td>
<td>The Empire North CPD is within the City’s Planned Urbanizing Area. The Specific Plan contains a solid waste disposal policy that states that the city will provide collection and disposal services for all solid waste. This is based on a determination that adequate capacity exists for the solid waste that would be generated by the project. (Specific Plan Policies)</td>
</tr>
<tr>
<td>In conjunction with the processing of a Comprehensive Plan within the Planned Urbanizing Area, the city shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project. (Section L, p. V-32)</td>
<td>Development within the specific plan area shall comply with minimum fire-flow requirements, which shall be determined as part of tentative map approval. (Specific Plan, Chapter 3)</td>
</tr>
<tr>
<td>New development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards. (Section D, p. VI-4)</td>
<td></td>
</tr>
</tbody>
</table>
Within the **Planned Urbanizing Area**, development of new parkland and open space shall be accomplished through the application of specified performance standards presented in Section V-G(3). (Section B, p. VII-2)

Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.

The Comprehensive Traffic Study shall include the following components:

(a) Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director.

(b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)

Developers of residential projects that are subject to the following policies (39 through 43, below) should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc., will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities. (Section H, p. V-24)

The Empire North Unit 1 Specific Plan Focused EIR contains a comprehensive traffic study, as directed by the Public Works Director. The study includes analysis and mitigation measures to ensure that the City's level of service standards are maintained for Parker Road and intersections within the CPD. Other external roadway segments and intersections were also analyzed to determine project impacts. Mitigation measures to maintain the City's level of service standards for those external roadway segments and intersections analyzed have been incorporated into the EIR and also are included as policies in the specific plan. (EIR, Chapter 3, Section A)

The project applicant has contacted Modesto City Schools to discuss potential school impacts of the project. The preliminary discussion included the potential housing mix and the need for a school mitigation plan. The potential school impacts of the project are analyzed in the Empire North Unit 1 Specific Plan Focused EIR. (EIR, Chapter 3, Section H)

The Empire North Unit 1 Specific Plan Focused EIR was routed to the Modesto City School District for review and comment. The School District's comments and responses will be included in the final focused EIR. (EIR, Chapter 3, Section H)

<table>
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<tbody>
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<td>Within the <strong>Planned Urbanizing Area</strong>, development of new parkland and open space shall be accomplished through the application of specified performance standards presented in Section V-G(3). (Section B, p. VII-2)</td>
</tr>
<tr>
<td>Development within the Empire North Unit 1 Specific Plan area shall provide for parkland and open space as specified in City performance standards. (Specific Plan, Chapter 4)</td>
</tr>
<tr>
<td>Prior to the adoption of each Comprehensive Plan, a &quot;Comprehensive Traffic Study&quot; shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.</td>
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</tr>
<tr>
<td>Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for &quot;review and comment&quot; in conjunction with the preparation of the required Focused Environmental Impact Report. (Section H, p. V-24)</td>
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<tr>
<td>The Empire North Unit 1 Specific Plan Focused EIR was routed to the Modesto City School District for review and comment. The School District's comments and responses will be included in the final focused EIR. (EIR, Chapter 3, Section H)</td>
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</tbody>
</table>
Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA. (Section H, p. V-25)

If it is determined that a proposed residential project may have a significant effect on a school district's facilities, the Focused EIR shall analyze this impact. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc. (Section H, p. V-25)

The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

If the City does not receive said written notification prior to a deadline set by the City, the City Council will review the final mitigation proposals by school district(s) and project applicant. This review will be done in light of the EIR (Focused or otherwise) completed for the project. The City Council may determine whether (a) the project impact on school capital facilities is fully mitigated based on any or all of the proposals, or (b) if specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (Focused or otherwise), addressing the impact on public school capital facilities. (Section H, p. V-25)

Policies 39 through 43 shall apply when:

(a) A residential project seeks the approval of a General Plan Amendment, rezoning, prezoning, annexation, Comprehensive Plan, or other legislative act;
(b) The project is located on property classified as Planned Urbanizing Area on the Growth Strategy Diagram;
(c) A school district has imposed school mitigation fees pursuant to Government Code Section 53080; and
(d) A school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding. (Section H, p. V-25)

The project applicant has been directed by the City to develop a school mitigation plan acceptable to the Sylvan Union School District and Modesto City School District. Preparation of the mitigation plan is a condition of approval for the project and is included as a policy in the specific plan. (EIR, Chapter 3)

The Sylvan Union School District and Modesto City School District provided the City with their requirements for mitigating school impacts. The City has directed the project applicant to prepare a mitigation plan addressing school impacts. The school districts will provide written notification of mitigation upon acceptance of the applicant's school mitigation plan. (EIR, Chapter 3)

The conditions referred to in the corresponding general plan policy are applicable to the Empire North Unit 1 Specific Plan. (No Reference)
4-Lane Minor Arterial Street Standards for Parker Road Project Frontage
proximity of Dry Creek to Parker Road in this area means that the additional right-of-way needed for the expressway will have to be developed on the north side of Parker Road. Development of this expressway will be a responsibility of the City and County, using a variety of funding sources, including Capital Facilities Fees which will be collected in conjunction with development in this Specific Plan.

The internal street system for all subsequent development in this Specific Plan will be designed in accordance with Section 3 of the City of Modesto Standard Specifications.

The following Specific Plan Public Facilities Policies shall be followed to provide safe and adequate transportation facilities for those residing in the development and affected by it.

2. Transportation Policies

PF-1. Parker Road shall be improved as shown in Figure 4-1.

PF-2. Improvements and access points for Parker Road shall be coordinated with the facilities and plans of the California Department of Transportation, Stanislaus County, and any other relevant jurisdiction.

PF-3. Specific Plan public street rights-of-way, necessary to implement the circulation and transportation policies of the City's General Plan, shall be dedicated to the City.

PF-4. Specific Plan streets shall be designed with adequate widths and corner radii to allow fire equipment and school buses to negotiate the streets.

PF-5. Neighborhood street networks shall allow for local trips to be completed as much as possible without the use of collector or arterial streets.

PF-6. The development shall follow guidelines for private property access to arterial and collector street systems.

PF-7. Access to Parker Road shall be aligned with existing access points on the north side of Parker Road or should be offset at least 400 feet.

PF-8. Residential areas shall include safe and convenient pedestrian facilities to encourage walking as an alternative mode of transportation.

PF-9. An adequate and safe bicycle system shall be provided to connect the Specific Plan area with shopping and employment areas in and adjacent to the City, including rights-of-way on new public streets.
C. WASTEWATER COLLECTION AND TREATMENT

Wastewater collection and treatment is a community service essential to protect the public health and environment. The objective of the City’s wastewater system is to meet increasingly strict wastewater regulations in a cost-effective manner. As water continues to become scarce in California, reclaiming wastewater will create opportunities to optimize the region’s water resources. (City of Modesto 1995.)

1. Distribution, Location, Extent, and Intensity

Development in this Specific Plan will be served by the City of Modesto’s sanitary sewer system. Connection to this system will include a lift station at Parker Road in the northwest corner of the site, with a 8-inch diameter force main to the 8-inch sanitary line at Held Drive and Parker Road. Individual development projects within the Specific Plan area will have a sewer system developed in accordance with Section 6 of the City of Modesto Standard Specifications.

The Specific Plan Wastewater Policy, listed below, shall be followed to provide for the needs of future residents and those residing in the surrounding area and ensure the longevity of the wastewater system and available resources.

2. Wastewater Policy

PF-10. Residential uses shall be served by public sanitary sewers and will be connected to the service system developed for the Specific Plan area. This system includes a lift station at Parker Road in the northwest corner of the site, with a forced main to the 8-inch sanitary line at Held Drive and Parker Road. This line discharges into the Lakewood Sanitary Sewer Trunk at Orangeburg Avenue and Pepper Tree Lane via the 8-, 12-, and 18-inch lines on Orangeburg Avenue.

Only such wastes that can be treated by the wastewater system, without upsetting or interfering with the system, or threatening to do so, shall be discharged to sanitary sewers.

D. WATER DELIVERY

The City, Modesto Irrigation District, and Del Este Water Company have developed a new surface water supply, ultimately a 60 million-gallon-per-day water treatment plant. This will be used to stabilize the City’s historical groundwater overdraft. This conjunctive groundwater-surface water management plan will allow Modesto to continue to serve current customers and plan for future expansion. (City of Modesto 1995.)
1. Distribution, Location, Extent, and Intensity

Water for development in this Specific Plan will be provided by the City of Modesto. The primary connection to the municipal water system will be through a 10- or 12-inch diameter line located in Parker Road. Individual developments within this Specific Plan will have water delivery systems developed in accordance with Section 5 of the City of Modesto Standard Specifications.

2. Water Delivery Policies

PF-11. Measures approved by the City to reduce potable water demand shall be included in the water system design.

PF-12. The Specific Plan shall incorporate additional water conservation measures contained in City policies and consider water conservation programs considered necessary and appropriate by the City.

PF-13. The City shall supply all required municipal water to the Unit 1 Plan area.

E. STORMWATER DRAINAGE

Dry Creek, an unregulated, intermittent stream, flows through the Plan area. Dry Creek is a tributary of the Tuolumne River, joining it approximately 5.5 miles downstream of the SFRR bridge. Flow in Dry Creek is highly variable, with peak discharge occurring during winter storms and no flow periods in summer. Sub-area C of the development is contained in a 100-year floodplain as shown in Figure 4-2.

1. Distribution, Location, Extent, and Intensity

Development in this Specific Plan will be served by a positive storm drainage system. The system will be developed in accordance with the Specific Plan Stormwater Drainage Policies contained in the Specific Plan Policies section of this Specific Plan. Individual development projects in this Specific Plan will develop the storm drainage system in conformance with these Policies and with Section 7 of the City of Modesto Standard Specifications.

2. Stormwater Drainage Policies

PF-14. The Specific Plan drainage includes positive storm drainage systems, which may include catch basins, pipe lines, channels, recharge/detention basins, and pumping facilities.
Figure 4-2
Floodplain Boundary

Specific Plan Boundary
Floodplain per
FEMA-FIRM Panel 295

Portions of Property Ownerships
Located within the 100-Year Floodplain Limits of Dry Creek

C1

Creek Bank

Property Lines

Jones & Stokes Associates Inc.
which discharge stormwater to surface waters of the state. These drainage facilities shall comply with the drainage facility requirements presented in Table 9-1 of the City's Master EIR.

PF-15. Storm drainage facilities shall recharge 80% of average annual stormwater runoff, using recharge/detention basins designed to comply with federal and state surface water and groundwater quality regulations.

PF-16. Stormwater runoff that does not recharge the groundwater shall be discharged to waters of the state. This discharge will not cause the receiving waters to exceed the undeveloped storm hydrograph.

PF-17. Water pollution from urban storm runoff will be prevented (as established by the Central Valley Regional Water Quality Control Board for surface discharges and the U.S. Environmental Protection Agency for underground injection).

PF-18. The 100-year floodplain of Dry Creek shall be designated as open space and prohibit:

a. the addition of structures, landscaping (e.g., berms), or other appurtenances in the Dry Creek floodplain that would reduce storage capacity of the floodplain for stages equal to or less than the 100-year flood event.

b. the addition of structures, landscaping, or other appurtenances in the Dry Creek floodway that would reduce the conveyance capacity of the floodway or cause reductions in the velocity of streamflow at stages equal to or less than the 100-year flood event.

F. SOLID WASTE DISPOSAL

Section 41780, Division 30, of the Public Resources Code, requires that 25% of solid waste be diverted away from landfills by 1995, and 50% by 2000. While it is up to each municipality to determine how to accomplish this, suggested methods of waste reduction include source reduction, recycling, composting, and transformation. These methods can take a variety of forms, including composting at the waste generation site, education, curbside recycling, and multi-media campaigns.

1. Distribution, Location, Extent, and Intensity

Solid waste disposal for this Specific Plan will be provided pursuant to Chapter 5 of Title V of the Modesto Municipal Code. Individual development in this Specific Plan area will comply with the standards and regulations contained in Chapter 5 of Title V.
2. Solid Waste Disposal Policies

PF-19. The City will provide collection and disposal services for all solid waste.

PF-20. Solid waste reduction measures shall be incorporated into residential development design.

PF-21. Residential design shall incorporate additional solid waste reduction measures contained in City policies and will comply with other solid waste reduction programs that are considered necessary and appropriate by the City.

G. ENERGY

The California Environmental Quality Act (CEQA) identifies energy conservation as a goal in community development (City of Modesto 1995). The Specific Plan Energy Policies, listed in the Specific Plan Policies section, will meet the needs of the residents and help to conserve energy.

1. Distribution, Location, Extent, and Intensity

Electric service for this Specific Plan will be provided by Modesto Irrigation District. Gas service will be provided by Pacific Gas and Electric Company. Telephone service will be provided by Pacific Bell. Cable television service will be provided by Post-Newsweek Cable.

Development in this Specific Plan will provide for the extension of these utilities in compliance with Section 8 of the City of Modesto Standard Specification, and with the standards of the individual utility companies.

2. Energy Policies

PF-22. Electricity will be provided by Modesto Irrigation District.

PF-23. Natural gas will be purchased from Pacific Gas and Electric Company.

PF-24. The shade trees included in the residential area landscape plans will be planted as proposed.
H. OPEN SPACE AND PARKS

In Modesto, open space is provided through a comprehensive network of regional, community, and neighborhood parks. The neighborhood and community park needs of future residents of the Plan area are discussed below. Regional park needs are expected to be met primarily by the Dry Creek CPD, adjacent to the south of the Plan area, as described in Chapter 1, Section E of the Specific Plan. City standards for neighborhood and community parks are described in the following section.

1. Neighborhood and Community Park Standards

The City of Modesto General Plan includes standards for both neighborhood and community parks. These standards are as follows.

- **Planned Urbanizing Area - Neighborhood Park Standards.** The City will endeavor to provide at least one neighborhood park within each residential neighborhood. The park should be centrally located within the neighborhood and have a service radius of one half to three quarters of a mile.

  The park should have one connector street frontage and the remaining sides should front on residential streets.

  The minimum size for a neighborhood park shall be SEVEN ACRES or the total acreage based on ONE ACRE OF PARK LAND PER ONE THOUSAND POPULATION within the neighborhood, whichever is greater.

- **Planned Urbanizing Area - Community Park Standards.** The Community Park Service Area is that area within a radius of approximately one to one-and-one-half miles of the park site. The park should have one major street frontage and the remaining sides should front on residential streets. Parks should not backup to residential lots.

  The minimum size for a community park should be FORTY ACRES or the total acres based on TWO ACRES OF COMMUNITY PARK LAND PER ONE THOUSAND POPULATION within the Community Park Service Area.

2. Dry Creek CPD

The City’s General Plan policies related to natural resources and open space are intended to preserve and protect wildlife and habitat values, as well as provide public access to open space in a natural state. These General Plan policies are most applicable to Sub-area C of the Plan area, which includes the creek course, riparian corridor, and adjacent floodplain area, and which is
generally located between the bluff lines along the north and south side of Dry Creek. This area is approximately 48.5 acres in size and is the easternmost portion of the Dry Creek CPD. The entire Dry Creek CPD, which is 509 acres in size and extends along the creek into the downtown area, is designated Open Space in the City’s General Plan. The Dry Creek CPD is described in more detail in Chapter One.

The City’s General Plan CPD policy for the project site indicates that the project should incorporate open space and recreational opportunities along Dry Creek, as an extension of the Dry Creek CPD. The Dry Creek CPD extension has been accomplished by a general plan amendment. The Dry Creek CPD references the riparian habitat preservation and access policies, which are required to be incorporated into the regional park CPDs (page IV-11-11 of the City’s Master EIR and page VII-4 of the City’s General Plan).

3. Open Space and Parks Policies

PF-25. The developers of projects within the plan area will be required to pay Capital Facilities fees to the City, prior to issuance of building permits. This requirement, which is included in the specific plan policies, is intended to provided funding for land acquisition and park construction by the City.

PF-26. Any private entity or public agency constructing improvements within the designated open space of the Dry Creek CPD will incorporate protection and enhancement measures into their development plan for the area designated as the Dry Creek CPD. These measures include a riparian protection and maintenance plan with a trail diagram, dedication requirements to guarantee permanent access to Dry Creek open space, a maintenance and operations program, and trail and accessway standards. These measures shall be consistent with the open space policies presented in Action VII-B-G and VIIIB-2 of the General Plan.

I. SCHOOLS

The project proponent for one parcel within the Specific Plan has held independent conversations with the Modesto City Schools and the Sylvan Union School District, indicating that at least a portion of the Specific Plan area may be proposed senior housing. Exact definitions of “senior housing” have not yet been provided to the City or the affected school districts. The following Specific Plan school policy is hereby established.

1. Schools Policy

PF-27. A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello Roos District shall be required prior to final map or development plan approval.
J. FIRE, POLICE, AND OTHER SERVICES

1. Service Policy

PF-28. Fire and police services will be provided by the City, as well as service and maintenance for parks, water, sewer, public streets, and general city government services.
Chapter 5. Implementation and Financing

A. PLAN IMPLEMENTATION

As shown in Table 5-1, the Empire North Unit 1 Specific Plan defines the implementation measures that will guide development within the Plan area.

The portion of the Plan area proposed for residential use is divided into two subareas. Development of Sub-area A is expected to precede development of Sub-area B. No phasing within these sub-areas is proposed. Infrastructure for each sub-area will be developed concurrently with residential development on a pay-as-you-go basis.

Offsite Improvement Policy

I-1. The only offsite improvements are widening of Parker Road and extension of a City sewer line, from Held Road to the Plan area. These improvements will be made concurrently with development.

1. Actions Required for Implementation of the Empire North Unit 1 Specific Plan

The following actions are required prior to development of land uses proposed in the Specific Plan:

a. Approval of tentative and final subdivision maps.

b. Adoption of prezoning prior to annexation.

c. Annexation of the Specific Plan area to the City and Modesto Municipal Sewer District, and simultaneously detaching this property to other applicable districts.
2. Tentative and Final Subdivision Map Approvals

I-2. Implementation of residential uses in the Plan area will require processing of a tentative map. The tentative map process is governed by the City's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et seq.). Tentative and final subdivision map approval requires conformance to the requirements of the Specific Plan and must be consistent with the mitigation measures of the final focused EIR. Residential development projects may be submitted for development plan review following final subdivision map approval.

3. Implementation of Land Use and Development Standards

I-3. Residential land use and development standards for Empire North Unit 1 will be regulated through the City Planning and Zoning Ordinance R-1 classification, as modified by the SP-O Zone. R-1 will be the Principal Underlying Zone for designated residential areas, in accordance with Article 19, Sections 10-2.1901-05 of the City Planning and Zoning Ordinance. See Policies LU-2 and LU-3 for more details.

4. Specific Plan Amendment Process

From time to time, certain amendments to the Specific Plan may become necessary in the judgement of the City.

I-4. The following steps shall be completed to amend the Empire North Unit 1 Specific Plan:

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

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

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

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

e. Both the Planning Commission and City Council must hold public hearings on specific plan amendments (in accordance with Section 65453 of the State Government Code).

B. FINANCING

The major offsite infrastructure improvements necessary for development of the Plan area are limited to a sewer line extension and improvements to Parker Road. These improvements are expected to be built by the City and repaid by property owners when development occurs. All financing of onsite improvements required to implement development in the Plan area will be provided concurrently with development of the sub-areas on a pay-as-you-go basis.

1. Purpose of Financing Strategy

The Modesto Urban Area General Plan contains the following policy statement:

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

The financing strategy addresses this policy, focusing on the specific needs of Empire North Unit 1.
2. Characteristics of Empire North Unit 1 That Simplify the Financing Strategy

Empire North Unit 1 has several characteristics that simplify public facility funding issues. They are as follows:

a. Its Relatively Small Size. Due to the small size of Empire North Unit 1 (approximately 96 acres), there are no significant public facility deficiencies that cannot be remedied through the typical subdivision process.

b. Few Property Owners and Independent Facility Requirements. There are only two property owners with developable area in Unit 1. Only one owner is proposing development concurrent with the Specific Plan. Each of the properties will be able to provide facilities and develop independent of one another. For this reason, coordination among property owners is not necessary to ensure adequate facilities in the project area. When seeking development approvals, each property owner, upon adoption of the Specific Plan, will be bound to the following set of agreements:

1. Infrastructure improvements shall be built according to the location, size, capacity, and design described in the Specific Plan.

2. Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other property owners benefiting from such improvements.

3. Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra cost of direct benefit to an owner other than the one making the improvements.

4. Each property owner shall be responsible for the costs of all improvements actually shown on a tentative map subdivision application.

c. Adjacent to Existing Urban Development. Empire North directly fronts on Parker Road. Development will require improvements along this street, but generally speaking, no significant offsite road widenings will be necessary. Similarly all other urban facilities are available to the site. Therefore, the normal subdivision process of the City of Modesto will ensure the timely provision of urban services to each development project.

d. Minimal Offsite Requirements. The following offsite requirements are required for the buildout of Empire North Unit 1:

Sanitary Sewer - increased pipe capacity between the Plan area and Held Road.

Water - none, water is available at the site.

Streets - no street improvements in addition to the Parker Road frontage are required.
Traffic Signals - no additional traffic signals are required

Storm Drainage - no offsite facilities are required.

Schools - no offsite school improvements are required.

3. Public Facility Funding Sources Are Sufficient

The Empire North Unit 1 Specific Plan provides a sufficient level of direction for public improvement and community facility requirements. Infrastructure improvements and their specifications are presented in the Specific Plan.

F-1. The following financing measures will be used to provide infrastructure in Empire North Unit 1.

<table>
<thead>
<tr>
<th>Facility</th>
<th>Funding Source</th>
<th>Net Cost to City</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets: onsite</td>
<td>Developer dedication</td>
<td>Not applicable, as the developers will provide 100%</td>
<td>See Chapter 4, section B and</td>
</tr>
<tr>
<td></td>
<td>and improvement of all onsite streets,</td>
<td>financing for these improvements</td>
<td>Figure 4-1</td>
</tr>
<tr>
<td></td>
<td>unless they are private.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Streets: offsite</td>
<td>Capital Facilities fees (CFF)</td>
<td>None: City staff believes CFF is sufficient to pay project's</td>
<td>See Chapter 4, section B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>fair share of offsite improvements</td>
<td></td>
</tr>
<tr>
<td>Sanitary Sewer</td>
<td>Existing City fees, developer requirements</td>
<td>None because citywide user and connection fees, which are</td>
<td>See Chapter 4, section C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>updated from time to time, are sufficient to pay for needed</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>sewer facilities</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>Existing City fees, developer requirements</td>
<td>None because citywide user and connection fees, which are</td>
<td>See Chapter 4, section D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>updated from time to time, are sufficient to pay for needed</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>water facilities</td>
<td></td>
</tr>
<tr>
<td>Stormwater Drainage*</td>
<td>Existing City fees, developer requirements</td>
<td>None because development will provide 100% financing for these improvements</td>
<td>See Chapter 4, section E</td>
</tr>
<tr>
<td>Schools</td>
<td>Developer agreement with school districts</td>
<td>None because collection of school fees is the responsibility of the affect school district</td>
<td>See Chapter 4, section I</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Parks</td>
<td>Developer agreement, CFF</td>
<td>None because developer dedication of open space and payment of CFF will cover costs</td>
<td>See Chapter 4, section H</td>
</tr>
<tr>
<td>Landscaping within Public Rights-of-way*</td>
<td>Developer requirements, homeowners association</td>
<td>None, because the developers provide for the landscaping</td>
<td>See Figure 4-1 and refer to the City Parks and Recreation Department</td>
</tr>
</tbody>
</table>

* See Policy F-2 (f) regarding maintenance of these facilities

4. Miscellaneous Administrative Policies

F-2. The following policies will be used to implement this long-range financing strategy:

a. **Property Owner Financing and Construction of Improvements.** Unless specifically excepted, each property owner will finance and construct improvements presented in the Specific Plan that are directly on or fronting the property; including frontage improvements, utilities, sewer, and water.

b. **Sizing and Timing of Facilities.** The above-referenced facilities will be sized by each property owner in accordance with the Specific Plan for the benefit of the downstream users. In the event that properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owner. Each property will reimburse the other for their oversize expense at the time of filing a final subdivision map.

c. **Citywide Fees.** The existing Citywide fees for new construction will prevail for development within the Specific Plan area and are intended to pay for all off-site community facilities unless otherwise excepted.

d. **Citywide Fee Credits.** Property owners may receive credits to the payment of Citywide fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.

Final Empire North Unit I Specific Plan
City of Modesto 5-6

Chapter 5. Implementation and Planning November 21, 1996
e. Repayment for Oversizing. Accounting for facility oversizing will be handled by the property owners in accordance with standard accounting practices. Repayment will be enforced by the City at the signing of the aforementioned final subdivision map.

f. Community Facilities District. Maintenance of landscaping within public rights-of-way, except for street trees, shall be accomplished through the establishment of a Mello Roos Community Facilities District.
Chapter 6. List of Preparers

This Final Specific Plan has been prepared by Jones & Stokes Associates under contract to the City of Modesto Community Development Department. The individuals who contributed to this report are listed below.

A. CITY OF MODESTO

Brian Smith - Principal Planner
Steven Nish - Associate Planner
Pat Foran - Assistant Parks and Recreation Director
Ed Von Borstel - Deputy Public Works/Transportation Director
Helen Wang - Transportation Planner
George Osner - Development Services Manager
David Cervantes - Senior Deputy City Attorney
Bill Nichols - Strategic Planning Manager

B. JONES & STOKES ASSOCIATES, INC.

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George Williamson
Lisa Larrabee
Christine Engel

Principal-in-Charge
Specific Plan Project Manager
Focused EIR Project Manager
Project Coordinator

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Dave Buehler
Ed Whisler
Chris Rogers
Chris Konrad

Traffic Engineer
Noise Specialist
Biologist
Biologist
Hydrologist
Trish Posten
Bill Norton
Monique Magolske

Archaeologist
Archaeologist
Community Services

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Faye Ong
Christy Anderson

Editor
Editor and Word Processor
Graphic Artist
CERTIFYING THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN AND A GENERAL PLAN AMENDMENT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM

WHEREAS, the City of Modesto ("City"), on August 15, 1995, adopted the Modesto Urban Area General Plan to guide the growth of the City for the next thirty years, and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the City Council certified, on August 15, 1995 a Master Environmental Impact Report entitled "Final Master Environmental Impact Report for the Urban Area General Plan" (MEIR), and

WHEREAS, the MEIR identified the following effects as significant but mitigable, and provided substantial evidence in the record to support the necessary findings on the following effects for projects within the Planned Urbanizing Area such as the Empire North Unit 1 Specific Plan:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in MEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased Demand for Sanitary Sewers</td>
<td>IV-6-1</td>
</tr>
<tr>
<td>Loss of Sensitive Wildlife and Plant Habitat</td>
<td>IV-7-1</td>
</tr>
<tr>
<td>Disturbance of Archaeological or Historical Sites</td>
<td>IV-8-1</td>
</tr>
<tr>
<td>Drainage, Flooding, and Water Quality</td>
<td>IV-9-1</td>
</tr>
<tr>
<td>Increased Demand for Storm Drainage</td>
<td>IV-10-1</td>
</tr>
<tr>
<td>Increased Demand for Parks and Open Space</td>
<td>IV-11-1</td>
</tr>
<tr>
<td>Increased Demand for Schools</td>
<td>IV-12-1</td>
</tr>
<tr>
<td>Increased Demand for Police Services</td>
<td>IV-13-1</td>
</tr>
<tr>
<td>Increased Demand for Fire Services</td>
<td>IV-14-1</td>
</tr>
<tr>
<td>Generation of Solid Waste</td>
<td>IV-15-1</td>
</tr>
<tr>
<td>Generation of Hazardous Materials</td>
<td>IV-16-1</td>
</tr>
<tr>
<td>Landslides and Seismic Activity</td>
<td>IV-17-1</td>
</tr>
<tr>
<td>Energy</td>
<td>IV-18-1; and,</td>
</tr>
</tbody>
</table>
WHEREAS, the MEIR identified the following effects as Unavoidable Significant Effects:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in MEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Circulation Needs</td>
<td>IV-1-1</td>
</tr>
<tr>
<td>Degradation of Air Quality</td>
<td>IV-2-1</td>
</tr>
<tr>
<td>Generation of Noise</td>
<td>IV-3-1</td>
</tr>
<tr>
<td>Loss of Productive Agricultural Land</td>
<td>IV-4-1</td>
</tr>
<tr>
<td>Increased Demand for Water Supplies</td>
<td>IV-5-1</td>
</tr>
<tr>
<td>Increased Demand for Storm Drainage</td>
<td>IV-9-1</td>
</tr>
</tbody>
</table>

WHEREAS, City Council Resolution No. 95-408 adopted a Statement of Overriding Considerations which made findings for each significant adverse and unavoidable effect identified in the MEIR, and also found that specific economic, social, or other considerations made infeasible certain mitigation measures and project alternatives identified in the MEIR, and

WHEREAS, the Modesto Urban Area General Plan requires a Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan as an anticipated subsequent project, and

WHEREAS, a Notice of Preparation of a Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan was circulated from December 18, 1995 through January 19, 1996, and

WHEREAS, a Draft Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan (Draft EIR SCH #95122030) was prepared for public review and comment for the required 45-day period from July 30, 1996, through September 16, 1996, and

WHEREAS, a Final Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan ("Focused EIR") incorporating all the comments received during the public review period and responses thereto was released for the required 10-day period on November 22, 1996, and

WHEREAS, the Planning Commission held a public hearing on December 2, 1996, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the certification of the Focused EIR, and
WHEREAS, the information contained in the Focused EIR was reviewed and considered by the Planning Commission prior to taking action on the Empire North Unit 1 Specific Plan and General Plan Amendment, and

WHEREAS, the City Council held a public hearing on January 7, 1997, and considered the adequacy of the Focused EIR, the Mitigation Monitoring Program and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the Focused EIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the Empire North Unit 1 Specific Plan and the General Plan amendment.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Incorporation of Master EIR by Reference. As required by Section 21158(a) of the Public Resources Code, the Master Environmental Impact Report certified for the Modesto Urban Area General Plan (SCH #92052017) is hereby incorporated by reference, as Exhibit 1, a copy of which is on file in the office of the City Clerk.

3. Effects Not Examined in this Focused EIR. As permitted by Section 21158(b) of the Public Resources Code, the Focused EIR did not further examine the following effects, since they were sufficiently presented in the Master EIR:

Effects Not Further Examined

(1) Loss of Agricultural Land  
(2) Degradation of Air Quality  
(3) Increased Demand for Water Supplies  
(4) Increased Demand for Sanitary Sewer Services  
(5) Increased Demand for Storm Drainage  
(6) Increased Demand for Police Services  
(7) Increased Demand for Fire Services  
(8) Generation of Solid Waste  
(9) Generation of Hazardous Materials  
(10) Land Slides and Seismic Activity  
(11) Energy
With regard to the above effects, the City finds, based on substantial evidence in the record that, pursuant to Section 21158(b) of the Public Resources Code, those effects were examined at a sufficient level of detail in the Master EIR for the General Plan. The City Council resolution certifying the Master EIR included a Statement of Overriding Considerations for those effects which were found Significant and Not Mitigable.

Furthermore, the City makes one of the following findings, as permitted by Section 21158(b), regarding each of the above effects. These effects were either:

(1) Mitigated or avoided pursuant to paragraph(1) of subdivision(a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project, or

(2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project, or

(3) Subject to a finding pursuant to paragraph(2) of subdivision(a) of Section 21081.

4. Effects Examined in the Focused EIR.

It was determined through the scoping process that the following effects should be addressed in the Focused EIR as potential project-specific effects on the environment:

(1) Traffic and Circulation Needs
(2) Generation of Noise
(3) Loss of Sensitive Wildlife and Plant Habitat
(4) Disturbance of Archeological or Historical Sites
(5) Drainage, Flooding, and Water Quality
(6) Increased Demand for Parks and Open Space
(7) Public Safety
(8) Increased Demand for Schools
Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the Focused EIR:

(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, making feasible the mitigation measures or alternatives identified in the Environmental Impact Report.

With respect to significant effects which were subject to a finding under paragraph (3), the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment:

(1) The property owner for Sub-area B refused to allow field archaeologists access to his property at the time the Focused EIR was being prepared. Because Sub-area B is located within a potential archeological resource study area, the potential remains for encountering cultural resources.

(2) Uncontrolled public access, such as creating informal trails or steep slopes and campfires, and littering would degrade the natural environment of Dry Creek. The General Plan (Section VII(B)(6)) requires special protection and enhancement measures for the riparian corridor along Dry Creek.

The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
(1) Surveys revealed elderberry shrubs, potential habitat for valley elderberry longhorn beetle (VELB), (a species listed as threatened under the Federal Endangered Species Act) along the railroad berm at the west edge of the Project site. These elderberry shrubs could be affected by development in Sub-area C.

(2) Based on student yield factors and development of the 96-acre Plan area at the permitted General Plan density of 5.1 units per acre, approximately 241 total units, the Project would generate 96 students for grades K-6, 24 students for grades 7-8, and 48 students for grades 9-12. However, the District has determined that school impacts would not occur for portions of the Project designated for seniors.

(3) Construction of the Project during the nesting season (March-August) could disturb nesting Swainson's hawks, a species listed as threatened under the California Endangered Species Act, in the Plan area or adjacent to the Plan area and could cause them to abandon the nest site or could cause nesting failure.

(4) Implementing the Project would remove approximately 33.5 acres of suitable Swainson's hawk foraging habitat within 1 mile of a potential Swainson's hawk nesting site.

The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Focused EIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the following significant effects on the environment.

(1) Portions of the project site are adjacent to Santa Fe Railroad tracks. Outdoor noise levels would exceed City standards along the west edge.

(2) Noise generated by aircraft departing from the Eastside Mosquito Abatement District would be significant.

(3) Development of Empire North Unit 1 Specific Plan near the Eastside Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to the operation of the District airstrip near proposed residential development include hazards to flight and safety on the ground.
(4) No formal standards exist regarding the overflight of residential structures by aircraft carrying insecticides. The aircraft carry the insecticides Altosid and Malathion. Some forms of Altosid are eye irritants; Malathion is harmful if swallowed, inhaled, or if there is eye or skin contact. Therefore, if a load of Malathion were accidently released over the project site, the effects on the residents could be harmful.

The City finds, based on substantial evidence in the record, that the following additional effects on the environment by the Project are not significant.

(1) Increase in traffic under near-term conditions.
(2) Increase in traffic under 2025 conditions.
(3) Increased traffic noise levels at existing residences.
(4) Exposure of new residences in the Specific Plan area to traffic noise.
(5) Potential disturbance of southwestern pond turtles.
(6) Potential for flooding.
(7) Potential increase in runoff to groundwater and degradation of Dry Creek water quality.
(8) Safety on the ground in the Runway Protection Zone.
(9) Development of the Specific Plan would result in increased demand for parks and open space and generate the need to construct new parks facilities.

a. With regard to the effects that are significant but mitigable, the City of Modesto adopts new and additional mitigation measures, and as permitted by Section 21158(a) of the Public Resources Code. These Mitigation Measures are presented in the Executive Summary, attached hereto as Exhibit 3 and incorporated by reference herein, and are presented in Exhibit 2, the Final Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan, a copy of which is on file in the office of the City Clerk.
b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project the City must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City adopts the Statement of Overriding Considerations, attached hereto as Exhibit "4" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse, and unavoidable impact identified in the Final Focused EIR, and by finding that specific economic, social or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the Focused EIR.

5. Cumulative Impacts, Growth inducing Impacts, and Irreversible Significant Effects on the Environment. The City hereby finds, as required by Section 21158(a), that the analysis presented in the Master EIR, regarding cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment, is adequate for the Focused EIR. This analysis is presented throughout the Master EIR, and summarized in Section V of that document.

6. Alternatives Evaluated. The Focused EIR contains no new or additional analysis of alternatives beyond the analysis presented in the Master EIR for the Modesto Urban Area General Plan. Four Land Use Alternatives were developed and considered by the City, which were then analyzed in the Draft MEIR; after considering public comment on the Draft General Plan, a Preferred Alternative, which combined the features of several of the Land Use Alternatives, was recommended by the Planning Commission. Subsequently, the City further modified the Planning Commission Proposal, and approved the "Adopted General Plan" on August 15, 1995. The Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Four other alternatives presented in the Final MEIR were developed to provide a "reasonable range of alternatives" as required by Section 15126(d) of the CEQA Guidelines. As Empire North Unit 1 Specific Plan is an element of the "Adopted General Plan" as adopted by the City Council on August 15, 1995, after considering the full range of alternatives, no further analysis of alternatives is necessary in this Focused EIR for Empire North Unit 1 Specific Plan.
7. Proposed Modifications to the Master EIR. Section 21157.6 of the Public Resources Code permits the Focused EIR for Empire North Unit 1 to modify the General Plan Master EIR, by including updated information. Chapter 4 (p. 4-1) of the Focused EIR presents this information, in the form of Modifications, as follows:

<table>
<thead>
<tr>
<th>Modification #</th>
<th>Topic</th>
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<tbody>
<tr>
<td>1</td>
<td>Disturbance of Archaeological or Historical Sites</td>
</tr>
<tr>
<td>2</td>
<td>Hazardous Materials</td>
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<td>3</td>
<td>Hazardous Materials</td>
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<td>4</td>
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<td>5</td>
<td>Hazardous Materials</td>
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<tr>
<td>6</td>
<td>Hazardous Materials</td>
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</tbody>
</table>

These six (6) Modifications, set forth in Exhibit 5 attached hereto, are hereby adopted and incorporated into the Master Environmental Impact Report for the Modesto Urban Area General Plan.

8. Mitigation Monitoring. Section 21081.6(b) of the Public Resources Code provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary and the Focused EIR into the Empire North Unit 1 Specific Plan. Therefore, said mitigation monitoring program is hereby adopted.

9. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan as accurate and adequate. The City Council further certifies that the Focused EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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, McClanahan

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Exhibit 3

-- oOo --

Executive Summary
Executive Summary

This focused environmental impact report (EIR) for the Empire North Unit 1 Specific Plan (Specific Plan) has been prepared for the City of Modesto (City) pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Specific Plan area is within the Empire North comprehensive planning district (CPD) and subject to CPD policies and provisions of the Modesto Urban Area General Plan (City's General Plan). The City’s Master EIR, which identified Empire North as a subsequent project, was certified by the Modesto City Council on August 15, 1995, and is hereby incorporated by reference into this focused EIR.

A. PROJECT DESCRIPTION

The Empire North Unit 1 project is a specific plan that calls for 241 dwelling units on approximately 47 acres and a General Plan amendment that designates approximately 48 acres within the Empire North CPD, currently designated Village Residential, as Open Space. The project is divided into three subareas: Subarea A is proposed to accommodate approximately 171 units, and Subarea B is proposed to accommodate approximately 70 units. Subarea C, located within the floodplain, is proposed as open space and also would accommodate recreation and flood control uses.

B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table ES-1 summarizes the project impacts and proposed mitigation measures that are in addition to the required mitigation measures identified in the Master EIR.

C. AREAS OF KNOWN CONTROVERSY

During public review of the draft EIR, concerns were raised about a number of topics but those comments have not been interpreted as relating to areas of controversy; rather, in most cases, the comments sought clarification on issues.
D. ISSUES TO BE RESOLVED

The primary issues to be resolved by the City include the decision to mitigate significant environmental impacts of the project including noise, cultural resources, biological, parks and open space, and schools. In addition, the EIR identifies that noise from the railroad and aircraft flying over the site and safety from aircraft flying over the site are significant impacts and are not mitigable. The City will need to make a decision about the project in light of these impacts.
Table ES-1. Summary of Impacts and Mitigation Measures

I. Impacts That Are Significant but Mitigable

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate (see Sections II and III of this table). The following section of this table presents the impacts of this project that are mitigable to a less-than-significant level, the mitigation measures, and the monitoring requirements.

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<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Mitigation Monitoring</th>
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<tr>
<td>I-A. The property owner for Sub-area B refused to allow field archaeologists access to his property at the time this focused EIR was being prepared. Because Sub-area B is located within a Potential Archaeological Resource study area, the potential remains for encountering cultural resources.</td>
<td>I-A. A preliminary surface field reconnaissance will be conducted in Sub-area B, prior to submittal of the tentative map for this area, to identify any areas containing prehistoric deposits. Impacts to areas of significant resources that could be affected by development will be mitigated through adhering to the procedures presented in Table 8-1 of the Master EIR. (Page 3-31 of this EIR).</td>
<td>I-A. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. Impacts on significant cultural resources, if any, in Sub-area B shall be mitigated prior to submittal of the tentative map, consistent with Table 8-1 in the Master EIR.</td>
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Impact

I-B. Uncontrolled public access, such as creating informal trails or steep slopes and campfires, and littering would degrade the natural environment of Dry Creek. The General Plan (Section VII(B)(6)) requires special protection and enhancement measures for the riparian corridor along Dry Creek.

Mitigation Measure(s)

I-B. Any private entity or public agency constructing improvements within the designated open space of the Dry Creek CPD will incorporate protection and enhancement measures into their development plan for the area designated as the Dry Creek Comprehensive Planning District. These measures include: a riparian protection and maintenance plan with: a trail diagram; dedication requirements to guarantee permanent access to Dry Creek open space; a maintenance and operations program, and; trail and accessway standards. A full description of these measures is found in Chapter 3, Section F of this EIR. (Page 3-39 of this EIR).

Mitigation Monitoring

I-B. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. These measures must be included in any development plans submitted to the City.
II. Impacts that are Significant but Whose Mitigation Falls Outside the Jurisdiction of the City of Modesto

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed as described in Section 1 of this table; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are mitigable to a less-than-significant level; the mitigation measures presented, however, are the responsibility of another agency. The City of Modesto will ensure that those mitigation measures are implemented, nonetheless, through the mitigation monitoring requirements as presented below.

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<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Mitigation Monitoring</th>
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<tr>
<td>II-A.</td>
<td>Surveys revealed elderberry shrubs, potential habitat for valley elderberry longhorn beetle (VELB) (a species listed as threatened under the federal Endangered Species Act), along the railroad berm at the west edge of the project site. These elderberry shrubs could be affected by development in Sub-area C.</td>
<td>Either of the following measures shall mitigate the identified potential impacts.</td>
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<td>II-A(1). Development will avoid VELB habitat (i.e., elderberry shrubs) by prohibiting construction activities within 20 feet of elderberry shrubs. The tentative map will be designed to show the setback of 20 feet from the elderberry shrubs in which no construction or disturbance shall occur. (Page 3-24 of this EIR).</td>
<td>II-A(1). Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit I Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.</td>
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<td>OR</td>
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<td>II-A(2). Section 10a permits under the federal Endangered Species Act will be obtained by the proponent of any development that could affect VELB in Sub-area C. A Section 10a permit allows take of a listed species if a VELB mitigation plan (as outlined in Appendix E of the focused EIR) is prepared and implemented. (Page 3-24 of this EIR).</td>
<td>II-A(2). Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit I Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.</td>
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II-B. Based on student yield factors and development of the 96-acre Plan area at the permitted General Plan density of 5.1 units per acre, approximately 241 total units, the project would generate 96 students for grades K-6, 24 students for grades 7-8, and 48 students for grades 9-12. However, the District has determined that school impacts would not occur for portions of the project designated for seniors.

II-C. Construction of the project during the nesting season (March-August) could disturb nesting Swainson’s hawks, a species listed as threatened under the California Endangered Species Act, in the Plan area or adjacent to the Plan area and could cause them to abandon the nest site or could cause nesting failure.

II-B. A Mello Roos district application for annexation shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the district shall be required prior to final map or development plan approval.

II-C. A qualified biologist, as approved by DFG, shall be retained to conduct a Swainson’s hawk survey within 1 year before commencing development of the site. If nesting Swainson’s hawks could be affected by the project, nest monitoring by a qualified biologist during construction, as required by DFG, will be conducted.

Construction activities will be modified to avoid disturbances. Follow-up surveys should be conducted each construction year. (See page 3-24 of this EIR for a complete description of the requirement of this mitigation measure).

II-B. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

II-C. Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

Approval from DFG shall be required prior to submittal of a tentative map or development plan.
II-D. Implementing the project would remove approximately 33.5 acres of suitable Swainson’s hawk foraging habitat within 1 mile of a potential Swainson’s hawk nesting site.

Mitigation Measure(s)

II-D. Mitigation may consist of providing replacement habitat, payment of in-lieu fees for land acquisition in compliance with the California Fish and Game Code Section 2081 (see Appendix F of the focused EIR), or other measures acceptable to the DFG and the City. (Page 3-25 of this EIR).

Mitigation Monitoring

II-D. Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

III. Impacts That Are Significant and Not Mitigable

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed as described in Section I of this table; or that the changes to the project are within another agency’s jurisdiction and that such changes have been or should be adopted (Section II of this table); or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level; in some instances, the mitigation measures are infeasible and, in other instances, there are mitigation measures available that could be implemented but they would not reduce the impacts to a less-than-significant level.

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<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Mitigation Monitoring</th>
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<tbody>
<tr>
<td>III-A. Portions of the project site are adjacent to Santa Fe Railroad tracks. Outdoor noise levels would exceed City standards along the west edge.</td>
<td>III-A. No feasible mitigation measures are available. (Page 3-13 of this EIR).</td>
<td>III-A. Not applicable.</td>
</tr>
<tr>
<td>III-B. Noise generated by aircraft departing from the Eastside Mosquito Abatement District would be significant.</td>
<td>III-B. No feasible mitigation measures are available. (Page 3-14 of this EIR).</td>
<td>III-B. Not applicable.</td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measure(s)</td>
<td>Mitigation Monitoring</td>
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<td>III-C. Development of Empire North Unit 1 near the Eastside Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to operation of the District airstrip near proposed residential development include hazards to flight and safety on the ground.</td>
<td>III-C(1). An avigation easement shall be dedicated that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77. (Page 3-18 of this EIR).</td>
<td>III-C(1). This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. The City of Modesto Community Development Department shall ensure that the easement is shown on the tentative map. This mitigation measure will reduce impacts, but not to a less-than-significant level.</td>
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<td></td>
<td>III-C(2). The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.). The minimum open space for the emergency landing strip should be approximately 75 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles, structures and overhead lines. (Page 3-44 of this EIR).</td>
<td>III-C(2). This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. City staff shall review the tentative map to ensure that a suitable alternative landing site is provided in Sub-area A as defined in the Specific Plan. This mitigation measure will reduce impacts, but not to a less-than-significant level.</td>
</tr>
</tbody>
</table>
Impact III-D. No formal standards exist regarding the overnight of residential structures by aircraft carrying insecticides. The aircraft carry the insecticides Altosid and Malathion. Some forms of Allosid are eye irritants; Malathion is harmful if swallowed, inhaled, or if there is eye or skin contact. Therefore, if a load of Malathion were accidentally released over the project site, the effects on the residents could be harmful.

Impact Mitigation Measure(s) Mitigation Monitoring
III-D. No feasible mitigation measures are available. III-D. Not applicable. (Page 3-43 of this EIR).

IV. Impacts Found Not to Be Significant

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure(s)</th>
<th>Rationale</th>
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<tbody>
<tr>
<td>IV-A.  Increase in traffic under near-term conditions</td>
<td>IV-A. All critical facilities would operate at an acceptable LOS under near-term with-project conditions. (Page 3-7 of this EIR).</td>
<td></td>
</tr>
<tr>
<td>IV-B.  Increase in traffic under 2025 conditions</td>
<td>IV-B. The City has determined that the proposed project will have no additional significant effect on future traffic conditions beyond those that were evaluated in the Master EIR: the 2025 with-project LOS F conditions do not indicate a further degradation of the 2025 LOS F without-project conditions. (Page 3-8 of this EIR).</td>
<td></td>
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<tr>
<td>IV-C.  Increased traffic noise levels at existing residences</td>
<td>IV-C. Because the project-related traffic noise increase would not be perceptible. (Page 3-13 of this EIR).</td>
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<tr>
<td>IV-D.  Exposure of new residences in the Specific Plan area to traffic noise</td>
<td>IV-D. The Specific Plan states that soundwalls will be constructed along the north boundaries of the plan area to reduce noise from traffic. The Specific Plan also states that special construction features will be specified for building shells to ensure that noise from exterior sources is reduced to 45 dB-L_{eq} or less inside houses. (Page 3-13 of this EIR).</td>
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<tr>
<td>Impact</td>
<td>Rationale</td>
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<tr>
<td>IV-E. Potential disturbance of southwestern pond turtles</td>
<td>IV-E. Water quality will be protected in accordance with the Master EIR. (Page 3-34 of this EIR).</td>
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<tr>
<td>IV-F. Potential for flooding</td>
<td>IV-F. The Empire North Unit 1 project conforms to all of the relevant drainage, flooding, water quality, and storm drainage standards, and policies contained in the City’s General Plan. The Empire North Unit 1 Specific Plan restricts construction of structures in the 100-year floodway or placement of any material that would decrease storage in the 100-year floodplain. (Page 3-34 of this EIR).</td>
<td></td>
</tr>
<tr>
<td>IV-G. Potential increase in runoff to groundwater and degradation of Dry Creek water quality</td>
<td>IV-G. The City’s General Plan and the Empire North Unit 1 Specific Plan require the project to construct a positive drainage system that recharges 80% of runoff to groundwater and limits discharge to Dry Creek to pre-development levels. The drainage system will prevent runoff generated by the Empire North Unit 1 project from contributing to increased flooding in Dry Creek. Sediment control basins, required by the City’s General Plan policies as part of drainage plans for new developments, and policies for the detention/recharge facilities included in the positive drainage system required by the City’s General Plan and the Specific Plan will reduce water quality impacts (i.e., additional pollutant loading in runoff) to less-than-significant levels. (Page 3-34 of this EIR).</td>
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</tr>
<tr>
<td>IV-H. Safety on the ground in the Runway Protection Zone</td>
<td>IV-H. The nearest portion of the project site lies approximately 146 feet beyond the end of the District’s airstrip southern Runway Protection Zone (RPZ). (Page 3-43 of this EIR).</td>
<td></td>
</tr>
<tr>
<td>VI-I. Development of the Specific Plan would result in increased demand for parks and open space and generate the need to construct new parks facilities.</td>
<td>IV-I. Developers of projects within the Empire North Unit 1 area will be required to pay capital facilities fees (which includes parks) prior to issuance of a building permit. (Page 3-36 of this EIR).</td>
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Exhibit 4

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Statement of Overriding Findings
STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan and through the extensive public participation, the City Council has determined that the Empire North Unit No. 1 Specific Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Specific Plan are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources Code requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are four of the Issue Areas, identified in the Final Focused EIR, in which the mitigation measures have been judged to be infeasible. In other words, the Empire North Unit No. 1 Specific Plan will cause significant and unavoidable impacts on the following Issue areas:

1. Generation of Noise - Generated by the Railroad [External noise levels].
   Portions of the project site are adjacent to Santa Fe Railroad tracks. Outdoor noise levels would exceed City standards along the west edge.

   a) Finding No. 1-1

   Portions of the project site are adjacent to Parker Road and the SF railroad tracks. The distances to the 60- and 65-dB-L_{eq} noise contours from traffic on Parker Road have been calculated based on 2015 traffic projections. The 60dB-L_{eq} contour is calculated to be 108 feet from the roadway centerline and the 65-dB-L_{eq} contour is calculated to be 5 feet from the roadway centerline. The distance to the train noise contours was taken directly from Figure 3-2 in the City's General Plan noise element. Train and traffic noise contours are depicted in Figure 3-8 of the Empire North Unit 1 Focused EIR. The 60- and 65-dB-L_{eq} traffic and railroad noise contours extend into the project site along the west and north edges. For new single-family residential development within the 65-dB-L_{eq}, contour, the City's General Plan requires developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

   1. Where feasible and consistent with the General Plan policy, incorporate setbacks and/or locate less sensitive uses between a noise source and noise-sensitive uses.

   2. Provide (to the extent feasible and consistent with General Plan
policy) berms, barriers, or other techniques to shield noise-sensitive uses.

3. Incorporate construction techniques to achieve an interior noise limit of 45-dB-$L_{dn}$ (these potential techniques are presented in CCR Title 24 standards).

Substantial Evidence:

Page 3-12, Final Focused Environmental Impact Report, Empire North Unit 1 Specific Plan.

b) Finding No. 1-2

Exterior noise intrusion guidelines have evolved from several studies. The Focused EIR adopts a level of 65 dB as representing the threshold for what is considered significant residential intrusion, under the assumption that a typical California dwelling will provide 20 dB or more of acoustic noise reduction.

Substantial Evidence:

Page 3-12, Final Focused Environmental Impact Report, Empire North Unit 1 Specific Plan.

c) Conclusions:

The soundwall along Parker Road will reduce exterior traffic noise to less than 60 DB-$L_{dn}$. However, it is considered impractical to construct a soundwall along the train track that will reduce train noise to less than 60 dB-$L_{dn}$. The soundwall is considered impractical due primarily to the difference in elevation between the tracks and the project site. The train tracks are several feet higher than the elevation of the west project boundary, where the soundwall would be constructed. To effectively block sound, soundwalls are typically constructed to a height of one to two feet above the elevation of the noise source, in this case the wheels and engines of passing trains. The soundwall at the west project boundary would potentially need to be constructed to a height of 12 or more feet and approximately 2,100 feet in length, creating an imposing and costly visual barrier. Even with a soundwall, noise would affect the site from trains crossing the trestle over Dry Creek. It, therefore, would be impractical to construct a soundwall adjacent to the trestle. For these reasons a soundwall is not included as feasible mitigation for this project.

The Specific Plan also states that special construction features will be specified for building shells to ensure that noise from exterior sources is reduced to 45 dB-$L_{dn}$ or less inside houses to conform with Uniform.
Building Code section 1208A.8.2. Although the exterior traffic noise impact will be reduced to a less-than-significant level and interior sound levels will be reduced to less than 45 dB-L_{eq} exterior noise from train passages are not expected to be reduced to less than 60 dB-L_{eq}. The external exposure of new residents, outside of new dwelling units, to railroad noise is therefore considered significant and unavoidable.

2. Generation of Noise - Generated by Airstrip.

Noise generated by aircraft departing from the Eastside Mosquito Abatement District would be significant.

a) Finding No. 2-1

At its nearest point, the project site is 1,346 feet from the southern end of the District's airstrip. The airstrip is classified as a restricted (i.e., private use) airport. Its orientation is parallel to Santa Fe Avenue and the adjacent AT & SF rail line. The asphalt runway is 1,500 feet in length, but only 1,400 feet are usable. Chemical loading is performed in one of the buildings located at the airstrip.

The airfield is used from mid-March through the end of October. During the 34-week season, operations will continue 7 days per week and average up to 40 operations per day (an operation is defined as a landing or a take-off) during a wet year. Operations can begin before sunrise, as early as 4 a.m., and typically end by 2:30 p.m. The areas sprayed are located in the region surrounding the airstrip.

Currently, about 80-90% of the aircraft operations (landings and take-offs) are to the north (i.e. away from the project site) and 10-20% to the south. In an average year, only about 700 operations will pass over the project site. Essentially, all of these operations are take-offs.

Substantial Evidence:

Page 3-14, Final Focused Environmental Impact Report, Empire North Unit 1 Specific Plan.

b) Finding No. 2-2

Single-event noise involves the measurements (or estimation) of the acoustic contribution of an individual aircraft flyover. Although no universally-accepted standards exist for determining the suitability of residential land uses based on noise from individual aircraft events, guidelines reflecting annoyance or intrusion have been applied in circumstances where cumulative noise was deemed to be an inconclusive or misleading descriptor.
Thus, single-event noise analyses is considered an important descriptor in evaluating human active-ties such as speech interruption and sleep disturbance.

For evaluation of single-event noise impacts, the metric of aircraft noise is maximum noise level ($L_{\text{max}}$) in units of dBA. There is no direct means of converting the previously noted SEL dB to $L_{\text{max}}$. However, based on field measurements at other airports, SEL levels for light aircraft can be expected to be 5-10 dB higher than $L_{\text{max}}$. Using this as a guide, $L_{\text{max}}$ for take-offs are estimated to be between 85 dB and 90 dB. The $L_{\text{max}}$ for landings would be between 72 dB and 77 dB. Under the assumption that residential units would provide at least 20 dB of noise level reduction, estimated interior noise levels (with windows closed) are expected to be in the range of 52 to 57 dB for any landings that cross the site. Similarly, interior noise levels from take-offs would be in the range of 65 to 70 dB which is in excess of the 65 dB interior interference standard. Section 1208A.8.3 of the Uniform Building Code requires acoustic analysis for structures impacted by airport noise structures. Up to three operations per average day during the District's operational season at this noise level may be anticipated.

**Substantial Evidence:**

Page 3-16, Final Focused Environmental Impact Report, Empire North Specific Plan.

c) Finding No. 2-3

The analysis of single-event noise suggests the potential for aircraft noise intrusion at the proposed project site is small, when structural Noise Level Reduction is supported by closed windows and air conditioning. However, during seasons when windows could be expected to remain open, annoyance effects can be expected to be significant. Early morning departures could awaken some project residents. This would be particularly true for operations conducted before 7 a.m. during mild weather conditions when windows might be left open overnight. Single-event noise levels associated with departures at the District's Airstrip may exceed exterior noise level guidelines (i.e., 85 dB) at the project site. Therefore, the proposed project could expose residents to significant levels of single-event noise, unless the effects are mitigated. Assuming noise level reduction of 20 dB or better, interior noise levels at the project site due to aircraft operations may exceed published guidelines of intrusion or annoyance. Therefore, the proposed project could expose its residents to significant levels of annoyance due to single-even noise, unless the effects are mitigated.

**Substantial Evidence:**

-4-
d) Finding No. 2-4

In his letter dated September 16, 1996, John Wilbanks, Principal with the RRM Design Group, commented on behalf of Mr. John Machado, Property Owner of Sub-area B. Mr. Wilbanks requested clarification that the project impacts are not mitigable are specifically associated with Sub-area A, and that Sub-area B would not be subject to the required mitigation.

Sub-area B is located further to the east than Sub-area A and would not be subject to the adverse noise impacts associated with train trips along the Santa Fe Railroad tracks to the west. However, Section 1208A.8.2 of the Uniform Building Code, requiring interior noise levels to be no more than 45 dB, does apply to all areas of the City.

Substantial Evidence:

Page 3-17, Final Focused Environmental Impact Report, Empire North Specific Plan.

e) Finding No. 2-5

The following mitigation measure will inform new residents of noise from the airstrip; however, this measure will not reduce the impact of exposure to noise from the airstrip to a less-than-significant level.

A. Create an Avigation Easement. An avigation easement shall be dedicated and shown on the tentative map that informs prospective buyers of the exposure to noise from the use of the District's airstrip. The City of Modesto Community Development Department shall ensure that the easement is dedicated as part of final map approval.

The minimum open space for the emergency landing strip should be approximately 75 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles structures and overhead lines. The avigation easement shall be dedicated to the Eastside Mosquito Abatement District and shall lapse if the District's airport on Santa Fe Drive is closed.

-5-
Substantial Evidence:

Page 3-18, Final Focused Environmental Impact Report, Empire North Specific Plan.

f) Conclusions

The exposure of new residences to railroad noise from trains traveling on the SF railway and aircraft noise from the District's airstrip would remain significant. The evaluation concluded that residential uses in areas adjacent to the airstrip could be exposed to single-event noise levels that exceed standards for annoyance, and that the only mitigation measure that will fully mitigate this impact is the relocation of the District's operations to another site, which is considered financially infeasible. Another measure that could mitigate the impact of single-event noise is to extend the runway to the north by approximately 1,000 feet, which would permit aircraft to safely turn before departing over the Specific Plan area under most conditions. This mitigation measure, however, also is considered financially infeasible.


Development of Empire North Unit 1 near the Eastside Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to operation of the District airstrip near proposed residential development include hazards to flight and safety on the ground.

a) Finding No. 3-1

1. Hazards to Flight. Generally, the development of single-family and multiple-family residences is unlikely to produce hazards to aircraft in flight. In the Specific Plan area, power distribution and telecommunications lines will be placed underground. However unusually tall antennas or trees installed by residents could be significant exceptions. Without mitigation, the project has the potential to create a significant hazard to flight.

2. Safety on the Ground.

a. Runway Protection Zone (RPZ). The nearest portion of the project site lies approximately 146 feet beyond the end of the District's airstrip southern Runway Protection zone (RPZ). Therefore, the project would not exceed the standard of significance for this criterion.

b. Inner Safety zone. The District's airstrip would fall within the Inner Safety Zone boundaries recommended for the
smallest category of airport. The boundaries of this zone were defined for smaller general aviation airports, not specifically for restricted use airports with very low levels of operations. This concept, when applied to the District's airstrip, means that the actual distribution and level of aircraft operations should be considered. Thus, because direct overflights of the site are minimal (three on an average day), application of the land use standards for the Inner Safety Zone is moderated. However, the risk associated with direct impact of the aircraft, subsequent fire, and the release of toxic chemicals combined with the potential limited mobility of some residents should be considered. Although the probability of an accident is low, the potential consequences, if an accident did occur, are significant. It is therefore concluded that this project will exceed the threshold of significance for this criterion.

c. The significant and unavoidable aircraft safety impacts are also specific to Sub-area A and no statement in the EIR attributes these impacts, or assigns related mitigation measures, specifically to Sub-area B.

Substantial Evidence:

1. Hazards to Flight. Federal Aviation Regulations (FAR) Part 77, "Objects Affecting Navigable Airspace", contain the principal criteria for determining whether objects are hazards to flight safety. The criteria address:

   a) physical obstructions, (i.e., poles, antennas, buildings, and towers),
   b) electrical interference,
   c) lighting,
   d) glare,
   e) smoke, and
   f) bird strikes.

Hazards to flight are a primary concern in the Runway Protection Zone (described below).

2. Safety on the Ground. The following standards are used to determine land uses near airfields. These standards are applied through federal and state designated safety areas (California Department of Transportation 1993):

   a) The Runway Protection Zone. The Runway Protection Zone (RPZ) described in FAA Advisory Circular 150/5300-
13 is intended to enhance the protection of people and property on the ground. Residential uses and places of public assembly are prohibited. This trapezoidal area extends to 1,200 feet from the end of the paved runway surface. Since the project site is at 1,300 feet south of the runway, the project is not located within the "Runway Protection Zone."

b) The Inner Safety Zone. The Inner Safety Zone as illustrated in Figure 9G of the Caltrans Airport Land Use Planning Handbook (1993) limits residential uses to very low densities, such as 10 acres or more per dwelling unit. This rectangular area extends 1,500 feet from the end of the RPZ.

b) Finding No. 3-2

In their letter of September 16, 1996, LAFCO asked whether or not the City had considered relocation of the Eastside Mosquito Abatement District airstrip in the General Plan. The City's General Plan addresses broad-based urban and planned urbanizing issues for City development and does not specifically reference the relocation of the airstrip. In the preliminary planning for his project, the applicant contacted a local realtor, who advised him that relocating the airstrip would cost more than $1,000,000. Since only the portion of the Empire North Comprehensive Planning District north of Dry Creek is adversely affected by the flights from the airstrip, future development in that area would have to amortize airstrip relocation costs.

In addition, the decision to relocate the airstrip is solely within the purview of the Eastside Mosquito Abatement District. It is understood that the manager of the Modesto City/County Airport believes that the best location for the Eastside Mosquito Abatement District is at the Modesto City/County Airport. At the Modesto City/County Airport, the Eastside Mosquito Abatement District would be able to provide service without significant impact on uses surrounding the airport, would be able to avail themselves of existing fire and spill prevention and response equipment, and could take advantage of existing airport facilities. The Eastside Mosquito Abatement District has chosen not to relocate to the Modesto City/County Airport as they wish to continue to operate independently and without responsibility to any other agency or entity.

Further it is understood that there has never been an off-site accident at the Eastside Mosquito Abatement District airstrip, and the time and effort involved in attempting to effect any of these alternatives is effort which is spent to mitigate an impact which has never occurred in the past and therefore could most reasonably be expected not to occur in the far
distant future. As such, and based upon all the foregoing, there are many reasons why it is infeasible to require this project to relocate the Eastside Mosquito Abatement District airstrip.

It is important to note that substantial mitigation measures including the emergency landing strip and the avigation easement have been put in place to attempt to mitigate the safety and noise impacts related to the airstrip to the maximum extent feasible. While it would be reasonable to state that these mitigation measures have reduced a level of impact of the airstrip on this project to a level of less than significant, due to the fact that there is still a possibility that some type of accident may occur in the future affecting this site, it has been determined that this impact is still significant and unavoidable. The ability of this project, which is rather small in nature, relocating the entire airstrip is clearly infeasible and no additional mitigation is offered.

Substantial Evidence:


2. In attempting to relocate the Eastside Mosquito Abatement District airstrip, it will be necessary to find an acceptable site, sell the existing site, construct entirely new facilities, which would most likely be at a higher level that currently exists, and to determine that at the new location there would be no significant impacts for construction of the airstrip at that location. As the current runway is approximately 1,500 feet in length, a parcel of land upon which to relocate the airstrip would need to be around 40 acres minimum (1,320' x 1,320'). The airstrip could be put on the property diagonally. Forty acres of land could cost between $320,000 and $480,000 based upon a per acre price of $8,000 to $12,000 per acre. Construction of the airstrip, buildings, environmental review and permitting could easily cost an additional $400,000 to $500,000, thereby bringing the total relocation cost to around $1 million. In addition, it will be necessary to obtain permits from the Stanislaus County Board of Supervisors and other entities prior to the relocation of the airstrip. With all of the costs associated with moving the airstrip to a new isolated location, and the difficulty with finding a site that would satisfy the Eastside Mosquito Abatement District, meet all of their needs, and ultimately be acceptable, it does not seem feasible to pursue this option any further.

c) Conclusions:

The following Mitigation Measures will be incorporated into the Specific
Plan. However, they will not fully mitigate the identified Public Safety Impacts:

- Create an Avigation Easement. An avigation easement shall be dedicated that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77 surfaces. The City of Modesto Community Development Department shall ensure that the surfaces are determined prior to final map approval and the easement is dedicated on the final map approval. The minimum open space for the emergency landing strip should be approximately 25 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles structures and overhead lines. The avigation easement shall be dedicated to the Eastside Mosquito Abatement District and shall lapse if the District's airport on Santa Fe Drive is closed.

- Provide Alternative Landing Sites. The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.). City staff shall review the tentative map to ensure that suitable alternative landing site is provided in Sub-area A.


a) Finding No. 4-1

The aircraft operated by the Eastside Mosquito Abatement District carry the insecticides Altosid and Malathion. Some forms of Altosid are eye irritants; Malathion is harmful if swallowed, inhaled, or if there is eye or skin contact. Therefore, if a load of Malathion were accidentally released over the project site, the effects on the residents could be harmful.

**Substantial Evidence:**


b) Conclusions:

The following Mitigation Measures will be incorporated into the Specific Plan. However, they will not fully mitigate the identified Public Safety Impacts:
• Create an Avigation Easement. An avigation easement shall be dedicated that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77 surfaces. The City of Modesto Community Development Department shall ensure that the surfaces are determined prior to final map approval and the easement is dedicated on the final map approval. The minimum open space for the emergency landing strip should be approximately 25 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles structures and overhead lines. The avigation easement shall be dedicated to the Eastside Mosquito Abatement District and shall lapse if the District's airport on Santa Fe Drive is closed.

• Provide Alternative Landing Sites. The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.). City staff shall review the tentative map to ensure that suitable alternative landing site is provided in Sub-area A.
B. General Overriding Considerations

1. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

   a) Finding No. 1

   In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of housing types within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area and made the requisite overriding consideration findings.

   Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Empire North Unit No. 1 Specific Plan is in an area which contains two additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to the proximity of this project to an existing airstrip and the proximity of this project to a railroad. Due to these external sources, there are significant and unavoidable impacts related to safety and noise which cannot be feasibly mitigated to a level of insignificance.

   The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. This General Plan specifically recognizes the development of this area is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of housing, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and thriving community and find that the need to implement the General Plan
and its supporting goals and policies are benefits associated with this project.

**Substantial Evidence**

1. Land Use Diagram (Figure III-1), Modesto Urban Area General Plan.

2. Housing Element (Chapter IV), Modesto Urban Area General Plan, August 15, 1995.

2. **The Project Proposed Provides a Diversity of Housing Types**
   a) **Finding No. 1**

   The residential subdivision proposed for the Alldrin parcel provides differing housing types which will assist in implementing the Modesto Urban Area General Plan. The project as proposed contains 119 single-family residential units, 18 duplex units and approximately 24 condominium units which may assist in providing affordable housing which is a goal of the Modesto Urban Area General Plan. The project also provides an approximately two-acre assisted-living facility site. Based upon these different housing types provided within the project, the project furthers the goals and policies in the Modesto Urban Area General Plan by providing a diversity of housing types. The City Council hereby finds and declares that this provision of diverse housing types assists in meeting the goals and policies of the Modesto Urban Area General Plan and that the benefits of providing these diverse housing is associated with this project.

**Substantial Evidence**

1. Tentative Subdivision Map, submitted to the City on 10/24/96, and recommended for approval by the Planning Commission on December 2, 1996 (Dr. Kenneth Lemings, applicant).

2. Housing Element (Chapter IV), Modesto Urban Area General Plan, August 15, 1995.

3. **Provision of Senior Housing**

   **Finding No. 1**

   The project as proposed includes a two-acre assisted-living facility site. Based upon evidence in the record and a knowledge of the Modesto area, assisted-living housing is a demonstrated need within the City of
Modesto. Further, the project proponent has a history of entitling an assisted-living facility in the City of Modesto which has been successful by the construction and operation of the Bethel Retirement Center. This type of facility is needed and is a benefit associated with this plan. The Council hereby finds and declares that the provision of the assisted-living facility site in this project is a distinct benefit associated with the project.

Substantial Evidence

1. Tentative Subdivision Map, submitted to the City on 10/24/96, and recommended for approval by the Planning Commission on December 2, 1996 (Dr. Kenneth Lemings, applicant).

2. Housing Element (Chapter IV), Modesto Urban Area General Plan, August 15, 1995.

4. **Provision of Open Space**

   a) **Finding No. 1**

   When the City of Modesto General Plan was adopted in 1995, this property was added to the General Plan as an area where development would be permitted. As part of that adoption, the City of Modesto did not extend the Dry Creek Regional Park through the project site. The Dry Creek Regional Park will be a community-wide amenity which will allow access in certain areas to Dry Creek and will benefit owners residing near Dry Creek along with other members of the community. As such, a specific component of this project is the opportunity for the addition of a substantial amount of acreage to the Dry Creek Regional Park and the continuation of the Dry Creek Regional Park to the City's easternmost ultimate boundary. The benefits of this General Plan Amendment are city-wide in nature and will benefit the entire community. As such, the City Council hereby finds and declares that the adding of area to the Dry Creek Regional Plan is a benefit associated with this project.

Substantial Evidence

1. Land Use Diagram (Figure III-1), Modesto Urban Area General Plan, August 15, 1995.

5. **Provision of Recreational Amenities**

   a) **Finding No. 1**

   The project as proposed provides a community center and pathways to the Dry Creek Regional Park. These are amenities which specifically benefit the project as proposed. Many projects in the City of Modesto,
although adjacent to creekways and other natural features, have not in the past provided substantial public access to these features. This project includes provision of access to Dry Creek and as such creates a benefit to the future residents of this area. As such, the City Council hereby finds and declares that the benefit of providing access to Dry Creek for this project is a benefit associated with this project.

Substantial Evidence

1. Tentative Subdivision Map, submitted to the City on 10/24/96, and recommended for approval by the Planning Commission on December 2, 1996 (Dr. Kenneth Lemings, applicant).

6. Project Provides Emergency Landing Site for Mosquito Abatement District Airstrip

   a) Finding No. 1

   Included in the project is an emergency landing strip for the Eastside Mosquito Abatement District Airstrip. This airstrip has been in place for many years and in the past has frustrated development attempts around it. Through a report prepared by an airport consultant, this project has included an emergency landing strip which will assist in making the overall area of the Eastside Mosquito Abatement District Airstrip safer for all. The emergency landing strip is a substantial benefit which this project provides and which assists in providing safety to more than just the residents of the proposed project. As such, the City Council hereby finds and declares that the provision of an emergency landing strip for the Eastside Mosquito Abatement District Airstrip is a benefit associated with this project.

Substantial Evidence


2. “Final Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan”, November 15, 1996 (Section G, Chapter IV).

7. Conclusion.

Based on all of the foregoing, the City Council of the City of Modesto hereby finds and declares that the benefits associated with this project, as set forth in items 1 through 6 above, outweigh the significant and unavoidable environmental consequences associated with the project and approves the project subject to
the mitigation measures contained in the Final Environmental Impact Report certified for this project.
Exhibit 5

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Modifications to the Master EIR
Chapter 4. Additions, Deletions, and Other Proposed Modifications to the City’s Certified Master EIR

This focused EIR includes the following modifications to the previously certified Master EIR for the City’s General Plan. Additions to specific text in the City’s Master EIR are identified with italics.

A. PROPOSED MODIFICATIONS

I. Disturbance of Archaeological or Historical Sites

The standards of significance for the disturbance of archaeological resources set forth in the City's Master EIR are hereby revised to reflect the standards set forth in Public Resources Code Sections 5020.1 and 5924.1 and 36 CFR 60.4, as identified in Chapter 3 under “Disturbance of Archaeological Resources”.

II. Hazardous Materials

The following changes have been made based on a request in the Stanislaus County Department of Environmental Resources comment letter on the NOP.

Section IV. 16.III.A.1, the first paragraph has been revised to read as follows:

In the event that site inspection . . . The City shall notify the County Department of Environmental Resources . . .

Section IV. 16.III.A.1, second paragraph, the last sentence has been revised to read as follows:

Permitting or work in areas . . . with the City and approved by the County Department of Environmental Resources.
Section IV. 16.III.A.1, fourth paragraph, the first sentence has been revised to read as follows:

In accordance with OSHA requirements . . . file with the City and County Department of Environmental Resources . . .

Section IV. 16.III.A.3. has been revised to add the following sentence at the end of the paragraph:

In addition, the hazardous waste generator shall notify the County Department of Environmental Resources for a copy of 'Guidelines for Generators of Hazardous Waste' and to confirm compliance with State and Federal hazardous waste generator statutes.

Section IV. 16.III.A.3., the last sentence has been revised to read as follows:

The City Fire Department . . . hazardous materials and waste transportation . . .
MODESTO CITY COUNCIL
RESOLUTION NO. 97-6

A RESOLUTION ACCEPTING THE PROJECT TITLED MCHENRY MANSION GRAVITY SEWER LINE AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled McHenry Mansion Gravity Sewer Line, has been completed by B-Zap-B Corporation, in accordance with the contract agreement dated June 25, 1996.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion Gravity Sewer Line be accepted from said contractor, B-Zap-B Corporation; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $98,333.17 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-7

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $14,000 TO FULLY FUND MCHENRY MANSION GRAVITY SEWER LINE

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

FROM: 621 480 F733 6010; $14,000 (Reclamation Partnership)

TO: 621 480 F730 6040; $14,000 (McHenry Mansion Gravity Line)

Due to unforeseen extra work on underground utilities, additional funds are needed to compensate the Contractor for the extra work costs and to cover additional staff time required to administer the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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
RESOLUTION NO. 97-8

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVENTY-FIVE (75) PORTABLE RADIOS FROM MOTOROLA CORPORATION LAND MOBILE DIVISION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of seventy-five (75) portable radios is hereby waived.

BE IT FURTHER RESOLVED that purchase of seventy-five (75) portable radios from Motorola Corporation Land Mobile Division for a not to exceed price of $58,346.62.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-9

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES FOR COMPLETION OF A REVISED DRAFT EIR FOR THE KIERNAN BUSINESS PARK AND CARVER-BANGS SPECIFIC PLANS

WHEREAS, in January 1995, a Draft Specific Plan and Draft EIR for the Kiernan Business Park was prepared; and,
WHEREAS, the Draft Specific Plan and Draft EIR were sent out for public review from August 1, 1996 through October 1, 1996; and,
WHEREAS, as a result of the public review, on September 16, 1996, the City Manager authorized a contract with Environmental Science Associates (ESA) in the amount of $15,000 to prepare the Final EIR, covering both the Kiernan Business Park and Carver-Bangs Specific Plans; and,
WHEREAS, the contract with ESA was subsequently amended by the City Manager to increase the contract amount to $16,480 for additional work to respond to comments received by Caltrans on the Draft EIR; and,
WHEREAS, with the inclusion of the Carver-Bangs Specific Plan, this contract amendment of $17,145 is for the purpose of performing the work needed for recirculation, bringing the total contract amount to $33,625.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Environmental Science Associates for $17,145 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 7th day of January, 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, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-10

A RESOLUTION APPROVING AN ADDENDUM TO THE NEGATIVE DECLARATION FOR THE JENNINGS ROAD WASTEWATER TREATMENT FACILITY BIOSOLIDS COMPOSTING PROJECT, SCH NO. 94112036.

WHEREAS, on November 9, 1994, the City’s Environmental Assessment Committee (EAC) conducted an initial study to determine if the Jennings Road Wastewater Treatment Facility Biosolids Composting project might have a significant effect on the environment, and

WHEREAS, on January 17, 1995, the City Council adopted Resolution No. 95-30 approving the Negative Declaration for the proposed project, and

WHEREAS, the City of Modesto’s Public Works and Transportation Department has proposed an Addendum to the Negative Declaration for the Jennings Road Wastewater Treatment Facility Biosolids Composting project, a copy of said Addendum is attached, and

WHEREAS, the purpose of the Addendum is to address four aspects of the proposed project, which were found by the Integrated Waste Management Board as needing clarification in the Negative Declaration as submitted. These aspects are:

1. Traffic
2. Acreage
3. Compost Feedstock
4. Tonnage

and
WHEREAS, City staff has determined that the issues addressed in the project's Initial Study and the Addendum thereto do not constitute a substantial change in the circumstances under which the project is undertaken, or do not contain new information of substantial importance that would prompt the need to conduct further CEQA review.

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

SECTION 1. The City Council certifies that it has reviewed and considered the proposed Addendum to the Negative Declaration and the previously approved Negative Declaration for the Jennings Road Wastewater Treatment Facility Biosolids Composting project.

SECTION 2. The City Council hereby finds on the basis of the information contained in the project's Initial Study and the Addendum, a copy of which is attached hereto, that pursuant to Public Resources Section 21166 and CEQA guidelines 15162 and 15164 that there is no need to prepare a subsequent EIR or a subsequent Negative Declaration.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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
CITY OF MODESTO

ADDENDUM TO A NEGATIVE DECLARATION
FOR THE JENNINGS ROAD WASTEWATER TREATMENT FACILITY
BIOSOLIDS COMPOSTING PROJECT
SCH#94112036

PROJECT:

Jennings Road Wastewater Treatment Facility Biosolids Composting Project

APPLICANT:

City of Modesto Public Works and Transportation Department
PO Box 642
Modesto, CA 95353

I. PROJECT DESCRIPTION:

This Document is prepared as an addendum to the Negative Declaration (SCH#94112036) prepared in 1993 for the Jennings Road Wastewater Treatment Facility Biosolids Co-composting Project. The Negative Declaration for this project discussed the two project components. Component 1 of the project is annexation of the project site into the City limits. The site consists of 51.18 acres at the City's existing Wastewater Treatment Facility at 7007 Jennings Road in Stanislaus County. The City owns approximately 4,000 acres of land on Jennings Road, including 1,100 acres of treatment ponds, and 2,900 acres of ranch land. The 51.18 acres is contiguous to an existing 10-acre parcel that was annexed to the City of Modesto in 1969 for the purpose of erecting buildings and equipment necessary to the treatment process.

Component 2 of the project is the development of a biosolids composting operation on approximately 15 acres in the northwest corner of the 51.18-acre site. Biosolids are a byproduct of specially treated, stabilized, disinfected water that may have originated from household wastewater, industrial wastewater, and storm runoff. The co-composting process will enable the City to meet the pathogen reduction requirements established by the Environmental Protection Agency's 40CFR Part 503 regulations for Class A biosolids.

Following an engineering analysis of the proposed project site, it was determined that 30 acres of the 51.18 acres covered by the Negative Declaration should be used for co-composting operations. The process described by the Negative
Declaration to be used in this component of the project is windrow composting. Site preparations include grading, compaction, surfacing of work areas, installation of drains, fences, an electrical system, fire suppression, and water lines. Materials to be composted include biosolids, which will be removed from the wastewater treatment systems and transferred to the co-composting site. The biosolids will be "bulked up" to provide better aeration, by the addition of yard trimmings, leaves, garden refuse, or other compostable feedstocks, such as wood chips, rice hulls, or other materials, including manures, plant wastes from the food processing industry, and other green materials as defined in the composting regulations. These materials will be delivered to the composting site by approximately 30-40 trucks. A tub grinder, windrow turner, skip loaders, power screen, water truck, and other miscellaneous equipment will be used in processing the materials.

The biosolids/bulking mixture will be allowed to compost for a period of 14-21 days, and managed to meet the EPA regulations for Class A material. The operations will be managed to minimize odor, dust, and vectors. When the active composting is completed, the biosolids co-compost will be cured, screened, and sold for use as a soil amendment.

The initial average daily throughput of feedstocks from the City is anticipated to be approximately 200 tons (400 cubic yards) of combined materials. Initial peak loading is expected to be approximately 450 tons (900 cubic yards) per day. The requested permitted daily peak capacity is 500 tons (1,000 cubic yards), with an annual throughput of approximately 130,000 tons (260,000 cubic yards). The combined annual volume of compost to be produced is expected to range from 68,000 to 171,000 cubic yards of finished product.

II. ENVIRONMENTAL SETTING:

The project site is flat, and has historically been used for agriculture, specifically as pasture, which has been irrigated with wastewater. Surrounding uses include the Secondary Wastewater Treatment Facility, field crops, almonds, and irrigated pasture/cattle grazing. A fixed-film reactor is located on the northwest corner of the 51.18-acre site. The northernmost portion of the site is bordered by the access road for the Wastewater Treatment Facility. The 51.18-acre site is buffered from Jennings Road by a 48-acre field, which is currently being fallowed.

The Wastewater Treatment Facility/Ranch is operated under a Discharge Permit from the Regional Water Quality Control Board, and a Water Discharge Permit, which allow for the direct land application of biosolids and for the use of effluent water for irrigation. The Treatment Facility/Ranch have full tailwater control, and all excess water/stormwater is returned to the treatment system.
III. **BACKGROUND:**

The purpose of this Addendum is to address four aspects of the proposed project, which were found by the Integrated Waste Management Board as needing clarification in the Negative Declaration as submitted. These aspects are:

A. Traffic  
B. Acreage  
C. Compost Feedstock  
D. Tonnage

IV. **DISCUSSION:**

A. **Traffic**

The traffic counts cited in the adopted Negative Declaration inadvertently referred to truck trips rather than individual trucks. The proposed number of vehicles requested on the permit (30-40 green waste trucks) is within the range of vehicles analyzed for in the Negative Declaration (20-40 trucks). Thus, this correction does not result in an increase in traffic, nor does it alter the finding of no significant impact.

B. **Acreage**

The Negative Declaration was prepared for the annexation of a 51.18-acre parcel to the incorporated area so that the fixed film reactor that occupies the northwest corner of the parcel and any future improvements or processing operations conducted at the site are within the City limits. To provide further clarification, approximately 30 acres of this 51.18-acre parcel will be used for co-composting activities, not 15 acres as stated in the Negative Declaration. The 51.18-acre parcel is part of a 2,900-acre ranch owned by the City and permitted for wastewater treatment and land application of effluent and biosolids. There are no nearby sensitive receptors. This modification does not change the finding of no significant impact.

C. **Compost Feedstock**

In addition to biosolids from the secondary wastewater treatment plant, the Negative Declaration identified yard trimmings, leaves and garden refuse as wastes to be composted at the project facility. Wood chips, rice, or other dry materials were listed as other potential bulking agents. Since the Negative Declaration was certified as complete, feedstocks from other sources were added to the list of wastes to be utilized in the composting process. Poultry or cow manure may be used in the event that an
additional source of nitrogen is required. Once the biosolids co-composting operations are underway for City feedstocks, the City would evaluate the economic feasibility of accepting feedstocks from other sources, including green materials from other communities, manures, plant wastes from the food processing industry, and other green materials as defined in the regulations.

As noted in the Negative Declaration, the co-compost operations will be managed in such a manner as to minimize litter, odor, dust, and vectors. The facility is part of a 2,900-acre ranch owned by the City, and there are no nearby sensitive receptors. The additional potential feedstocks would not substantially change the project, or alter the finding of no significant impact.

D. Tonnage

The initial average daily throughput of feedstocks from the City is anticipated to be approximately 200 tons (400 cubic yards) of combined materials. Initial peak loading is expected to be approximately 450 tons (900 cubic yards) per day. The requested permitted daily peak capacity is 500 tons (1,000 cubic yards). The annual throughput at this capacity would be approximately 130,000 tons (260,000 cubic yards). The combined annual volume of compost to be produced is expected to range from 68,000 to 171,000 cubic yards of finished product (52,000 – 130,000 tons/year range at 2 cubic yards per ton, with an assumed 1/4 - 1/4 shrinkage).

V. DETERMINATION:

It is the determination of the City of Modesto that the issues addressed above do not constitute a substantial change in the circumstances under which the project is undertaken, or new information of substantial importance that would prompt the need to conduct further CEQA review.

VI. CERTIFICATION:

Brian R. Smith,
Principal Planner
City of Modesto
NOTICE OF DETERMINATION

To: Stanislaus County Clerk
From: City of Modesto
Subject: Notice of Determination, Environmental Review

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Jennings Road Reorganization No. 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Clearinghouse Number (if submitted to State Clearinghouse)</td>
<td>SCH 94112036</td>
</tr>
<tr>
<td>Contact Person</td>
<td>Alice Tulloch</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>577-5470</td>
</tr>
<tr>
<td>Project Location</td>
<td>West of Jennings Road at Zeering Road, Stanislaus County</td>
</tr>
<tr>
<td>Project Description</td>
<td>Reorganization to the City of Modesto 51.18 acres of pasture land owned by the City of Modesto for expansion of the sewer treatment facility</td>
</tr>
</tbody>
</table>

This is to advise that the City of Modesto has made the following determinations regarding the above described project:

1. The project has been ☒ approved Disapproved Agency: City Council Resolution No. 95-29, 30, Ord. 2940-C.S. Date: January 17, 1995.

2. The project ☒ will not have a significant effect on the environment.

3. ☒ An Environmental Impact report was prepared for this project pursuant to the provisions of CEQA and was certified by the decision-making body. A copy is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

4. Findings of Significant Effect and Mitigating Measures

☒ Statement attached ☒ Not applicable

5. A Statement of Overriding Considerations ☒ was adopted for this project. ☒ was not

Date Received for Filing

1995/000-00115-6/11/81R

Signature

Secretary, Environmental Assessment Committee

Title
CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (including county):

Jennings Road Reorganization #2
Stanislaus County

Project Description:

Reorganization to the City of Modesto 51.18 acres of pasture land, currently owned by the City of Modesto for the purpose of expansion of the sewer treatment facility.

Findings of Exemption (attach as necessary):

An Initial Study was conducted by the City of Modesto. This analysis determined that this project will not have a significant adverse effect upon the environment.

After consideration, there is no evidence before the agency that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. This project is in a remote area that is currently being used for disposal of treated wastewater. No trees will be removed and no known habitats will be disturbed.

The evidence before the lead agency rebuts the presumption of adverse effect upon wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Title: Sec'y, Environmental Assess. Committee
Lead Agency: City of Modesto
Date: January 20, 1995
MODESTO CITY COUNCIL
RESOLUTION NO. 97-11

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER FOR PSYCHOLOGICAL SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, consult on cases with the Investigative Services Division and provide crisis debriefing be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-12

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTIMATE
REVENUE OF $202,176 AND APPROPRIATE FUNDS FOR THE OPERATION OF THE
COMPREHENSIVE TRAFFIC SAFETY PROGRAM GRANT

WHEREAS, an application to the State Office of Traffic Safety for the Comprehensive Traffic
Safety Program grant was approved in the amount of $202,176; and

WHEREAS, funds must be recognized as revenue and will be appropriated into the Bureau of
Operations Department account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97
Annual Budget is hereby amended estimating General Fund revenue of $202,176 and appropriating funds
into Organization #1961 for employee services (salaries, benefits and overtime pay).

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 January, 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, 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 THE EXECUTION OF A GRANT AWARD AVAILABLE THROUGH THE U.S. DEPARTMENT OF JUSTICE FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

WHEREAS, in August 1996, the Modesto Police Department made application to the U.S. Department of Justice for the Local Law Enforcement Block Grant Program in the amount of $301,367.

WHEREAS, the Program is of 24-month duration, and it included program areas of procuring technology to enhance law enforcement and initiating or enhancing crime prevention programs.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant award in the amount of $301,267 in grant funds through the Local Law Enforcement Block Grant Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant award 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 January, 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: Councilmember: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTABLISH A NEW ORGANIZATION #1980 "FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM" WITH ESTIMATING REVENUES OF $301,367; $500 FROM INTEREST EARNINGS ON UNSPENT APPROPRIATIONS AND $33,485 OF MATCHING FUNDS TO BE TRANSFERRED FROM THE SPECIAL FUND FOR CAPITAL OUTLAY

WHEREAS, in August of 1996, the Police Department made application in the amount of $335,352 to the U.S. Department of Justice for the Local Law Enforcement Block Grant Program which would run for a 24-month duration. This program would procure technology to enhance law enforcement and initiating or enhancing crime prevention programs; and

WHEREAS, the award application was approved in the amount of $301,367; and

WHEREAS, matching funds of $33,485 transferred in from the Special Fund for Capital Outlay (Police Computer Imaging Project) plus $500 from interest earnings on unspent appropriations will make up the shortfall. Also estimating revenue of $31,367 and interest of $500, and appropriating $335,352 for expenditures per the Grant Award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to establish a new Organization #1980 "Federal Local Law Enforcement Block Grant Program" with a "trust" which can receive interest and conforms with Special Condition #8 of the grant.

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 day of January 7, 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, 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, Budget Officer
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET
ESTIMATING REVENUES OF $301,367 FROM A GRANT AWARD; $500 FROM INTEREST EARNINGS
ON UNSPENT APPROPRIATIONS AND $33,485 OF MATCHING FUNDS TO BE TRANSFERRED FROM
THE SPECIAL FUND FOR CAPITAL OUTLAY (POLICE COMPUTER IMAGING PROJECT)

WHEREAS, in August of 1996, the Police Department made application in the amount of $335,352 to the
U.S. Department of Justice for the Local Law Enforcement Block Grant Program which would run for a 24-month
duration. This program would procure technology to enhance law enforcement and initiating or enhancing crime
prevention programs; and the award application was approved in the amount of $301,367; and

WHEREAS, matching funds of $33,485 transferred in from the Special Fund for Capital Outlay (Police
Computer Imaging Project) plus $500 from interest earnings on unspent appropriations will make up the shortfall.
Also estimating revenue of $31,367 and interest of $500, and appropriating $335,352 for expenditures per the Grant
Award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual
Budget is hereby amended as indicated below:

Revenue:
- 010-190-1980-3505 $301,367 Local Law Enforcement Block Grant
- 010-700-7000-9130 $33,485 Transfer in from Special Fund for Capital Outlays
- 010-510-9510-610 $500 Interest Earnings

Appropriations:
- 010-190-1980-0200 $160,367 Professional Services
- 010-190-1980-5000 $174,985 Capital Non-CIP
- 130-700-7000-7041 $33,485 Transfer Out to General Fund for Local Law Enforcement Block Grant
- 130-190-H002-6070 ($33,485) Police Computer Imaging

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 January 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, 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 THE SELECTION OF CONSULTANTS TO PROVIDE ON-CALL SERVICES TO PREPARE FOCUSED ENVIRONMENTAL IMPACT REPORTS AND PERFORM OTHER RELATED ENVIRONMENTAL REVIEW TASKS

WHEREAS, future growth in the City's Planned Urbanizing Area will take place through Specific Plans; and

WHEREAS, the General Plan requires the preparation of Focused Environmental Impact Reports, concurrent with each Specific Plan; and

WHEREAS, Focused EIRs are completely funded by the private applicant; and

WHEREAS, establishing a list of prequalified, on-call consultants will streamline the development process, further standardize and improve the City's format and analytical approach to EIRs. Therefore, on October 22, 1996, the City issued a Request for Qualifications, and on November 12, 1996, received eleven submittals in response; and

WHEREAS, the Consultant Selection Committee recommends the selection of Environmental Science Associates, EIP Associates, and Cotton/Beland Associates to exclusively provide environmental consulting services for the City.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the firms of Environmental Science Associates, EIP Associates, and Cotton/Beland Associates are selected to provide on-call services to prepare Focused Environmental Impact Reports and perform other related environmental tasks, and said selection is hereby approved for a period of two years.

BE IT FURTHER RESOLVED that the execution of said selection 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 7th day of January, 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. 97-17

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP TO EXPAND THE SCOPE OF SERVICES TO INCLUDE PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) TRAIL EXTENSION TO MITCHELL ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and RRM Design Group for expansion of the scope of services to include preparation of construction documents for the Tuolumne River Regional Park trail extension to Mitchell Road, for an additional sum of $3,346 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 7th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-18

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF EDWARD STALEY FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE JANUARY 7, 1997

WHEREAS, Edward Staley was appointed a member of the Community Qualities Forum on June 7, 1994; and

WHEREAS, Edward Staley has tendered his resignation from the Community Qualities Forum, effective January 7, 1997; and

WHEREAS, Edward Staley has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Edward Staley from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Edward Staley 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 7th day of January, 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
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ROCCI LAMANTIA FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE JANUARY 7, 1997

WHEREAS, Rocci LaMantia was appointed a member of the Citizens Advisory Committee on Recycling on January 4, 1994; and

WHEREAS, Rocci LaMantia has tendered his resignation from the Citizens Advisory Committee on Recycling, effective January 7, 1997; and

WHEREAS, Rocci LaMantia 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 Rocci LaMantia from the Citizens Advisory Committee on Recycling be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Rocci LaMantia 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 7th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-20

A RESOLUTION APPOINTING A MEMBER TO THE CULTURE COMMISSION

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

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

SECTION 1. Grace Lieberman is hereby appointed to the Culture Commission, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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 APPOINTING A MEMBER TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

SECTION 1. Debra Donaghy is hereby appointed to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-22

A RESOLUTION APPOINTING A MEMBER TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Andrew Mendlin is hereby appointed to the Citizens Housing and Community Development Committee, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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 REAPPOINTING MEMBERS 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 each of the reappointed 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 7th day of January, 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 REAPPOINTING A MEMBER TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. Donald Monaco is hereby reappointed to Airport Advisory Committee, with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Airport 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 7th day of January, 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 REAPPOINTING MEMBERS TO THE BOARD OF BUILDING APPEALS

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

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

SECTION 1. James Aja and Frank Satariano are hereby reappointed to the Board of Building Appeals, with term expirations of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-26

A RESOLUTION REAPPOINTING A MEMBER TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

SECTION 1. Leonard Choate is hereby appointed to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-27

A RESOLUTION REAPPOINTING MEMBERS TO THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

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

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

SECTION 1. Bradley Hahn, Tom Slater, and Michael Navarro are hereby reappointed to the Citizens Redevelopment Advisory Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Citizens Redevelopment Advisory Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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
A RESOLUTION REAPPOINTING MEMBERS TO THE CULTURE COMMISSION

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

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

SECTION 1. Peter Smith and Michael Krajewski are hereby reappointed to the Culture Commission, with term expirations of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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 REAPPOINTING MEMBERS TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD

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

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

SECTION 1. Eric Benson, Francis Ruggieri, and Andre David are hereby reappointed to the Downtown Improvement District Advisory Board, with term expirations of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-30

A RESOLUTION REAPPOINTING MEMBERS TO THE GREATER MODESTO COMMUNITY FOUNDATION

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

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

SECTION 1. Lowell Clark and Lee Hampson are hereby reappointed to the Greater Modesto Community Foundation, with term expirations of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-31

A RESOLUTION REAPPOINTING A MEMBER TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Barbara Parrill is hereby reappointed to the Landmark Preservation Commission, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-32

A RESOLUTION REAPPOINTING MEMBERS TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Peter Pen, Joan Recca, and Fred Hawkins are hereby reappointed to the Community Qualities Forum, with term expirations of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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. 97-33

A RESOLUTION CONFIRMING THE EXISTENCE OF A
LOCAL EMERGENCY AND RULES AND REGULATIONS
ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Section 3-4.06 of the Modesto Municipal Code
empowers the Director of Emergency Services to proclaim the
existence or threatened existence of a local emergency when the
City of Modesto is affected or likely to be affected by a public
calamity and the City Council is not in session, subject to
ratification by the City Council within seven (7) days; and

WHEREAS, conditions of extreme peril to the safety of
persons and property have arisen within the City of Modesto
caused by a flooding along Dry Creek and the Tuolumne River
commencing on or about Friday, January 2, 1997, at which time the
City Council of the City of Modesto was not in session; and

WHEREAS, the Director of Emergency Services of the City
of Modesto did proclaim the existence of a local emergency within
the City of Modesto on January 2, 1997; and

WHEREAS, the Modesto City Council does hereby find that
the aforesaid conditions of extreme peril did warrant and
necessitate the proclamation of the existence of a local
emergency,

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED
that said proclamation by the Director of Emergency Services is
hereby ratified and that said local emergency shall be deemed to
continue to exist until its termination is proclaimed by the City
Council of the City of Modesto.

BE IT FURTHER RESOLVED by the City Council that the following rules and regulations issued by the Director of Emergency Services since the proclamation of the existence of a local emergency in the City of Modesto, California, are reasonably related to the protection of life and property as affected by such emergency and are hereby confirmed:

1. The evacuation orders described in Exhibit "A" which is attached hereto and made a part hereof.

2. The issuance of "no-fee" building permits for the purposes of rehabilitating or repairing flood damaged structures to persons owning or occupying said structures.

3. Allowing a one (1) weeks' credit to City utility customers whose utility services were directly impacted by the flooding. The credit would apply to customers who were unable to use water, wastewater, and/or garbage service because they had been evacuated from their homes; and those customers whose water, wastewater, and/or garbage service were interrupted or unavailable as a direct result of the flooding. If the flooding conditions persist into a second week, or beyond, for any customer, City Finance Department staff is authorized to grant additional weeks credits as deemed appropriate by the City of Modesto Finance Director.

4. All other rules and regulations issued by the Director of Emergency Services on matters reasonably related to
the protection of life and property as affected by said emergency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __th__ day of __January__, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
Evacuation orders were issued by the Emergency Operation Center Incident Commander to residents of designated homes or residential structures in the following described areas in the City of Modesto:

1. Scenic to Yosemite
   Burney to Claus

2. Edgebrook to La Loma
   to Phoenix

3. Santa Cruz to Tioga
   South of Monterey

4. Crows Landing to Carpenter
   Hatch to Tuolumne

5. Yosemite to La Loma
   El Rio to James

6. Sutter westerly to the City limits
   Pelton to the Tuolumne River
MODESTO CITY COUNCIL
RESOLUTION NO. 97-34

A RESOLUTION ADOPTING TITLE 19, CALIFORNIA CODE OF REGULATIONS, DIVISION 2 AS THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM OF THE CITY OF MODESTO FOR RESPONSE TO POTENTIAL CONDITIONS OF DISASTER OR OF EXTREME PERIL TO THE SAFETY OF PERSONS AND PROPERTY.

WHEREAS, the State Office of Emergency Services pursuant to Government Code Section 8607 et seq. has engaged in authorized rule-making and has adopted by regulation a Standardized Emergency Management System (SEMS) set forth at Title 19, California Code of Regulations, Division 2, Sections 2400-2450 (the regulations); and

WHEREAS, the regulations are intended to standardize response to potential emergencies involving multiple jurisdictions or agencies including local government, such as the Modesto City Fire and Police Departments by requiring the use of basic principles and components of emergency management, including the Incident Command System, multi-agency coordination, the operations area concept and established mutual aid systems; and

WHEREAS, as of December 1, 1996, when a local agency, such as the Fire or Police Department, is included in a Governor's State of Emergency Proclamation, that agency must be in compliance with the SEMS regulations in order to be eligible for State funding or reimbursement of personnel costs incurred as a result of undertaking measures to save lives and to protect the
public health, safety and property; and

WHEREAS, the City has used the Standardized Emergency Management System since December 1, 1996; and

WHEREAS, both the City Council and the Fire Chief and staff have reviewed the regulations and find that their substance and procedure serve as a basis for an Incident Command System within the City to respond consistent with other local and State agencies to life and property saving incidents.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts in total those regulations set forth at Title 19, California Code of Regulations, Division 2, Section 2400-2450 and be it further resolved that the City Clerk is directed to file a certified copy of this Resolution when fully executed with the State Office of Emergency Services.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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
A RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS FOR THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES) IN RELATION TO THE JANUARY FLOODS OF 1997.

WHEREAS, in order for the City to file claims for the purpose of obtaining certain financial Federal Assistance under Federal Public Law 93-288, it is necessary to authorize selected City officials to execute for and on behalf of the City of Modesto numerous documents, forms, and letters detailing the nature and justification of claims in relation to the incident known as the "January Floods of 1997",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following City officials are hereby authorized to execute and submit documents required by the Federal Emergency Management Administration (FEMA) and the California State Office of Emergency Services (OES), on an ongoing basis, for the purpose of filing claims for reimbursements for disaster assistance due to the incident known as the "January Floods of 1997":

J. Edward Tewes, City Manager
Paul Baxter, Deputy City Manager
Kevin Riper, Finance Director
Jim Pregler, Purchasing Officer
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-36

A RESOLUTION APPROVING REVISIONS TO INDEMNIFICATION PROVISIONS IN SERVICE AGREEMENTS BETWEEN THE CITY OF MODESTO AND MODESTO GARBAGE COMPANY INC. AND GILTON SOLID WASTE MANAGEMENT INC.

WHEREAS, by Res. 96-691 and Res. 96-692, the Council of the City of Modesto approved, at the December 16, 1996 City Council meeting, service agreements with Modesto Garbage Company Inc. and Gilton Solid Waste Management Inc., respectively, for the collection of solid waste, including garbage, industrial garbage, containerized green waste, commingled garbage/recyclables, recyclable materials and salvageable waste.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revisions to indemnification provisions in said service agreements between the City of Modesto and Modesto Garbage Company Inc. and Gilton Solid Waste Management Inc. be, and are hereby approved.

BE IT FURTHER RESOLVED that the execution of said revisions to indemnification provisions in service agreements 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 January, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill, Friedman

ABSENT: Councilmembers: McClanahan

ATTEST:  
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-37

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THEODORE M. COOK FOR THE LEASE OF SUITE H, COOK MARKETPLACE, 500 NINTH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement for Suite H, Cook Marketplace, 500 Ninth Street between the City of Modesto and Theodore M. Cook for $696.21 per month 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 14th day of January, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-38

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for the use of a small parcel of land at the City/County Airport for weather equipment between the City of Modesto and Atmospherics Inc. for a rental fee of $200 per month 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 14th day of January, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-39

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND PETERSON CONSULTING TO PROVIDE CONSULTATION AND LOBBYING SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for a not to exceed amount of $36,000 between the City of Modesto and Peterson Consulting Inc. to provide consultation and lobbying services for the Waste-to-Energy project 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 14th day of January, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
RESOLVED that the Council approves the following revisions as recommended by City staff:

1. That sales price limits shall be raised to $115,000 for three bedroom homes and $125,000 for four bedroom homes.

2. That loan terms shall be adjusted so that payments are only deferred for the first five years, with payments beginning in year six and the loans fully amortized (including accrued interest) in either an additional ten years (for Redevelopment) or fifteen years (for HOME/CDBG).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 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, 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. 97-41

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANCO FOR THE PURCHASE OF 2401 POWELL STREET #3 FOR STANCO'S TRANSITIONAL HOUSING PROGRAM AS APPROVED IN THE FY 96-97 HOME PROGRAM ALLOCATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a loan agreement between the City of Modesto and STANCO for the purchase of 2401 Powell Street #3 for $18,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said loan 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 January, 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-42

A RESOLUTION DESIGNATING STANCO AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AND APPROVING A $15,000 GRANT FOR CHDO OPERATING EXPENSES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE HOME AGREEMENT

WHEREAS, the City receives an annual grant from HUD under the HOME Investment Partnerships Program; and

WHEREAS, HOME regulations require that at least 15% of the annual grant allocation be reserved for housing to be developed, sponsored, or owned by Community Housing Development Organizations (CHDOs); and

WHEREAS, STANCO is applying for CHDO designation and is also requesting $15,000 grant for operating expenses.

THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that STANCO be designated a CHDO, that STANCO be granted $15,000 for operating expenses, and that the City Manager be authorized to execute HOME agreement, and is hereby approved.

BE IT FURTHER RESOLVED that the execution of said CHDO designation, grant, and signature authorization 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 January, 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: _Jean Adams__
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-43

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL ESTATE SALES CONTRACT AGREEMENT FOR THE PURCHASE OF 2700 GARVEY AVENUE FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (PROPERTY DISPOSITION PROGRAM) AND AUTHORIZE THE ASSIGNMENT OF PURCHASE AGREEMENT TO THE STANISLAUS COUNTY AFFORDABLE HOUSING COPROPATION (STANCO)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a real estate sales contract agreement for the purchase of 2700 Garvey Avenue from HUD and an assignment of purchase agreement to STANCO be, and is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement and assignment 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 January, 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION WAIVING FEE FOR USE OF THE CENTRE PLAZA AND PROVIDING MODESTO POLICE DEPARTMENT SECURITY FOR FLOOD AID CONCERT

WHEREAS, the floods of 1997 have caused many homes to be flooded and sent many local citizens to the American Red Cross for assistance; and

WHEREAS, a group of citizens has developed a benefit concert to be presented at the Modesto Centre Plaza on January 17, 1997 to help replenish the American Red Cross' depleted coffers.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto the waiver of the Centre Plaza fees and the Modesto Police Department security costs, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said waiver of fees and costs 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 January, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-45

A RESOLUTION REAPPOINTING VIRGINIA GLESER TO THE CITIZENS HOUSING &
COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Virginia is hereby reappointed to the Citizens Housing &
Community Development Committee, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 14th day of January, 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. 97-46

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIXTEEN POLICE VEHICLES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of sixteen police vehicles is hereby waived.

BE IT FURTHER RESOLVED that purchase of sixteen police vehicles for a not to exceed price of $380,721.81 be, and is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21th day of January, 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. 97-47

A RESOLUTION AMENDING THE 1996-97 CAPITAL IMPROVEMENT PROGRAM
THROUGH A REDUCTION IN PROJECT COST ($18,273) AND AN ADVANCEMENT OF
$60,000 FROM THE 1997-98 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, in June of 1996, the Council approved a Capital Improvement Program that included
a new project for 1997-98, "Financial/Human Resources System Upgrade to Client-Server" for
$537,602, to be paid out of Fund 130, Special Fund for Capital Outlay; and

WHEREAS, since budget adoption, the Information Network Services Division has already
acquired a new base RS/6000 to serve part of the City's non-financial data processing needs, plus a small
portion of the computing power that will be required for the system upgrade; which will reduce the
acquisition costs by $18,273; and

WHEREAS, the vendor has agreed to deliver the new client/server software to the City with a
21% down payment, or $60,000 which requires an advancement from the 1997-98 budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-
97 Capital Improvement Program is hereby amended as shown below:

<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve</td>
<td>Financial/Human Resources Reserve</td>
</tr>
<tr>
<td>#130-800-8000-8003 $(60,000)</td>
<td>#130-120-H828-6070 $ 60,000</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 day of January 21, 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: ____________
        JBAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ____________________________________________
    STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-48

A RESOLUTION WAIVING FORMAL BID PROCEDURES, APPROVING AN AMENDMENT TO THE AGREEMENT WITH AMERICAN MANAGEMENT SYSTEMS, AND AUTHORIZING THE PURCHASE OF CLIENT/SERVER-BASED FINANCIAL/HUMAN RESOURCES SOFTWARE FROM AMERICAN MANAGEMENT SYSTEMS FOR $292,000, PLUS TAX

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Client/Server-based Financial/Human Resources software are hereby waived.

BE IT FURTHER RESOLVED that the purchase of Client/Server-based Financial/Human Resources software from American Management Systems for $292,000, plus tax, is hereby approved.

BE IT FURTHER RESOLVED that an amendment to the agreement with American Management Systems, 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 January, 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
A RESOLUTION ACCEPTING THE BID OF CAL-LINE EQUIPMENT FOR FURNISHING ONE TRAILER-MOUNTED STUMP CUTTING MACHINE

WHEREAS, Resolution No. 96-648, adopted by the Council of the City of Modesto on November 26, 1996 approved the call for bids on January 8, 1997 for furnishing one trailer-mounted stump cutting machine; and

WHEREAS, the bids received for one trailer-mounted stump cutting machine, were opened at 11:00 a.m. on January 8 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 Cal-Line Equipment for a total amount of $21,838.64 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cal-Line Equipment 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 28th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-49

A RESOLUTION ACCEPTING THE PROJECT TITLED "PUBLIC FACILITIES DISTRICT NO. 11 - INSTALLATION OF CURB, SIDEWALK AND STREET IMPROVEMENTS AT VARIOUS LOCATIONS" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "Public Facilities District No. 11 - Installation of Curb, Sidewalk, and Street Improvements at Various Locations", has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated May 21, 1996.

NOW, THEREFORE, BE IT RESOLVED that the "Public Facilities District No. 11 - Installation of Curb, Sidewalk and Street Improvements at Various Locations be accepted from said contractor, Ross F. Carroll Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $84,139.20 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-50

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT STATE ROUTE 108 (McHENRY AVENUE) AND LEVELAND LANE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and Caltrans for the Construction of a Traffic Signal at State Route 108 (McHenry Avenue) and Leveland Lane 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 28th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-51

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MCCAW COMMUNICATIONS FOR THE LEASE OF A CELLULAR SITE IN DAVIS PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and McCaw Communications for the lease of a cellular site in Davis Park 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 28th day of January, 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
A RESOLUTION DESIGNATING THE WEEK OF MARCH 31 THROUGH APRIL 4, 1997, AS CITY OF MODESTO SAFETY WEEK AND AUTHORIZING THE CITY'S PARTICIPATION IN THE FIRST ANNUAL STANISLAUS COUNTY MULTI-AGENCY EMPLOYEES' SAFETY FAIR.

WHEREAS, Stanislaus County's CEO-Risk Management Division included in its annual work plan the development of an Employee Safety Fair to reinforce existing training and safety committee teamwork with its overall safety program, and

WHEREAS, the County's Risk Manager approached the City to explore the possibility of City-County collaboration in the development of said Safety Fair, and

WHEREAS, said Safety Fair is scheduled for April 2 and 3, 1997, from 7:00 a.m. to 7:00 p.m. at the Modesto Centre Plaza, and

WHEREAS, employees will be scheduled in two (2) hour blocks, allowing each employee to receive one (1) hour of a variety of safety training, with supervisors and managers receiving an additional one-half hour of accident investigation training, and

WHEREAS, employees will also have the opportunity to tour a vendor fair displaying the latest techniques and equipment for loss control, and

WHEREAS, CalOSHA regulations require the City and County to provide safety training to their respective employees,
and the training is fairly standard for similar occupations within the City-County organizations, and

WHEREAS, costs of the Safety Fair are estimated at $40,000, to be offset by $10,000 in vendor revenue, and contributions of $25,000 from the County and $5,000 from the City towards the costs of the Safety Fair,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council hereby designates the week of March 31 through April 4, 1997, as City of Modesto Safety Week.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City's participation in the First Annual Stanislaus County Multi-Agency Employees' Safety Fair scheduled for April 2 and 3, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 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
(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-53

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DIRK HOEK FROM THE
LANDMARK PRESERVATION COMMISSION, EFFECTIVE JANUARY 20, 1997

WHEREAS, Dirk Hoek was reappointed a member of the Landmark Preservation Commission on January 25, 1995; and

WHEREAS, Dirk Hoek has tendered his resignation from the Landmark Preservation Commission, effective January 28, 1997; and

WHEREAS, Dirk Hoek 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 Dirk Hoek from the Landmark Preservation Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Dirk Hoek for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-54

A RESOLUTION ESTABLISHING A FEE FOR ALL FIRE FIGHTER TRAINEE APPLICANTS.

WHEREAS, the Personnel Department, during the budget review process for Fiscal Year 1996-97, identified an opportunity for partial cost recovery for the recruitment process of Fire Fighter Trainee (as set forth on the attached Cost of Service Worksheet), and

WHEREAS, City staff has identified that recruitment for Fire Fighter Trainee is the single largest recruitment done by the City, and

WHEREAS, said recruitment nets the smallest number of hires in proportion to the number of applicants of any recruitment done by the City, and

WHEREAS, City staff has recommended establishing a fee in the amount of $12.50 per applicant to cover processing and out-of-pocket costs from the time of application through the scoring of the written exam for all Fire Fighter Trainee applicants, and

WHEREAS, said fee will not cover the costs of conducting the physical agility exam nor the oral board qualifications exam, and

WHEREAS, fees have been utilized by a number of other public agencies in California and are legal as long as they do not exceed cost (in accordance with Proposition 4).
WHEREAS, the proposed fee has been reviewed and approved by the City's internal Fees Task Force Committee at its January 17, 1997, meeting, and the Financial Policy Committee on January 21, 1997.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee in the amount of $12.50 is hereby established to cover processing and out-of-pocket costs from the time of application through the scoring of the written exam for all Fire Fighter Trainee applicants, as set forth on the attached Cost of Service Worksheet. A provision for hardship shall be allowed in the event an applicant certifies that the $12.50 fee would prevent the applicant from submitting an application and for competing for the position.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 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: Dobbs

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
PERSONNEL DEPARTMENT
COST OF SERVICE WORKSHEET

TYPE OF FEE: Application for Fire Fighter Recruitment through Written Exam

This fee will cover the cost of processing an application through notification of passing or failing the written exam.

STAFFING COSTS

<table>
<thead>
<tr>
<th>POSITION</th>
<th>PER HOUR*</th>
<th>COST FOR 1300 APPLICANTS</th>
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</thead>
<tbody>
<tr>
<td>Personnel Analyst</td>
<td>$36.85</td>
<td>$1298.85</td>
</tr>
<tr>
<td>Administrative Clerk II</td>
<td>$21.94</td>
<td>$2742.74</td>
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<tr>
<td>Administrative Clerk I</td>
<td>$17.63</td>
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<tr>
<td>Administrative Technician</td>
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<td>$305.29</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$4487.95</td>
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</table>

(*Costs for staffing include benefits and indirect costs.)

MISCELLANEOUS COSTS:

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>TOTAL COST:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising</td>
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<tr>
<td>Printing</td>
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<tr>
<td>Test Rental</td>
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<tr>
<td>Scantron Answer Sheets</td>
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<tr>
<td>Facility Rental</td>
<td>$650.00</td>
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<tr>
<td>Miscellaneous Supplies</td>
<td>$1781.02</td>
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<tr>
<td>TOTAL</td>
<td>$11898.18</td>
</tr>
</tbody>
</table>

STAFFING AND MISCELLANEOUS COSTS: $16386.13

COST PER APPLICANT @ 1300 APPLICANTS: $12.61

RECOMMENDED FEE: $12.50
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-55

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE ONE-TON DUAL REAR-WHEELED PICKUP DUMP TRUCK FROM LASHER AUTO CENTER, TWO CAB AND CHASSIS WITH HYDRAULIC DUMP BODIES FROM COUNTRY FORD TRUCKS, ONE VAN WITH COMPARTMENTS FROM OAKLAND TRUCK CENTER, INC., AND SEVENTEEN VARIOUS PICKUP TRUCKS AND ONE CARGO VAN FROM THE STATE OF CALIFORNIA CONTRACT, FOR A COMBINED TOTAL COST OF $423,688.17

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twenty-six various vehicles is hereby waived.

BE IT FURTHER RESOLVED that the purchase of one one-ton dual rear-wheeled pickup dump truck from Lasher Auto Center, two cab and chassis with hydraulic dump bodies from Country Ford Trucks, one van with compartments from Oakland Truck Center, inc., and seventeen various pickup trucks and one cargo van from the State of California contract, for a combined total cost of $423,688.17 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 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
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING FOUR VARIOUS CAB AND CHASSIS AND TRUCK VEHICLES

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of four various cab and chassis and truck vehicles, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 24, 1997, at 11:00 a.m., and 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 4th day of February, 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
RES. NO. 97-57

A RESOLUTION APPROVING THE SUBMITTAL OF A REVISED MODESTO CITY-COUNTY AIRPORT PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE IMPROVEMENT PROJECTS DURING FISCAL YEAR 1998 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE REVISED PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO

WHEREAS, in January 1994, the City of Modesto submitted a multi-year application to the Federal Aviation Administration for Airport Improvement Program Funding to complete improvement projects between Fiscal Years 1995-2000, and

WHEREAS, the Federal Aviation Administration has informed the City of Modesto that the Modesto City-County Airport will be allocated $500,000 for Fiscal Year 1997, and

WHEREAS, the scope of work approved in the January, 1994 preapplication for two projects has now been revised, and

WHEREAS, it is estimated that the two projects will cost approximately $555,555 and that local participation will require $55,555,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport revised preapplication for federal funds in the amount of $500,000 to complete the Airport’s improvement projects for Fiscal Year 1997.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to sign the revised preapplication on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 4th day of February, 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

[Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-58

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PRESCOTT ESTATES HOME OWNERS ASSOCIATION FOR CONSTRUCTION OF A FENCE ALONG THE NORTHERN PORTION OF THE PROPERTY LINE BETWEEN PRESCOTT ESTATES AND FRIENDLY VILLAGE MOBILE HOME PARK TO BE FUNDED WITH FISCAL YEAR 1996-97 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $30,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Prescott Estates Home Owners Association for construction of a fence along the northern portion of the property line between Prescott Estates and Friendly Village Mobile Home Park to be funded with Fiscal Year 1996-97 Community Development Block Grant Funds in the amount of $30,000 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 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. 97-59

A RESOLUTION PROCLAIMING THE TERMINATION OF
THE LOCAL EMERGENCY CAUSED BY FLOODING ALONG
DRY CREEK AND THE TUOLUMNE RIVER.

WHEREAS, Section 3-4.06 of the Modesto Municipal Code
empowers the Director of Emergency Services to proclaim the
existence or threatened existence of a local emergency when the
City of Modesto is affected or likely to be affected by a public
calamity and the City Council is not in session, subject to
ratification by the City Council within seven (7) days, and

WHEREAS, by Proclamation, dated January 2, 1997, the
Director of Emergency Services of the City of Modesto proclaimed
the existence of a local emergency finding that conditions of
extreme peril to the safety of persons and property had arisen
within said City, caused by flooding along Dry Creek and the
Tuolumne River, and

WHEREAS, by Resolution No. 97-33, adopted on January 7,
1997, the City Council confirmed the existence of a local
emergency and rules and regulations issued by the Director of
Emergency Services, and

WHEREAS, the Council is required to proclaim the
termination of the local emergency at the earliest possible date
that conditions warrant, and

WHEREAS, the City Council, at its regularly scheduled
weekly Council meetings, has reviewed and determined the need for
continuing the local emergency, and
WHEREAS, at the Council Meeting of February 11, 1997, the Director of Emergency Services reported to the City Council that conditions currently warrant the termination of the local emergency,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby proclaims that conditions currently warrant the termination of the local emergency which was caused by flooding along Dry Creek and the Tuolumne River, and, said local emergency is, therefore, officially terminated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-60  

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING TRAFFIC SIGNAL ACCESSORIES

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of traffic signal accessories, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 3, 1997, at 11:00 a.m., and 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 11th day of February, 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
A RESOLUTION ACCEPTING THE BID OF AMERINE SYSTEMS, INC. FOR THE RIVER ROAD LIFT STATION PROJECT

WHEREAS, the bids received for the River Road lift station project were opened at 11:00 a.m. on January 28, 1997, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Amerine Systems in the amount of $133,266.00, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 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. 97-62

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $55,000 TO FULLY FUND THE RIVER ROAD LIFT STATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Variable Speed Influent/Effluent Pump
(621-480-D321-6040) $55,000

TO: Rehab. Pepsi Cola Lift Station
(521-480-F734-6040) $55,000

Original budgeting did not include relocating the station. The transfer will provide funding for this added construction cost.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 11th day of February, 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. 97-63

A RESOLUTION ACCEPTING THE BID OF MITCHELL'S MODESTO HARLEY DAVIDSON FOR SEVEN LAW ENFORCEMENT MOTORCYCLES

WHEREAS, Resolution No. 96-649, adopted by the Council of the City of Modesto on November 26, 1996, authorized bids to be opened for furnishing seven law enforcement motorcycles; and

WHEREAS, the bids received for the seven law enforcement motorcycles, were opened at 11:00 a.m. on January 8, 1996, 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 Mitchell's Modesto Harley Davidson for the total amount of $126,642.19 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mitchell's Modesto Harley Davidson, be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February 11, 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Fisher

ATTEST: Jean Adams, City Clerk

JEAN ADAMS, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO UTILITY JEEP CHEROKEES FROM LASHER AUTO CENTER FOR $42,973.06

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of two utility Jeep Cherokees are hereby waived.

BE IT FURTHER RESOLVED that the purchase of two utility Jeep Cherokees from Lasher Auto Center $42,973.06, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 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
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET FOR ORGANIZATION #5814 TO PROVIDE FUNDING FROM FLEET RESERVE FUND #720-800-8000-8003 IN THE AMOUNT OF $44,500.00 FOR THE PURCHASE OF TWO UTILITY JEEP CHEROKEES

WHEREAS, staff has determined a need for two additional vehicles due to the reorganization plan for the Fire Department; and

WHEREAS, the Fleet Reserve Fund will advance funds in the amount of $44,500.00 for the purchase of the vehicles and reimbursement to the fund will be made by the Fire Department through the equipment rental process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to provide appropriations from the Fleet Reserve Fund #720-800-8000-8003 in the amount of $44,500 to be budgeted in Account #720-480-5814-5000.

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 day of February 11, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 80,000 POUNDS OF GRANULAR ACTIVATED CARBON (GAC) FROM NORTHERN CARBON THROUGH THE CITY OF FRESNO CONTRACT FOR A TOTAL COST $75,502.93

WHEREAS, the City of Fresno has entered into a contract with Northwestern Carbon to provide granular activated carbon (GAC); and

WHEREAS, the carbon is available for $.8927 per pound plus sales tax through a contract with the City of Fresno.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of granular activated carbon are hereby waived.

BE IT FURTHER RESOLVED that purchase of granular activated carbon from Northwestern Carbon through the City of Fresno contract for $75,502.93 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 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
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF THE REPAIR OF ONE GROVE CRANE, MODEL RT515 BY COAST CRANE COMPANY FOR A TOTAL COST $29,063.36

WHEREAS, the City of Modesto Public Works and Transportation Department-Fleet Services has requested the repair of one Grove Crane, Model RT515; and
WHEREAS, a new crane would cost approximately $350,000; and
WHEREAS, the current 1992 Grove Crane, Model RT515 has been in service at the Wastewater Treatment Plant for 14 years and repairing the crane should extend its life by approximately 10 years; and
WHEREAS, Coast Crane Company was selected to perform the work because they are the only authorized manufacturers representative for this equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of repair services on one Grove Crane, Model RT515 are hereby waived.

BE IT FURTHER RESOLVED that purchase of repair services on one Grove Crane, Model RT515 from Coast Crane for $29,063.36 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 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
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO DEC ALPHA-WORKSTATIONS AND RELATED EQUIPMENT FROM AVNET COMPUTER FOR A TOTAL COST $58,210.11

WHEREAS, the City of Modesto Public Works and Transportation Department-Utility Division has requested the purchase of two DEC Alpha-Workstations and related equipment to upgrade the Supervisory Control and Data Acquisition (SCADA); and

WHEREAS, the Purchasing Division solicited informal bids from authorized DEC dealers only because it is compatible with existing DEC equipment; and

WHEREAS, Avnet Computer is the lowest responsive and responsible bidder with a bid of $58,210.11 for two DEC Alpha-Workstations and related equipment.

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

BE IT FURTHER RESOLVED that purchase of two DEC Alpha-Workstations for $58,210.11 from Avnet Computer is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 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. 97-69


WHEREAS, the mid-year financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1996-97;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated on Attachment “A”.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of February 11, 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, 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
### Table: Detail Schedule of Revenues and Appropriations

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Obje/ Revenue</th>
<th>Current Budget</th>
<th>Adjustment Amount</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Service Credit</td>
<td>010</td>
<td>140</td>
<td>1430</td>
<td>9990</td>
<td>(11,696)</td>
<td>(9,000)</td>
<td>(20,696)</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>010</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>4,337,955</td>
<td>9,000</td>
<td>4,346,955</td>
</tr>
</tbody>
</table>

This adjustment is for additional service credits expected due to the establishment of North Beyer Mello-Roos Community Facility District.

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Developer's Share of Project</th>
<th>080</th>
<th>140</th>
<th>1435</th>
<th>4058</th>
<th>0</th>
<th>3,000</th>
<th>3,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>College-West Neighborhood EIR</td>
<td>080</td>
<td>140</td>
<td>1435</td>
<td>1407</td>
<td>0</td>
<td>3,000</td>
<td>3,000</td>
</tr>
</tbody>
</table>

This adjustment is for establishing the College-West Neighborhood EIR and recognizing revenue from the Developer.

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Business Expense</th>
<th>010</th>
<th>010</th>
<th>0101</th>
<th>0208</th>
<th>28,000</th>
<th>14,000</th>
<th>42,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>010</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>4,346,955</td>
<td>(14,000)</td>
<td>4,332,955</td>
</tr>
</tbody>
</table>

The Financial Policy Committee from the meeting on January 21, 1997, recommended an increase to business expense for the City Council.
Attachment A
Detail Schedule of Revenues and Appropriations

[

Type of

Adjustment
Amount

Account

[Appropriation

Overtime

Appropriation

Meal Allowance
Overtime
Part-time
Contingency Reserve

Appropriation
Appropriation
Appropriation

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Overtime

Contingency Reserve
Overtime
Contingency Reserve
Overtime

Meal Allowance
Part-time
Contingency Reserve
Overtime
Meal Allowance

Appr()priation

Overtime

Appropriation
Appropriation

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Overtime

Meal Allowance
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12,125
4,332,955
1,267
142,430
52
5,282
114,761
800
39,420
6,700,210
3,925
0
40,682
750
0
18,984
0
4,662
0
3,029
2,913
16,740
455
0
758,661
18,360
750
0
3,484
0
832,079
2,256
(1,783
33,270
1,686,574
55
226408
2,564
2,076,045
0
36860
10873
132,644
170981
22500
401226

17,529
600
103
65
(222,999
588
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313
(313
32,614
950
939
(34,503
257
10
11,902
110
1,273
10,675
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2,148
130
405
145
93
1,392
20
(28,570
3,240
280
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7,666
200
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(164
56
(56
849
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81
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522
1,010
(1,532
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(377

47,695
930
103
12,190
4,109,956
1,855
141,842
365
4,969
147,375
1,750
40,359
6,665,707
4,182
10
52,584
860
1,273
29,659
10
6,810
130
3,434·
3,058
16,833
1,847
20
730,091
21,600
1,030
402
11,150
200
820,291
2,420
33,326
1,686,518
904
225,559
2,661
2,075,948
81
36,779
11,395
133,654
169,449
22,877
400,849

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144,267
1,930,245
144,2671
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144,267

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This adjustment is for costs related to the flood damage response by the City of Modesto.

R
Revenue
Appropriation
Appropriation

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Transfer In to General Fund
Indirect Cost
Transfer au from Fund 720
Indirect Cost

010
010
720
720

700
510
700
480

This adjustment is to change the classification of indirect costs from a transfer out to an expense in the Fleet Fund.


Attachment A
Detail Schedule of Revenues and Appropriations
Adjustment
Amount

Type of
Account

Appropriation
iAppropriation

IVacation

IAppropriation

CTO

Appropriation

Holiday

Appropriation
Appropriation
Appropriation
Appropriation
Appropriation
Appropriation
Appropriation
Revenue
Appropriation

Sick Leave

HolidayCTO
MlCLeave

Jury Duty

Military
Bereavement
WorkersComp Safety
WorkersComp Sick
EBF Leave Accrual
Contingency Reserve

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0119
0120
0121
4913
8003

I

2,917,567
1,101,478
393,090
1,142,926
225,513
313,618
28,202
34,177
58,240
152,203
54,278
695,482
3,014,496

21,521
9,119
64
934
995
404
107
513
628
2,974
368
(2,652
140,279

2,939,088
1,110,597
393,154
1,143,860
226,508
314,022
28,309
34,690
58,868
155,177
54,646
692,830
2,974,217

This adjustment is accounting cleanup to reconcile precisely the total leave usage in the EBF Fund to the budget for leave usage in the individual
departments.

Revenue
Appropriation

Transfer In from Fund 113

Revenue

Transfer In from Fund 113

Appropriation
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Contingency Reserve

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Contingency Reserve

CDBG-Operating Grant

Emergency Shelter Grant
Loan Principle Payouts
CDBG~Operating Grant
Professional Services
Direct Grants
CDBG~Operating Grant
Loan Principle Payouts
CDBG·Operating Grant
Interest
Miscellaneous Service
TACleanup
CDBG~Operating Grant
TmnsferOut to Fund 010
Transfer Out to Fund 070
Highway Village
Contingency Reserve
Miscellaneous Service
Loan Principle Payouts
CDBG~Operating Grant
Contingency Reserve
Miscellaneous Service
Loan Principle Payouts
CDBG-Operating Grant

Contingency Reserve
Loan Principle Payouts
Emergency Shelter Grant
HOME-Operating Grant

Loan Principle Payouts
Loan Principle Payouts
CDBG~ Temporary Locations

010
010
070
070
113
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700
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1462
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7000
H831
8000
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1459
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1458

9113
8003
9113
8003
3513
3518
0497
3513
0235
0496
3513
0497
3513
6101
0260
0318
3513
7010
7070
6040
8003
0260
0497
3513
8003
0260
0497
3513
8003
0496
3518
3517
0497
0497
0491

This adjustment is to accouot for reestimating carryover revenues and appropriations in the CDBG program.

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4,109,956
75,675
138,646
552,358
0

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452,000
25,000
455,000
180,073
91,870
554,535
900

°

25,000
1,091,968
21,790
75,675

°
°

141,842
796,229
1,088,308
(420,330
0
242,047
164,720
71,972
67,000
67,000
180,083
180,083
153,800
25,000

21,790
121,790
1571
1571
10,725
67,000
67,000
274
5,000
(32,726
(8,514
(8,514
16,598
1,855
41,611
15,000
(129,770
121,790
1571
35,000
(141,842
207,389
1331,222
296,497
420,330
141,699
21,972
91,699
71,972
67,000
67,000
997
997
15,000
15,000

121,790
4,088,166
75,104
138,075
563,083
67,000
67,000
452,274
30,000
422,274
171,559
83,356
571,133
2,755
41,611
40,000
962 198
0
75,104
35,000
0
207,389
465,007
1,384,805
0
141,699
264,019
256,419
0

0
0
181,080
181 080
168,800
10,000


Attachment A
Detail Schedule of Revenues and Appropriations
Adjustment

Type of
AccOlmt

-

Appropriation
Appropriation
Appropriation
Appropriation

Amount
Professional Services
Promotion Expense
Advertising
Contingency Reserve

010
010
010
010

480
480
480
800

4802
4802
4802
8000

0235
0237
0230
8003

85,708
61,790
69,978
4,088,166

12,996
1,700
4,349
(19,045

98,704
63,490
74,327
4,069,121

178,000
81,000
100,000
480,000
100,000
8,919
2,405,792
297,580
151,000
4,645,697
1,686,518
774,009
0
131,816
56,782
87,870
0

180,000
100,000
280,000
320,000
280,000
40000
(8,027
8,027
65,000
264,000
329,000
(98,759
12,800
(15,724
194,483
(28,800
64,000

358,000
181,000
380,000 I
800,000
380,000
48,919
2,397,765
305,607
216,000
4,909,697
2,015,518
675,250
12,800
116,092
251,265
59070
64,000

332,151
58,631
298,885
49,483
5986,513
1,712,115
283,673
61,177
2,450,533
458,897
1,861,406
468,142
6,833,745
1,622,870
743,447
126,646
369,915
51,327
1,051,794
1,051,794
2,933,1441

(647
(149
(219
(48
(26758
(5,907
(244
(53
0,644
(809
(8,079
(1,787
(23,970
(5,451
(2,661
(617
(1,077
(253
82,373
82,373
82,373

331,504
58,482
298,666
49,435
5,959,755
1,706,208
283,429
61,124
2446,889
458,088
1,853,327
466,355
6,809,775
1,617,419
740,786
126,029
368,838
51,074
1,134,167
1,134,167
3,015,517

This adjustment is per Council direction to do public education prior to distnoution of the second toters..

Appropriation

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Pavement Maintenance
.Curb/Sidewalk Repairs
Transfer In from Fund 051
Local Transportaiton Allocation
Transfer Out to Fund 070
Contingency Reserve
LTF ~ Sales Tax
STAF-Transit Opernting Grant
LTF-Transit Capital Grant
FTA-TransitCapital Grant
Contingency Reserve
LTF - Sales Tax

LIF-Transit Capital Grant
County Transit AlIoc MOper Grant
UMTA Transit Operating Grant
FTAMTransit Capital Grant
NewCIP

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3161
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8003
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.aus Area Association ofGovennents (SAAG) has identified additional revenue to be made available
to the City as specified in the Transportation Development Act and also includes upward revenue adjustments
of$329,000 in the Bus Fund.

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Transfer In from Fund 010
Contingency Reserve

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010
010
010
010
010
010
010
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010
010
010
010
010
010
010
130
130

180
180
180
180
180
180
190
190
190
190
190
190
190
190
190
190
190
190
700
700
800

1802
1802
1822
1822
1832
1832
1901
1901
1921
1921
1941
1941
1961
1961
1962
1962
1963
1963
7000
7000
8000

0110
0160
OlIO

0160
0110
0160
0110
0160
0110
0160
0110
0160
0110
0160
0110
0160
0110
0160
7130
9010
8003

.Ijustment is to transfer budgeted but unspent salary and benefit in appropriations in the Fire and Police Departments to the Special Fund for Capital Outlay.

Revenue
Appropriation
Appr()priation

DBCP Settlement
Contingency Reserve
Equipment Rental

610
610
615

480
800
480

5014
8000
5051

8121
8003
0216

0
6,678,907
75,600

748,171
748,171
(21,009

748,171
7,427,078
54,591


**Attachment A**

**Detail Schedule of Revenues and Appropriations**

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Obj/Revenue</th>
<th>Current Budget</th>
<th>Adjustment Amount</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Debt Service Interest</td>
<td>615</td>
<td>480</td>
<td>5051</td>
<td>0452</td>
<td>0</td>
<td>1,627</td>
<td>1,627</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Debt Service</td>
<td>615</td>
<td>480</td>
<td>5051</td>
<td>0451</td>
<td>120,418</td>
<td>19,382</td>
<td>139,800</td>
</tr>
<tr>
<td>Revenue</td>
<td>DBCP Settlement</td>
<td>615</td>
<td>480</td>
<td>5052</td>
<td>8121</td>
<td>0</td>
<td>1,184,604</td>
<td>1,184,604</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>615</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>2,944,693</td>
<td>1,184,604</td>
<td>4,129,297</td>
</tr>
<tr>
<td>Revenue</td>
<td>DBCP Settlement</td>
<td>616</td>
<td>480</td>
<td>5062</td>
<td>8121</td>
<td>0</td>
<td>1,184,604</td>
<td>1,184,604</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>616</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>(923,948)</td>
<td>1,184,604</td>
<td>260,656</td>
</tr>
</tbody>
</table>

These Water Fund adjustments are for settlement proceeds for DBCP and for an operating lease converted to a lease purchase option.

| Appropriation   | CIP-Flood Restoration          | 621  | 480    | H832  | 6040        | 0              | 1,000,000       | 1,000,000      |
|                 | Contingency Reserve            | 621  | 800    | 8000  | 8003        | 730,091        | (1,000,000)     | (269,909)      |

This adjustment is to track all expenses for restoring the Wastewater treatment and collection system in the aftermath of the flood.

| Appropriation   | Repair & Maintenance           | 010  | 160    | 1601  | 0223        | 17,390         | 7,610           | 25,000         |
|                 | Office Supplies                | 010  | 160    | 1601  | 0301        | 3,500          | 1,200           | 4,700          |
|                 | Tool, Shop & Field Supplies    | 010  | 160    | 1601  | 0308        | 5,000          | 2,000           | 7,000          |
| Appropriation   | Contingency Reserve            | 010  | 800    | 8000  | 8003        | 4,069,121      | (10,810)        | 4,058,311      |

These adjustments are due to graffiti vandalism on traffic signs, increase communications with citizens regarding traffic matters, and tools that have been stolen from the corporation yard.

| Appropriation   | Miscellaneous Revenue          | 731  | 030    | 0372  | 8155        | 27,000         | (27,000)        | 0              |
|                 | Professional Services          | 731  | 030    | 0372  | 0235        | 10,500         | (8,000)         | 2,500          |
| Appropriation   | Contingency Reserve            | 731  | 800    | 8000  | 8003        | 36,779         | (19,000)        | 17,779         |
| Revenue         | Transfer In from Fund 736      | 733  | 700    | 7000  | 9736        | 0              | 10,000          | 10,000         |
| Appropriation   | Contingency Reserve            | 733  | 800    | 8000  | 8003        | 261,533        | 10,000          | 271,533        |
| Appropriation   | Transfer Out to Fund 733       | 736  | 700    | 7000  | 7733        | 0              | 10,000          | 10,000         |
| Appropriation   | Miscellaneous Revenue          | 751  | 030    | 0351  | 8155        | 8,500          | 0              | 8,000          |
| Appropriation   | Professional Services          | 751  | 030    | 0351  | 0235        | 8,500          | 0              | 16,500         |
| Appropriation   | Contingency Reserve            | 751  | 800    | 8000  | 8003        | 2,974,217      | 28,930          | 3,003,147      |

This adjustment is to recognize rebates from Total Benefits Solution in the EBF (Employees Benefit Fund) and not in the Risk Management Fund. Staff is also recommending the transfer of estimated working capital of $10,000 from the Health Insurance Fund to the Liability Fund.

| Appropriation   | Professional Services          | 010  | 320    | 3212  | 0235        | 8,881          | 3,000           | 11,881         |
| Revenue         | Tree Grant                     | 010  | 320    | 3212  | 4070        | 21,000         | 3,000           | 24,000         |

This adjustment is for educational material from Tree Grant revenue.

<p>| Revenue         | Parking Revenue                | 670  | 340    | 3412  | 4080        | 85,000         | (85,000)        | 0              |
| Revenue         | Parking Revenue                | 670  | 340    | 3413  | 4080        | 0              | 85,000          | 85,000         |
| Revenue         | Services                       | 670  | 340    | 3412  | 4081        | 22,000         | (10,000)        | 12,000         |
| Revenue         | Services                       | 670  | 340    | 3414  | 4081        | 0              | 10,000          | 10,000         |
| Revenue         | Commissions                    | 670  | 340    | 3412  | 4082        | 152,500        | (5,000)         | 147,500        |
| Revenue         | Commissions                    | 670  | 340    | 3414  | 4082        | 0              | 5,000           | 5,000          |
| Revenue         | Rents                          | 670  | 340    | 3412  | 6218        | 421,000        | (46,000)        | 375,000        |
| Revenue         | Rents                          | 670  | 340    | 3414  | 6218        | 0              | 46,000          | 46,000         |
| Revenue         | Rents                          | 670  | 340    | 3412  | 6218        | 375,000        | (20,000)        | 355,000        |
| Revenue         | Parking Revenue                | 670  | 340    | 3413  | 4080        | 85,000         | (28,000)        | 57,000         |
| Revenue         | Commissions                    | 670  | 340    | 3414  | 4082        | 0              | 5,000           | 5,000          |
| Revenue         | Rents                          | 670  | 340    | 3414  | 6218        | 46,000         | (13,000)        | 33,000         |</p>
<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Objt/Revenue</th>
<th>Current Budget</th>
<th>Adjustment Amount</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>670</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>51,942</td>
<td>(56,000)</td>
<td>(4,058)</td>
</tr>
</tbody>
</table>

This adjustment is to reduce Centre Plaza revenues that did not materialize for the first half of the fiscal year.

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Muni Green Fees</th>
<th>660</th>
<th>330</th>
<th>3311</th>
<th>4601</th>
<th>398,632</th>
<th>48,776</th>
<th>447,408</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>Dryden Green Fees</td>
<td>660</td>
<td>330</td>
<td>3311</td>
<td>4602</td>
<td>804,264</td>
<td>(199,334)</td>
<td>604,390</td>
</tr>
<tr>
<td>Revenue</td>
<td>Creekside Green Fees</td>
<td>660</td>
<td>330</td>
<td>3311</td>
<td>4603</td>
<td>784,264</td>
<td>97,615</td>
<td>881,879</td>
</tr>
<tr>
<td>Revenue</td>
<td>Muni Green Concessions</td>
<td>660</td>
<td>330</td>
<td>3311</td>
<td>4611</td>
<td>20,000</td>
<td>(4,370)</td>
<td>15,630</td>
</tr>
<tr>
<td>Revenue</td>
<td>Dryden Concessions</td>
<td>660</td>
<td>330</td>
<td>3311</td>
<td>4620</td>
<td>17,000</td>
<td>(3,600)</td>
<td>13,400</td>
</tr>
<tr>
<td>Revenue</td>
<td>Creekside Concessions</td>
<td>660</td>
<td>330</td>
<td>3311</td>
<td>4621</td>
<td>25,000</td>
<td>1,800</td>
<td>26,800</td>
</tr>
<tr>
<td>Revenue</td>
<td>Muni Pro Rent</td>
<td>660</td>
<td>330</td>
<td>3311</td>
<td>4622</td>
<td>35,000</td>
<td>(8,200)</td>
<td>26,800</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Professional Services</td>
<td>660</td>
<td>330</td>
<td>3315</td>
<td>0235</td>
<td>1,419,744</td>
<td>(92,000)</td>
<td>1,327,744</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Professional Services</td>
<td>660</td>
<td>330</td>
<td>3311</td>
<td>0235</td>
<td>27,281</td>
<td>4,500</td>
<td>31,781</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Phone Creekside</td>
<td>660</td>
<td>330</td>
<td>3316</td>
<td>5540</td>
<td>2,000</td>
<td>5,000</td>
<td>7,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Creekside Irrigation Pipe</td>
<td>660</td>
<td>330</td>
<td>H335</td>
<td>6070</td>
<td>0</td>
<td>12,000</td>
<td>12,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Cart Path Project</td>
<td>660</td>
<td>330</td>
<td>H025</td>
<td>6040</td>
<td>0</td>
<td>(60,000)</td>
<td>(60,000)</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Dryden Restoration</td>
<td>660</td>
<td>330</td>
<td>H34</td>
<td>6040</td>
<td>0</td>
<td>786,440</td>
<td>786,440</td>
</tr>
<tr>
<td>Revenue</td>
<td>Transfer In from Fund 130</td>
<td>660</td>
<td>701</td>
<td>7001</td>
<td>9130</td>
<td>0</td>
<td>786,440</td>
<td>786,440</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>660</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>(83,520)</td>
<td>63,187</td>
<td>(20,333)</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>130</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>3,015,517</td>
<td>(786,440)</td>
<td>2,229,077</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Transfer Out to Fund 660</td>
<td>130</td>
<td>701</td>
<td>7001</td>
<td>7660</td>
<td>0</td>
<td>786,440</td>
<td>786,440</td>
</tr>
</tbody>
</table>

These Golf Fund adjustment are for implementation of the Golf Advisory Committee recommendations for flood related activities, elimination of a CIP project, and lower than expected rounds in the first half of the fiscal year.

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Miscellaneous Services</th>
<th>010</th>
<th>180</th>
<th>1832</th>
<th>0260</th>
<th>0</th>
<th>15,000</th>
<th>15,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Miscellaneous Services</td>
<td>010</td>
<td>190</td>
<td>1965</td>
<td>0260</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Miscellaneous Services</td>
<td>010</td>
<td>190</td>
<td>1942</td>
<td>0260</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Miscellaneous Services</td>
<td>010</td>
<td>140</td>
<td>1405</td>
<td>0260</td>
<td>15,000</td>
<td>5,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Miscellaneous Services</td>
<td>010</td>
<td>310</td>
<td>3112</td>
<td>0260</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Transfer Out to Fund 130</td>
<td>010</td>
<td>700</td>
<td>7000</td>
<td>7130</td>
<td>1,134,167</td>
<td>500,000</td>
<td>1,634,167</td>
</tr>
<tr>
<td>Revenue</td>
<td>Transfer In from Fund 060</td>
<td>010</td>
<td>700</td>
<td>7000</td>
<td>9060</td>
<td>127,500</td>
<td>25,000</td>
<td>152,500</td>
</tr>
<tr>
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<td>Contingency Reserve</td>
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<td>800</td>
<td>8000</td>
<td>8003</td>
<td>4,058,311</td>
<td>(575,000)</td>
<td>3,483,311</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Transfer Out to Fund 010</td>
<td>060</td>
<td>700</td>
<td>7000</td>
<td>7010</td>
<td>127,500</td>
<td>25,000</td>
<td>152,500</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>060</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>31,187</td>
<td>(25,000)</td>
<td>6,187</td>
</tr>
<tr>
<td>Revenue</td>
<td>Transfer In from Fund 010</td>
<td>130</td>
<td>700</td>
<td>7000</td>
<td>9010</td>
<td>1,134,167</td>
<td>500,000</td>
<td>1,634,167</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>130</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>2,229,077</td>
<td>500,000</td>
<td>2,729,077</td>
</tr>
</tbody>
</table>

This adjustment is for various transfers for more monies received in Traffic Safety Fund to be moved to General Fund and for expected appropriation savings transferred out to the Special Fund for Capital Outlay.
## Attachment A

**Detail Schedule of Revenues and Appropriations**

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Obj/ Revenue</th>
<th>Current Budget</th>
<th>Adjustment Amount</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>Jury &amp; Subpoena Fees</td>
<td>010</td>
<td>030</td>
<td>0301</td>
<td>8110</td>
<td>175</td>
<td>2,000</td>
<td>2,175</td>
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<tr>
<td>Revenue</td>
<td>Assessment Payoff Fee</td>
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<td>120</td>
<td>1223</td>
<td>4087</td>
<td>0</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Revenue</td>
<td>Map checking fees</td>
<td>010</td>
<td>140</td>
<td>1401</td>
<td>4000</td>
<td>5,411</td>
<td>1,000</td>
<td>6,411</td>
</tr>
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<td>Revenue</td>
<td>Zoning Fees</td>
<td>010</td>
<td>140</td>
<td>1401</td>
<td>4008</td>
<td>38,000</td>
<td>7,000</td>
<td>45,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>Unabated Hazard Recovery</td>
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<td>180</td>
<td>1832</td>
<td>4044</td>
<td>0</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>Revenue</td>
<td>Bingo Permits</td>
<td>010</td>
<td>190</td>
<td>1901</td>
<td>2204</td>
<td>65,000</td>
<td>(32,500)</td>
<td>32,500</td>
</tr>
<tr>
<td>Revenue</td>
<td>Jail Booking Fee Recovery</td>
<td>010</td>
<td>190</td>
<td>1901</td>
<td>4045</td>
<td>20,000</td>
<td>7,000</td>
<td>27,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>Asset Forfeitures</td>
<td>010</td>
<td>190</td>
<td>1901</td>
<td>7202</td>
<td>0</td>
<td>3,236</td>
<td>3,236</td>
</tr>
<tr>
<td>Revenue</td>
<td>Fingerprint Fees</td>
<td>010</td>
<td>190</td>
<td>1921</td>
<td>4024</td>
<td>12,500</td>
<td>10,000</td>
<td>22,500</td>
</tr>
<tr>
<td>Revenue</td>
<td>Special Police Protection</td>
<td>010</td>
<td>190</td>
<td>1921</td>
<td>4025</td>
<td>28,000</td>
<td>(5,000)</td>
<td>23,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>Repossession Release</td>
<td>010</td>
<td>190</td>
<td>1921</td>
<td>4030</td>
<td>3,800</td>
<td>(800)</td>
<td>3,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>ABC State Grant</td>
<td>010</td>
<td>190</td>
<td>1941</td>
<td>3507</td>
<td>50,000</td>
<td>(50,000)</td>
<td>0</td>
</tr>
<tr>
<td>Revenue</td>
<td>Prop 172 Sales Tax Allocation</td>
<td>010</td>
<td>190</td>
<td>1961</td>
<td>3172</td>
<td>400,400</td>
<td>(70,000)</td>
<td>330,400</td>
</tr>
<tr>
<td>Revenue</td>
<td>Vehicle Releases</td>
<td>010</td>
<td>190</td>
<td>1961</td>
<td>4028</td>
<td>66,000</td>
<td>20,000</td>
<td>86,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>Safety Response Reimbursement</td>
<td>010</td>
<td>190</td>
<td>1961</td>
<td>4029</td>
<td>40,000</td>
<td>5,000</td>
<td>45,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>Crime Bill Grant</td>
<td>010</td>
<td>190</td>
<td>1962</td>
<td>3175</td>
<td>750,000</td>
<td>(200,000)</td>
<td>550,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>Abandoned Vehicle Allocation</td>
<td>010</td>
<td>190</td>
<td>1965</td>
<td>3118</td>
<td>160,000</td>
<td>(30,000)</td>
<td>130,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>John Thurman Field Rental</td>
<td>010</td>
<td>310</td>
<td>3115</td>
<td>6208</td>
<td>2,040</td>
<td>3,500</td>
<td>5,540</td>
</tr>
<tr>
<td>Revenue</td>
<td>Street Trees</td>
<td>010</td>
<td>320</td>
<td>3212</td>
<td>4070</td>
<td>5,000</td>
<td>16,000</td>
<td>21,000</td>
</tr>
<tr>
<td>Revenue</td>
<td>Trust Deposits Forfeited</td>
<td>010</td>
<td>380</td>
<td>3810</td>
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<td>Removal Permits</td>
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<td>Revenue</td>
<td>State Highway Maint. Agreement</td>
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<td>510</td>
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<td>General City Fines</td>
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<td>Parking Fines</td>
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<td>8003</td>
<td>3,483,311</td>
<td>205,195</td>
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These are miscellaneous adjustments to General Fund Revenue revenue as described in the staff report and schedule B.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-70

A RESOLUTION INCREASING THE MEMBERSHIP IN THE CITIZENS' ADVISORY COMMITTEE ON RECYCLING (CACOR) FROM EIGHT MEMBERS TO ELEVEN MEMBERS

WHEREAS, the Citizens Advisory Committee on Recycling (CACOR) currently consists of eight members, including a Councilmember, a garbage company representative, and six residents who are familiar with methods of waste reduction and recycling; and

WHEREAS, the Committee members have requested additional Committee members to assist in numerous projects and special events.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the membership in the Citizens' Advisory Committee on Recycling (CACOR) is hereby increased from eight to eleven members.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 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, Friedman, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-71

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE WASTEWATER MASTER PLAN FINAL MASTER ENVIRONMENTAL IMPACT REPORT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Environmental Science Associates for environmental consulting 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 11th day of February, 1997, by Councilmember Fisher, 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: 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. 97-72

A RESOLUTION APPROVING THE FINAL MAP OF THE
VILLAGE HIGHLANDS PHASE 1 SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, Inland Village, a general partnership is
possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 12.18 acres, known as Village
Highlands Phase 1 Subdivision, and

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

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

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Village Highlands Phase 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 11th day of February, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa. The resolution 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
RESOLUTION APPROVING FINAL SUBDIVISION MAP

1 Attorney
1 Engineering
1 Planning
1 Parking & Traffic
1 Bank
1 Subdivider
6
MODESTO CITY COUNCIL
RESOLUTION NO. 97-73


WHEREAS, representatives of the City and the Modesto City Employees Association (MCEA) have met and conferred in good faith concerning wages, hours and other terms and conditions of employment for employees represented by the MCEA, and

WHEREAS, the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association (MCEA) covers a term from February 4, 1997, through August 4, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association which covers a term from February 4, 1997, through August 4, 2000, is hereby approved. A copy of said MOU 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 11th day of February, 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, 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. 97-74

A RESOLUTION APPROVING THE VESTING TENTATIVE
MAP OF "THE BLUFFS" SUBDIVISION, LOCATED ON
THE SOUTH SIDE OF PARKER ROAD EAST OF THE
SANTA FE RAILROAD TRACK IN THE EMPIRE NORTH
UNIT 1 SPECIFIC PLAN.

WHEREAS, the vesting tentative map of The Bluffs
Subdivision was filed in the office of the Secretary of the
Planning Commission on February 1, 1996, in accordance with the
provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been
sent to the Modesto High School Districts, the Empire School
District, and Modesto Irrigation District, the local utility
companies, and the City Public Works and Transportation
Department, and

WHEREAS, City services, including sewer and water
facilities, are available, and

WHEREAS, the area can be served by elementary schools
in the Empire School District and by Fire Station #9 at 4025 Fara
Biundo, one mile distant, and

WHEREAS, the proposal is to subdivide the 39.8 acres of
the Empire North Specific Plan Area south of Parker Road, east of
the Santa Fe Railroad tracks and north of Dry Creek, which is the
first subdivision proposed in the Empire North Comprehensive
Planning District, and

WHEREAS, the development pattern calls for Village
Residential (VR) which allows for mixed residential land uses,
and this proposed subdivision will be a gated community with all internal streets and common areas to be private and maintained via a homeowner’s association, and

WHEREAS, the sole access will be from Parker Road about 570 feet east of the Santa Fe Avenue and Parker Road intersection, and the south side of Parker Road will be landscaped and maintained by the homeowner’s association, as will all other nonresidential private areas within the property, and

WHEREAS, a public hearing was held by the Planning Commission on December 2, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 96-65, recommending to the City Council approval of the Vesting Tentative Map for The Bluffs Subdivision, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 11, 1997, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed approval of the Vesting Tentative Map for The Bluffs Subdivision,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:
1. That the proposed vesting subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste from the proposed vesting subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That the City of Modesto has prepared the Final Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan.

4. That The Bluffs Subdivision, a residential project, meets the requirements of CEQA Guidelines Section 15182.

5. That no EIR or Negative Declaration need be prepared for The Bluffs Subdivision, a residential project, undertaken pursuant to and in conformity to the City of Modesto Empire North Unit 1 Specific Plan.

BE IT FURTHER RESOLVED by the City Council that the vesting tentative map of The Bluffs Subdivision approved by the City Council on February 18, 1997, and on file in the office of the Secretary of the Planning Commission, is hereby approved as shown in red on the face of the map and subject to the following conditions:

1. That the subdivision area shall be annexed to the City prior to the recording of the final map.

2. That all street dedication be provided and subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to
improvement plans. The internal streets shall be private.

3. That public utility easements, as required by the utility companies serving the subdivision, shall be dedicated by the final map.

4. That direct vehicular and pedestrian access between Santa Fe Railroad Tracks and adjacent subdivision lots shall be prohibited by appropriate notes on the final map.

5. That prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Homeowner’s Association which shall guarantee continued maintenance of common facilities in the development. Said documents shall be recorded concurrently with the final subdivision map.

6. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through dwelling units to serve other dwelling units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.

7. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final map.

8. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Director of Engineering. Maintenance of all sanitary sewers outside of the street right-of-way shall be by the Homeowner’s Association.

9. That 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 and its advisory agency, appeal board, or a legislative body concerning a subdivision. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

10. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.

11. That prior to recordation of a final subdivision map, the subdivider shall contact the United States Postal Service for review and establishment of a mail delivery plan.

12. That prior to recordation of a final map, the U.S. Army Corps of Engineers shall be notified as to 404 permit requirements.

13. An "Avigation Easement", prepared to the satisfaction of the City Attorney, shall be dedicated to the City, prior to final map approval. This easement shall serve to inform all future property owners in the subdivision of the potential noise and safety impacts which may be present from the nearby operation of the East Side Mosquito Abatement District Airstrip.

14. Prior to final map approval, the developer shall provide documentation, to the satisfaction of the City Attorney and the Community Development Director, that the final map design conforms with all of the Policies of the Empire North Unit 1 Specific Plan.

15. Prior to recordation of a final map, annexation to the school's Mello-Roos District shall be completed.

16. Prior to recordation of a final map, the developer shall secure and establish a funding source for both capital improvements and ongoing maintenance...
of the landscaped areas, including but not limited to a Mello-Roos Community Facilities District.

17. Prior to recordation of a final map, the developer shall indicate an access road to the property to the east. This road shall be within the southern portion of the property but must meet City standards as to its location.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-75

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE EMPIRE NORTH UNIT 1 FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 95122030): APPROVAL OF THE VESTING TENTATIVE MAP OF "THE BLUFFS" SUBDIVISION, LOCATED IN THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN AND THE INITIATING OF PROCEEDINGS FOR THE EMPIRE NORTH REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on January 7, 1997, the Modesto City Council adopted Resolution No. 97-5, Certifying the Final Focused Environmental Impact Report ("EIR"), for the following project:
A General Plan Amendment, Specific Plan, Prezoning, Annexation and Tentative Subdivision Maps for the development of the 96-acre project area, and

WHEREAS, a Notice of Determination, No. 97-2, was prepared by the Community Development Department and was filed with the County Recorder on January 8, 1997, and

WHEREAS, the City Council set a duly noticed public hearing to be held on February 11, 1997, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was continued to February 18, 1997, at 7:00 p.m., for the purpose of considering the application of Dr. Kenneth Lemings for approval of "The bluffs" Vesting Tentative Subdivision Map within the Empire North Specific Plan Area and to initiate proceedings and request the Stanislaus Local Agency Formation Commission to take proceedings for "The Bluffs" Reorganization within the Empire North Specific
Plan area to the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered a Notice of Determination, Environmental Assessment No. 97-2, for the proposed project, and the Council hereby makes the following findings:

1. That the proposed project is contemplated and described in the Empire North Unit 1 Focused Environmental Impact Report (SCH 95122030) 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 Focused EIR, and no new or additional mitigation measures are required.

3. That as per Section 21083.3 of the Public Resources Code, no new document or findings are required by the California Environmental Quality Act (CEQA).

A copy of said Notice of Determination, No. 97-2, 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 18th day of February, 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
JEAN/ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney
Exhibit "A"
NOTICE OF DETERMINATION

97 JAN 8 AM 10: 01

KAREN MATHENS, COUNTY CLERK

BY

FROM: City of Modesto
Community Development
Department
P. O. Box 642
Modesto, CA 95353

TO: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X County Clerk
County of Stanislaus
1021 I Street
Modesto, CA 95354

Subject:
Filing of Notice of Determination in Compliance with
Section 21152 of the Public Resources Code

Empire North Unit No. 1 Specific Plan and General Plan Amendment

Project Title

No. 95122030

Steve Nish, Associate Planner
(209) 577-5280

State Clearinghouse No.
Contact Person
Area Code/Phone/Ext.

Located in East Modesto, on the east side of the Santa Fe Railroad, between Parker Road and the south boundary of the 100-year flood plain of Dry Creek – Stanislaus County

Project Location (include county)

Project Description: General Plan Amendment, Specific Plan, Prezoning, Annexation and Tentative Subdivision Maps for the development of the 96-acre project area. Uses proposed for this area are: Residential up to a total of 241 dwelling units, and Open Space and recreational uses for the Dry Creek floodplain area. The General Plan Amendment is to: extend the Dry Creek Comprehensive Planning District, add the Empire North Comprehensive Planning District to the Park Planning Areas Diagram, divide the Empire North Comprehensive Planning District into two parts, and exempt the Specific Plan area north of Dry Creek from Neotraditional planning policies. A Focused EIR was prepared which identified two impacts related to project development which are not fully mitigable: noise impacts to outdoor residential areas from the Santa Fe railroad, and safety and noise impacts to residential areas from the Eastside Mosquito Abatement District aircraft.

This is to advise that on January 7, 1997, the City of Modesto, the lead agency, certified a Final Focused EIR (SCH #95122030) and approved the General Plan Amendment, Specific Plan, and Prezoning for the above-described project. In taking this action, the City Council, on January 7, 1997, approved and adopted a Final Focused EIR for the project and made the following determinations:

1. A Final Focused EIR (SCH # 95122030), prepared pursuant to CEQA Section 21158, has identified potentially new or additional significant effects on the environment that were not adequately examined in the master environmental impact report for the Modesto Urban Area General Plan (SCH#92052017).

2. Mitigation measures were identified in the Final Focused EIR and made a condition of approval of the proposed subsequent project in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.
3. Because there is evidence in light of the whole record before the City that the project, including identified mitigation measures, will have a significant effect on the environment in two specific areas:
   a. Noise impacts of the Santa Fe Railroad to exterior residential areas, and
   b. Potential Safety and Noise impacts to project residential areas from Eastside Mosquito Abatement District aircraft,
the City Council adopted a Statement of Overriding Considerations for the project pursuant to CEQA Section 21081 (a) (3). The City Council also adopted a Mitigation Monitoring Program in accordance with CEQA Section 21081.6.

4. As part of the adoption of the Final Focused EIR, the City Council finds that the Final Focused EIR reflects the independent judgment of the City.

This is to certify that the Final Focused EIR (SCH# 95122030), and Master EIR (SCH#92052017), with comments and responses and record of project approval, is available to the general public at:

City of Modesto, Office of the City Clerk, City Hall, 901 11th Street, Modesto, CA 95354.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-76

A RESOLUTION OF APPLICATION BY THE COUNCIL OF
THE CITY OF MODESTO INITIATING PROCEEDINGS
AND REQUESTING THE LOCAL AGENCY FORMATION
COMMISSION TO TAKE PROCEEDINGS FOR "THE
BLUFFS" REORGANIZATION (WITHIN THE EMPIRE
NORTH SPECIFIC PLAN AREA) TO THE CITY OF
MODESTO. (COUNCIL INITIATED - UNINHABITED)

WHEREAS, certain property owners have requested the
City to apply on their behalf to the Stanislaus County Local
Agency Formation Commission for a reorganization, and

WHEREAS, the Council of the City of Modesto desires to
initiate proceedings pursuant to the Cortese-Knox Local
Government Reorganization Act of 1985, Division 3, commencing
with Section 56000 of the California Government Code, for The
Bluffs" Reorganization to the City of Modesto, the first
reorganization proposed in the Empire North Comprehensive
Planning District, and

WHEREAS, notice of intent to adopt this resolution of
application has not been given to each interested and each
subject agency, and

WHEREAS, the territory proposed to be annexed is
uninhabited, and a description of the boundaries of the territory
is set forth in Exhibit "A", attached hereto and by this
reference incorporated herein, and

WHEREAS, the area proposed to be annexed is within the
sphere of influence of the City of Modesto, as adopted on
December 19, 1994, and

WHEREAS, it is desired to provide that the proposed
reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto;

(b) The detachment of said territory from the Stanislaus Consolidated Fire Protection District; and

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed "The Bluffs" Reorganization to the City of Modesto is as follows:

1. The proposed reorganization is required by public convenience or necessity because the Empire North Comprehensive Planning District and the Empire North Unit One Specific Plan are consistent with the City of Modesto Urban Area General Plan.

2. The proposed reorganization will result in an orderly planned use of land resources because the proposed "The Bluffs" Subdivision and the Empire North Unit One Specific Plan implement a Community Growth Policy of the General Plan to provide sufficient land supply; namely, it promotes the expansion of the Modesto Urban Area toward the east to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the east side of Modesto.

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "B" attached hereto and by this reference incorporated herein, and

WHEREAS, the Modesto Community Development Department, Development Services Division, shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Empire North Specific Plan, adopted by the
Council of the City of Modesto on January 7, 1997.

2. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the reorganization of the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that the City suggests that the Stanislaus County Local Agency Formation Commission, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Focused Environmental Impact Report, LAFCO's deliberations on this Reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the executive officer of the Local Agency Formation Commission of Stanislaus County, and that pursuant to Government Code Section 56700 the Council hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with "The Bluffs" Reorganization.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
Exhibit "A"

Description
THE BLUFFS REORGANIZATION
TO THE CITY OF MODESTO

DESCRIPTION

All that certain real property situate in portions of Sections 18 and 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the southeasterly corner of the "Claus-Parker Governmental Reorganization" to the City of Modesto, being also the southeastern corner of Parcel "B" as shown on map filed for record in Book 37 of Parcel Maps, Page 90, Stanislaus County Records; thence North 12°00'00" West along the easterly line of said "Claus-Parker Governmental Reorganization", being also the easterly line of said Parcel "B" and the westerly line of the 120 foot wide A.T. and S.F. Railroad right-of-way, a distance of 813.61 feet to the south line of Parcel "A" as shown on map filed for record in Book 36 of Parcel Maps, Page 2, Stanislaus County Records; thence North 89°26'13" East along said south line of Parcel "A", being also said easterly line of "Claus-Parker Governmental Reorganization", a distance of 10.20 feet to a point on the westerly line of the 100 foot wide A.T. & S.F. Railroad right-of-way said point being on a non-tangent curve from which a radial line bears South 78°12'17" West to the center; thence Northerly 1364.95 feet along said non-tangent curve, being said westerly line of the A.T. & S.F. Railroad and the easterly lines of said Parcel "A" and said "Claus-Parker Governmental Reorganization" and northerly extensions thereof, conceave to the west, having a radius of 11,497.66 feet and a central angle of 6°48'07" to the north right-of-way line of 40 foot wide Parker Road; thence North 89°05'30" East along said north line of Parker Road, parallel with and 20.00 feet north of the south line of said Section 18, a distance of 104.92 feet to the easterly right-of-way line of said 100 foot wide A.T. & S.F. Railroad, said point being on a non-tangent curve from which a radial line bears South 71°33'38" West to the center; thence Northerly 10.51 feet along said non-tangent curve, being also said easterly line of A.T. & S.F. Railroad, conceave to the west, having a radius of 11,597.66 feet and a central angle of 0°03'07" to the westerly extension of the south lines of Parcels 1, 2, 3 and 4 as shown on map filed for record in Book 3 of Parcel Maps, Page 88, Stanislaus County Records; thence North 89°05'30" East along said south lines of Parcels 1, 2, 3 and 4 and the westerly extension thereof, a distance of 757.72 feet to the southeast corner of said Parcel "A"; thence South 0°54'30" East along the southerly extension of the east line of said Parcel "A" a distance of 10.00 feet to the north right-of-way line of 40 foot wide Parker Road; thence North 89°05'30" East along said north line of Parker Road, parallel with and 20.00 feet north of said south line of Section 18, a distance of 361.40 feet to the northerly extension of the east line of the west half of the northeast quarter of said Section 19; thence South 0°18'44" East along said east line of the west half of the northeast quarter of Section 19 and the northerly extension thereof, a distance of 2060.76 feet to the centerline of Dry Creek; thence westerly along said centerline of Dry Creek the following four courses: South 49°10'12" West 22.63 feet, South 72°27'34" West 204.22 feet, South 78°27'13" West 125.02 feet, and South 80°55'05" West 246.73 feet to the easterly right-of-way line of said 120 foot wide A.T. & S.F. Railroad; thence North 12°00'00" West along said easterly line of A.T. & S.F. Railroad a distance of 68.12 feet to the easterly extension of the south line of said Parcel "B"; thence South 89°52'40" West along said easterly extension of the south line of Parcel "B" a distance of 122.94 feet to the point of beginning.

Containing: 46.42 acres
Exhibit "B"

Plan for Providing Services

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Stanislaus Consolidated Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 9.

2. **Police Protection** - Modesto city Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the city as existing city fees and developer financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets will be the responsibility of the developer and be integrated into the development of the project.
A RESOLUTION ACCEPTING THE 1996 PROJECT TO CAPE SEAL VARIOUS CITY STREETS 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 1996 project to Cape Seal various City streets, has been completed by Western States Surfacing, Inc., in accordance with the contract agreement dated June 4, 1996.

NOW, THEREFORE, BE IT RESOLVED that the 1996 project to cape seal various City streets, be accepted from said contractor, Western States Surfacing, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $330,575.64 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 February, 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 WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 34,000 ROLLS OF BLUE BAGS FOR RECYCLING FROM CARLISLE PLASTICS FOR $41,983.62

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 34,000 rolls of blue bags for recycling are hereby waived.

BE IT FURTHER RESOLVED that the purchase of 34,000 rolls of blue bags for recycling from Carlisle Plastics for $41,983.62, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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

JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH BLACK AND VEATCH FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE DESIGN OF THE CANNERY SEGREGATION PIPELINE, REPLACEMENT OF THE EMERALD TRUNK SEWER, HEADWORKS AND GRIT REMOVAL FACILITIES AT THE PRIMARY WATER QUALITY CONTROL PLANT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Black and Veatch for the preparation of plans and specifications for the design of the cannery segregation pipeline, replacement of the Emerald trunk sewer, headworks and grit removal facilities at the Primary Water Quality Control Plant be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-80

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW CIP PROJECT AND APPROPRIATING $300,000 FROM WASTEWATER RESERVES TO THE FLOOD HAZARD MITIGATION PROJECT

WHEREAS, the floods of January 1997 caused the Tuolumne River to flood the Water Quality Control Plant causing the entire sewage generated within the Modesto service area to be discharged into the river; and

WHEREAS, Black & Veatch has been asked to develop a flood hazard mitigation assessment developing plans and specifications that will prevent raw sewage from being discharged into the Tuolumne River in the event of a flood of similar magnitude. It is anticipated that the Federal Emergency Management Agency will reimburse the City for this design work as a part of the flood hazard mitigation; and and

WHEREAS, this design work is estimated to cost approximately $300,000 and an amendment to the 1996-97 Capital Improvement Program Budget is needed to establish a new CIP project for the design work only.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended to as follows:

<table>
<thead>
<tr>
<th>Wastewater Fund</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#621-800-8000-8003 Contingency Reserve</td>
<td>$(300,000)</td>
</tr>
<tr>
<td>#621-480-H829-6010 Black &amp; Veatch - Design</td>
<td>$ 300,000</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 day of February 18, 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, 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. 97-81

A RESOLUTION APPROVING AN AGREEMENT WITH TAUSSIG AND ASSOCIATES TO ESTABLISH A MELLO-ROOS COMMUNITY FACILITIES DISTRICT FOR THE NORTH BEYER PARK PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Taussig and Associates to establish a Mello-Roos Community Facilities District for the North Beyer Park 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 18th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \underline{Jean Adams}
JEAN ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET FOR THE STRATEGIC PLANNING FUND TO RECOGNIZE $10,000 IN REVENUE FOR DEVELOPER’S SHARE OF PROJECT, AND TRANSFERRING $10,000 FROM CONTINGENCY RESERVE FUND #080-800-8000-8003 INTO PROJECT ACCOUNT #080-140-1436-1408

WHEREAS, on December 16, 1996 the City Council selected Taussig and Associates to establish and administer Mello-Roos Community Facilities Districts; and

WHEREAS, a Final Map for the North Beyer Park Specific Plan will be recorded in the near future and the Community Facilities District needs to be formed, covering the lots created by the Final Map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to recognize $10,000 in revenue for developer’s share of project, and transferring $10,000 from Contingency Reserve Fund #080-800-8000-8003 into project account #080-140-1436-1408.

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 day of February 18, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-83

A RESOLUTION APPROVING SUBMISSION OF A REVISED ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) RESULTING FROM A SUPPLEMENTAL APPORTIONMENT.

WHEREAS, on June 18, 1996, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Funds, and

WHEREAS, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, SAAG has informed the City of Modesto of an additional $405,895 of Local Transportation funding, and

WHEREAS, of said amount the sum of $6,928 is designated for non-motorized projects, and the remaining $398,967 will be used for Street projects in the Gas Tax Fund ($320,000) and for the Bus Maintenance Facility in the Bus Service Fund ($78,967), and

WHEREAS, an additional $8,027 of State Transit Assistance funding is also available towards operating assistance in the Bus Service Fund, and

WHEREAS, Council action authorizing a supplemental claim is required by SAAG prior to funds being released,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to
execute said Supplemental Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of $405,895 of Local Transportation funding and an additional $8,027 of State Transit Assistance funding resulting from a supplemental apportionment is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-84

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL IMPROVEMENT PROGRAM TO CREATE NINE NEW PROJECTS

WHEREAS, staff successfully applied for the Federal Congestion Management and Air Quality grant funds in the amount of $685,792. $282,800 will be budgeted equally in the FY97-98 and FY98-99 Capital Improvement Program; and

WHEREAS, these funds pay approximately 88.53% of these project expenses and the 11.47% match is covered by $40,000 of LTF Funds, and $17,205 of CFF Street Funds, all which will be transferred from the Contingency Reserves of these funds into the Gas Tax Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended as shown on Attachment A.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM LTF RESERVES FUND #051 AND FUNDS FROM CFF RESERVES FUND #141 TO THE 1996-97 CAPITAL IMPROVEMENT PROGRAM BUDGET

WHEREAS, staff successfully applied for the Federal Congestion Management and Air Quality grant funds in the amount of $685,792. $282,800 will be budgeted equally in the FY97-98 and FY98-99 Capital Improvement Program; and

WHEREAS, these funds pay approximately 88.53% of these project expenses and the 11.47% match is covered by $40,000 of LTF Funds, and $17,205 of CFF Street Funds, all which will be transferred from the Contingency Reserves of these funds into the Gas Tax Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended as shown on Attachment A.

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

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

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:  
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:  
STAN FEATHERS, Budget Officer
RESOLUTION NO. 97-86

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL IMPROVEMENT PROGRAM TO CREATE TWO NEW PROJECTS (PREFERENTIAL PARKING FOR CARPOOLERS AND CITY’S RIDESHARE PROGRAM) IN THE AMOUNT OF $54,875 AND REMOVE FUNDS IN THE AMOUNT OF $5,340

WHEREAS, staff successfully applied for the Federal Congestion Management and Air Quality grant funds (CMAQ) in the amount of $54,875 for the Preferential Parking for Carpoolers and City of Modesto Rideshare Program projects; and

WHEREAS, CMAQ funds pay approximately 88.53% of these project expenses and the 11.47% match is covered by the $5,340 REMOVE grant; therefore, these projects will not require any City participation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended as indicated below:

Gas Tax Fund
Revenues
#070-510-9510-3144 REMOVE Grant $3,900
#070-510-9510-3139 TSM Grant $3,477
#070-510-9510-3504 CMAQ Federal Funding $52,838

Expenditures
#070-160-H921-6040 Preferential Parking For Carpoolers $30,315
#070-160-H922-6040 Rideshare Program $29,900

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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, 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 ACCEPTING THE MASTER PLAN FOR THE CITY OF MODESTO’S NON-MOTORIZED TRANSPORTATION, CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION RELATING TO SAID PROJECT.

WHEREAS, the Parks and Recreation Department assumed the administration of the City of Modesto’s Non-Motorized Planning effort from the Community Development Department in an effort to stimulate the use of non-motorized transportation as a viable transportation alternative, and

WHEREAS, the Master Plan for Modesto’s Non-Motorized Transportation has been prepared by Brady & Associates, Inc., who worked closely with City staff as well as a technical advisory committee consisting of staff from various City departments, the Stanislaus Area Agency of Governments (SAAG), and Caltrans, and

WHEREAS, following two public hearings to solicit input and gather feedback, the Draft Plan was released to the public on June 1, 1996, incorporating said public input, and

WHEREAS, another public workshop was held on June 13, 1996, and the Draft Plan was then submitted to the City Council Transportation Policy Committee on July 22, 1996, and

WHEREAS, after incorporating comments and recommendations from these meetings into the Draft Plan, the plan was submitted to the Planning Commission on October 7, 1996, and
WHEREAS, an Initial Study was prepared for the project pursuant to Appendix I of the CEQA Guidelines in December 1996, and thereafter City staff concluded its study determining that there is no substantial evidence that the project will have a significant effect on the environment, and

WHEREAS, the Council certifies that at its meeting of February 18, 1997, it reviewed and considered the Findings of City staff, which resulted in a negative declaration in regard to the environmental impact relating to the development of a Non-Motorized Transportation Master Plan for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Master Plan for Non-Motorized Transportation for the City of Modesto prepared by Brady And Associates, Inc., and finds that it is consistent with the California Bicycle Transportation Act requirements,

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the Master Plan for Non-Motorized Transportation for the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-88

A RESOLUTION APPOINTING JEROME BEAMISH TO THE LANDMARK PRESERVATION COMMISSION, TERM TO EXPIRE ON JANUARY 1, 1999

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. Jerome Beamish is hereby appointed to the Landmark Preservation Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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 APPOINTING JOHN RUDESILL TO THE GOLF COURSE ADVISORY COMMITTEE, TERM TO EXPIRE ON JANUARY 1, 2000

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. John Rudesill is hereby appointed to the Golf Course Advisory Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Golf Course Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-90

A RESOLUTION ESTABLISHING FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 93-267.

WHEREAS, upon request, copies of various maps and
prints are made available to the public by various departments of
the City, and

WHEREAS, the Council has previously established fees
and charges for obtaining said maps and prints, and

WHEREAS, City staff has recommended an increase in said
fees and charges to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a
regular meeting on February 25, 1997, to consider the recommended
changes,

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

SECTION 1. FEES AND CHARGES: The fees and
charges set forth on Exhibit "A", which is attached hereto and
made a part hereof as if set forth herein, are hereby established
for copies of various maps and prints listed thereon which are
obtained from the City of Modesto.

SECTION 2. EXEMPTIONS: No fees or charges shall
be charged to governmental agencies which obtain copies of maps
and prints.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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
FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO

PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

- A. Mylar $8.60
- B. Sepia $1.40
- C. Blue-line $ .90
- D. Original Photocopy $ .25
- E. Additional Photocopies $ .10

COPYING BY COMMERCIAL FIRMS

The charge for City documents reproduced by commercial firms shall be the exact amount that the firm charges the City including sales tax.

BLUE-LINE REPRODUCTION

The charge for in-house blue-line reproduction of maps, drawings, aerial photos, etc., shall be charged on a square foot basis, plus sales tax.

 Fee $ .90/map, drawing, photo, etc.

MYLAR REPRODUCTION

The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

 Fee $8.60/map, drawing, photo, etc.

PLAIN PAPER COPY FROM MICROFILM

The cost of producing a plain paper copy from microfilm on equipment maintained by the Engineering Division shall be on a per image basis, plus sales tax.

 Fee $4.75/image

Standard Specifications - Original Issue $45.00
Standard Specifications - Annual Update $30.00
Mail Standard Specifications $10.00
Mail Plan Specifications Cost of UPS & Packaging

EXHIBIT "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 97-91

A RESOLUTION ALLOWING THE SALE OF ELECTRONIC DATA AND ESTABLISHING A FEE TO BE CHARGED BY ALL CITY DEPARTMENTS FOR THE SALE OF ELECTRONIC DATA AND RESCINDING RESOLUTION NO. 92-250.

WHEREAS, various departments within the City of Modesto are, from time to time, requested to sell electronic computer data which may be in the form of either tapes or floppy disks, and

WHEREAS, the sale of such data falls under the provisions of Section 6256 of the Government Code, and

WHEREAS, City staff recommends that all departments within the City be allowed to sell computer data and charge a fee for said data, and

WHEREAS, City staff has recommended an increase in the minimum fee to be charged for the sale of electronic data to reflect increased costs, and

WHEREAS, the following conditions and fees shall be applicable to all such City departments preparing and selling such data:

1. Any sale of electronic data shall be in accordance with the provisions of Section 6255, et seq. of the Government Code.

2. Fees chargeable for preparing and selling data shall include:
a. The actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the date in transmittable form; the minimum amount to be charged being the sum of $18.00.

b. The cost of the media (disk), if furnished by the City.

c. The sum of $42.00 per megabyte (approximately 250 pages of data) sold. The fee per megabyte of data shall be prorated for fractions of megabytes, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Modesto that all departments within the City shall be allowed to sell electronic data and charge a fee for said data to include the actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the data in transmittable form in a minimum amount of $18.00, together with the cost of the tape or disk if furnished by the City, and the sum of $42.00 per megabyte of proration thereof for fraction of megabyte provided.

BE IT FURTHER RESOLVED that Resolution No. 92-250 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after May 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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
A RESOLUTION ADOPTING A SCHEDULE OF FEES CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 93-262.

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

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.14 of the Modesto Municipal Code provides that fees for inspection for the temporary closing of public ways in the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.22 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by
the City Council from time to time by resolution, and

WHEREAS, Section 7-2.27 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees authorized by the above sections of the Modesto Municipal Code to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code,

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

BE IT FURTHER RESOLVED that Resolution No. 93-262 adopted by the City Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
## SCHEDULE OF ENCROACHMENT PERMIT FEES

<table>
<thead>
<tr>
<th>TYPE PERMIT&lt;sup&gt;(6)&lt;/sup&gt;</th>
<th>BASIC PERMIT&lt;sup&gt;(5)&lt;/sup&gt; &amp; INSPECTION</th>
<th>STAKING&lt;sup&gt;(1)&lt;/sup&gt;</th>
<th>CRACK FILLING</th>
<th>PAVING&lt;sup&gt;(1)&lt;/sup&gt;</th>
<th>CODE OR RES. REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curbs and curb cuts</td>
<td>$82.00/lot&lt;sup&gt;(7)&lt;/sup&gt;</td>
<td>4.50/l.f.</td>
<td>----</td>
<td>by City</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>$38.50/lot&lt;sup&gt;(7)&lt;/sup&gt;</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Sewer Service from lot to sewer lateral</td>
<td>$48.50/each</td>
<td>----</td>
<td>$.72/l.f.</td>
<td>$6.80/s.f.&lt;sup&gt;(9)&lt;/sup&gt;</td>
<td>5-6.08; 7-2.22</td>
</tr>
<tr>
<td>Sewer Laterals&lt;sup&gt;(2)&lt;/sup&gt;</td>
<td>$1.44/l.f.</td>
<td>0.72/l.f.</td>
<td>$.72/l.f.</td>
<td>$6.80/s.f.&lt;sup&gt;(9)&lt;/sup&gt;</td>
<td>5-6.08; 7-2.22</td>
</tr>
<tr>
<td>Storm Drains (through curb)</td>
<td>$32.50/each</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Utilities&lt;sup&gt;(3)&lt;/sup&gt; Major Const.</td>
<td>$68.00/each</td>
<td>----</td>
<td>$.72/l.f.</td>
<td>$6.80/s.f.&lt;sup&gt;(9)&lt;/sup&gt;</td>
<td>7-2.27; 7-2.22</td>
</tr>
<tr>
<td>Utilities&lt;sup&gt;(3)&lt;/sup&gt; Service and Repair</td>
<td>$68.00/each</td>
<td>----</td>
<td>included in permit fee</td>
<td>$6.80/s.f.&lt;sup&gt;(9)&lt;/sup&gt;</td>
<td>7-2.27; 7-2.22</td>
</tr>
<tr>
<td>Street Closures (temporary)</td>
<td>$109.50/each</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>7-2.14</td>
</tr>
<tr>
<td>Street Lights</td>
<td>$72.50/each</td>
<td>----</td>
<td>$.72/l.f.</td>
<td>----</td>
<td>7-1.108</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Rate</td>
<td>Unit Price</td>
<td>Notes</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
<td>---------------</td>
<td>-------------</td>
<td>----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>10</td>
<td>Rock Wells or Storm Drain Connections</td>
<td>$72.50/each</td>
<td>$0.72/l.f.</td>
<td>of trench</td>
<td>7-1.108</td>
</tr>
<tr>
<td>11</td>
<td>Street Construction</td>
<td>$77.50/lot(7)</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>12</td>
<td>Improvements(8)</td>
<td>$67.00/lot(7)</td>
<td>$0.72/l.f.</td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>13</td>
<td>Other work not listed(10)</td>
<td>To be calculated</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>14</td>
<td>Install refractor steel pole</td>
<td>$55.00/each</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>15</td>
<td>Added refractor steel pole</td>
<td>$13.50/each</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>16</td>
<td>Install mast arm wood pole</td>
<td>$125.00/each</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>17</td>
<td>Added mast arm wood pole</td>
<td>$102.50/each</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>18</td>
<td>Investigation of site(4)</td>
<td>To be calculated</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>19</td>
<td>Install luminaire, standard pole</td>
<td>$20.50/each</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
<tr>
<td>20</td>
<td>Soil Core Sample</td>
<td>$85.00/each</td>
<td></td>
<td></td>
<td>7-1.108</td>
</tr>
</tbody>
</table>
(1) Where no fee is shown, the work is to be performed by others as needed.

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

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

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

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

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

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

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

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

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

(10) To be calculated by the Public Works and Transportation Director in each instance, based on the actual cost of doing the work including overhead.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-93

A RESOLUTION ESTABLISHING FILING FEES FOR
SUBDIVISION AND PARCEL MAPS AND RESCINDING
RESOLUTION NO. 93-264.

WHEREAS, Section 4-4.106 of the Modesto Municipal Code,
provides that the Council, by resolution, shall establish filing
fees for the processing of tentative and final subdivision and
parcel maps and for other procedures required or authorized by
Chapter 4 of Title IV of the Modesto Municipal Code, and

WHEREAS, City staff has recommended an increase in the
filing fees for the processing of tentative and final subdivision
and parcel maps, and other procedures to reflect increased costs,
and

WHEREAS, the Council held a public hearing at its
regular meeting on February 25, 1997, to consider the recommended
increases in the filing fees for the processing of tentative and
final subdivision and parcel maps and other procedures,

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

SECTION 1. FEES. Filing fees for maps and procedures
required and authorized by Chapter 4 of Title IV of the Modesto
Municipal Code are hereby established as follows:

(a) Reversion to acreage $190.50
(b) Final parcel map checking fee $385.00
(c) Final (subdivision) map checking fee $385.00
   for subdivisions of 10 or less lots
(d) Final (subdivision) map checking fee $385.00
   for subdivisions of 10 or more lots

   Plus per each lot in excess of 10 $ 7.85

(e) Parcel map improvement plan check fee $240.00

(f) Subdivision improvement plan check fee $335.00
   for subdivisions of 10 or less lots

(g) Subdivision improvement plan check fee $335.00
   for subdivisions of 10 or more lots

   Plus each lot in excess of 10 $ 11.50

(h) Property owners’ association document $185.00
   checking fee

(i) Certificate of compliance $137.00

(j) Summary right of way abandonment $207.00

(k) Microfilming fee for subdivision map $4.00
    and improvement plans

                          $ .75

                        Additional Pages

SECTION 2. REPEALS. Resolution No. 93-264 adopted by
the Council on May 4, 1993, is hereby rescinded effective
April 30, 1997.

SECTION 3. EFFECTIVE DATE. The fees established by
this resolution shall become effective on and after May 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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. 97-94

A RESOLUTION REVISING SEWER SERVICE CHARGES AND
RESCINDING RESOLUTION NOS. 90-734, 93-66, AND
96-301.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, the Council recognizes the need to rehabilitate and expand the Wastewater Treatment System to promote economic development and to protect the environment, and

WHEREAS, a review of sewer service charges has been made to include charges for schools and dumping of septic waste at the sewage treatment plant.

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural" shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.
2. "Commercial" shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel" shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex" shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government" shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital" shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial" shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<table>
<thead>
<tr>
<th>Density Category</th>
<th>Property Sq. Ft. Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>0-1000</td>
</tr>
<tr>
<td>Medium</td>
<td>1001-3500</td>
</tr>
<tr>
<td>Low</td>
<td>3501-7000</td>
</tr>
<tr>
<td>Very Low</td>
<td>Over 7000</td>
</tr>
</tbody>
</table>
9. "Multi-family Senior Mobile Home" shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit" shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations" shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel" shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks" shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

17. "Transportation/Utilities" shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

18. "Undeveloped" shall mean any lot or parcel which remains in its natural state and is not used for any purpose.
SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

- Each single-family dwelling or mobile home on a lot: $11.29
- Each dwelling unit in a duplex: 8.82
- One additional dwelling unit or mobile home on a lot: 8.82
- Each dwelling unit in an apartment building: 7.26
- or dwelling group or mobile home space in a mobile home park

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as
S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

<table>
<thead>
<tr>
<th>Group</th>
<th>Sewer Service Charges Per 1000 Gals. of Water Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$1.86</td>
</tr>
<tr>
<td></td>
<td>Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less</td>
</tr>
<tr>
<td>Group 2</td>
<td>2.17</td>
</tr>
<tr>
<td></td>
<td>Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l</td>
</tr>
<tr>
<td>Group 3</td>
<td>2.64</td>
</tr>
<tr>
<td></td>
<td>Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l</td>
</tr>
<tr>
<td>Group 4</td>
<td>3.17</td>
</tr>
<tr>
<td></td>
<td>Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l</td>
</tr>
</tbody>
</table>

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:
Group 1 $23.45
Group 2 27.02
Group 3 33.12
Group 4 39.74

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 60/100ths ($1.60) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and
(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $762.74 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $90.21 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $83.04 per one
thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. SEWER SERVICE CHARGES FOR SCHOOL SERVICE.

(a) The flat-rate sewer service charges for schools shall be established according to the following formula:

\[
\text{Domestic Use - ADA (Average daily attendance) x c.f./pupil/month x 12 months x $0.58} = 133.69\text{c.f.}
\]

Where:

K-6 Schools - 10 cu.ft./pupil/month
K-8 Schools - 13 cu.ft./pupil/month
7-8 Schools - 24 cu.ft./pupil/month
High Schools - 36 cu.ft./pupil/month
College - 36 cu.ft./pupil/month

The formula set forth above shall be based on the number of pupils enrolled in each of the following schools:

<table>
<thead>
<tr>
<th>Empire Union School District</th>
<th>Grade Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capistrano Elementary</td>
<td>K-5</td>
</tr>
<tr>
<td>Christine Sipherd Elementary</td>
<td>K-5</td>
</tr>
<tr>
<td>Bernard Hughes Elementary</td>
<td>K-5</td>
</tr>
</tbody>
</table>
### Modesto City School District
- Harriet Kirschen Elementary: K-6
- Elihu Beard Elementary: K-6
- Fred C. Beyer High: 9-12
- Grace Davis High: 9-12
- Downey High: 9-12
- Enslen Elementary: K-6
- Catherine Everett Elementary: K-6
- Franklin Elementary: 2-6
- John C. Fremont Elementary: K-6
- William H. Garrison Elementary and Joseph M. Kelly Center: K-6
- Lakewood Elementary: K-6
- La Loma Junior High: 7-8
- Alberta Marton Elementary: K-6
- Modesto High: 9-12
- John Muir Elementary: K-6
- Robertson Road Elementary: K-6
- Roosevelt Junior High: 7-8
- Rose Avenue Elementary: K-6
- Sonoma Elementary: K-6
- Elliot Alternative Education Center: 9-12
- Mark Twain Junior High: 7-8
- Wilson Elementary: K-6
- Burbank Elementary: K-6

### Salida Union School District
- Mildred Perkins Elementary: K-5

### Stanislaus Union School District
- Chrysler Elementary: K-6
- Eisenhut Elementary: K-6
- Muncy Elementary: K-6
- Prescott Junior High: 7-8
- Agnes Baptist Elementary: K-6

### Sylvan Union School District
- Coleman F. Brown Elementary: K-6
- Sherwood Elementary: K-6
- Somerset Junior High: 7-8
- Standiford Elementary: K-6
- Stockard Coffee Elementary: K-6
- Sylvan Elementary: K-6
- Woodrow Elementary: K-6
Yosemite Community College District
Modesto Junior College - East Campus
Central Catholic High
St. Stanislaus Elementary
Our Lady of Fatima Elementary

(b) The flat-rate sewer service charges shall be due and payable to the City of Modesto November 1st of each year.

(c) The determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

(d) All other property owned or controlled by the schools and connected to the City sewer system shall be charged for the City sewer service on a regular flat-rate basis.
SECTION 6. SEWER SERVICE CHARGES FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The sewage dumping charge will be calculated at the current rates using the industrial rates and the following formula:

Biological Oxygen Demand (BOD); 3,680 MG/L  
Suspended Solids (SS): 20,430 MG/L  
Loads of Septic Waste to Plant: 4,211  
Approximate Gallons of Septage 1992-93: 12,767,375

Flow Charge at current rate for industrial users per 1,000 gallons $740.52 per million gallons $ 0.74

BOD Surcharge:  
(3,680-200) x 0.001 x 8.34 x 87.58/1,000 $ 2.54

SS Surcharge:  
(20,430-200) x 0.001 x 8.34 x 80.62/1,000 $13.60

Clean Septic Pit Twice per week - Equipment Operator and Vactor Truck  
Operator (116)  
2 min x $15.8040 hr x 2.71  
(benefits and overhead)/60 min/hr $ 1.43

Vactor truck 2 min x $20.74/60 min/hr $ 0.69

Total Dump Charges per 1,000 gallons of sewage $19.00

SECTION 7. SULFIDE CORROSION CHARGES. Any wastewater discharge which exceeds 0.5 parts per million of sulfides shall pay a sulfide corrosion charge, an impact fee, determined on a case-by-case basis as follows:

(a) The projected accelerated corrosion of collection system pipes and pump stations will be calculated based on the EPA Pomeroy Model for Sulfide Corrosion (EPA Design Manual, EPA/625/1-85-018, Section 2.5.2.1 - Corrosion Predictive Model).

(b) The sulfide corrosion charge will then be calculated based on the actual pipes and pump stations, up to the Water Quality Control.
Plant headworks, impacted by the discharge, and on the current estimates of replacement costs and the time value of money.

(c) Discharges of sulfide above 0.5 ppm shall also not have a pH lower than 7.

(d) The discharger may request that the sulfide charge be recalculated each year, if the amount of sulfide discharged is documented as having changed significantly from the previous year. The discharger may elect to receive the billing for this service charge on an annual or monthly basis. No prepayment discount will apply.

(e) This service charge is an impact fee based on sulfide crown corrosion of collection system pipes and pumping facilities. It is not intended to compensate the City for increased corrosion or odor generation in the Water Quality Control Plant. It is not intended to liquidate the responsibility of a party whose wastewater discharge escapes from the collection system causing soil or groundwater contamination. Discharge of concentrated sulfides under the provisions of this section constitutes acceptance of these terms.

SECTION 8. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 9. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District’s system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to
reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family or mobile home on a lot (1 dwelling unit only)</td>
<td>$6.99</td>
</tr>
<tr>
<td>Each dwelling unit in a duplex</td>
<td>3.34</td>
</tr>
<tr>
<td>One additional dwelling unit or mobile home on a lot</td>
<td>3.34</td>
</tr>
<tr>
<td>Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park</td>
<td>3.34</td>
</tr>
<tr>
<td>Billing Fee</td>
<td>0.39</td>
</tr>
</tbody>
</table>

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 10. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the
Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 11. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity of Development Factor (IDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>0.25</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family High</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium</td>
<td>0.80</td>
</tr>
<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.31</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
<tr>
<td>Transportation/Utilities</td>
<td>0.40</td>
</tr>
<tr>
<td>Schools</td>
<td>0.25</td>
</tr>
<tr>
<td>Non-Profit Organizations</td>
<td>0.40</td>
</tr>
<tr>
<td>Government</td>
<td>0.70</td>
</tr>
<tr>
<td>Hospitals</td>
<td>0.50</td>
</tr>
<tr>
<td>Parks/Cemeteries</td>
<td>0.10</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
</tr>
<tr>
<td>Undeveloped</td>
<td>0.00</td>
</tr>
</tbody>
</table>

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:
### Table: Square Footage of Property

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.65</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.23</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>4.85</td>
</tr>
</tbody>
</table>

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.58. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.58.

(g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city.
street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 12. EFFECTIVE DATE. This resolution shall become effective May 1, 1997.

SECTION 13. RESCINDING PRIOR RESOLUTIONS. Upon the effective date of this resolution, Modesto City Council Resolution No. 90-734, 93-266, and 96-301 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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

02/26/97
MODESTO CITY COUNCIL
RESOLUTION NO. 97-95

A RESOLUTION ESTABLISHING A SEWER BOND
REDEMPTION CHARGE AND WATER CONNECTION CHARGE
INSPECTION FEES AND RESCINDING RESOLUTION
NO. 92-262.

WHEREAS, Section 5-6.04 of the Modesto Municipal Code
provides for a fee for inspection of property to determine the
acreage to be used in determining the sewer bond redemption
charge imposed by said section, and

WHEREAS, Section 11-1.05(d)(3) of the Modesto Municipal
Code provides for a fee for inspection of property to determine
area of a parcel to be used in determining water connection
charges, and

WHEREAS, the Council has previously adopted such fees,
and

WHEREAS, City staff has recommended an increase in said
fees to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its
regular meeting on February 25, 1997, to consider the recommended
fees increase,

NOW THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby establishes a Sewer Bond
Redemption Charge Inspection Fee in the amount of $37.00 to be
charged for each inspection of property to determine the acreage
to be used in determining the sewer bond redemption charge
imposed by Section 5-6.04 of the Modesto Municipal Code.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby establishes a Water Connection Charge Inspection fee in the amount of $37.00 to be charged for each inspection of property to determine the square foot area to be used in determining the water connection charge imposed by Sections 11-1.05(a) and 11-1.05(b) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that Resolution No. 92-262 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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. 97-96

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE AND RESCINDING RESOLUTION NO. 93-259

WHEREAS, Section 5-6.10 of the Modesto Municipal Code, provides that the Council may establish by resolution a sewer lateral connection fee for property that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer, and

WHEREAS, the basis for the sewer lateral connection fee is to collect equally from each property served by an existing sewer lateral, and

WHEREAS, City staff has recommended an increase in the sewer lateral connection fee to reflect increased construction costs, and

WHEREAS, the Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall pay to the City a fee of $33.00 per linear foot of property frontage.

BE IT FURTHER RESOLVED that Resolution No. 93-259 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.
BE IT FURTHER RESOLVED that this resolution shall become effective on an after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _25th_ day of _February_, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-97

A RESOLUTION ESTABLISHING CONDITIONS FOR PAYMENT IN INSTALLMENTS OF SEWER BOND REDEMPTION CHARGES AND SUBTRUNK EXTENSION CHARGES FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS, CHURCHES AND OTHER SIMILAR RELIGIOUS INSTITUTIONS AND RESCINDING RESOLUTION NO. 92-267.

WHEREAS, Sections 5-6.05(a) and 5-6.07 of the Modesto Municipal Code provide that this Council may establish conditions under which sewer bond redemption charges and subtrunk sewer extension charges required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments, and

WHEREAS, periodically this Council receives requests from owners of single-family residential dwellings and from churches and other similar religious institutions for permission to pay sewer bond redemption charges and subtrunk sewer extension charges in installments, and

WHEREAS, City staff has recommended an increase in the fee to process said installment payments to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby establishes the following conditions under which sewer bond redemption charges and subtrunk extension
charges (hereinafter called "charges") for single-family residential dwellings, churches and other similar religious institutions required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments:

1. A written request must be made by the property owners, churches and other similar religious institutions for the payment of charges in installments. Said request must be made on or before the date on which the charges are payable.

2. A fee of Twenty-five and 50/100ths ($25.50) Dollars shall be paid at the time the request is made to cover the cost of processing the spreading of the charges and interest, including the cost of recording the notice that the charges and interest have been paid.

3. Charges may be spread up to a maximum of two (2) years.

4. All or part of the charges that are due and payable may be spread.

5. Deferred charges shall bear interest on the unpaid balance at the rate of twelve (12%) percent per annum.

6. Deferred charges and interest shall be added to the sewer service charges established by Section 5-6.02 of the Modesto Municipal Code in as nearly equal installments as possible and shall be payable in accordance with the provisions
of Section 5-6.11 of the Modesto Municipal Code, except that they shall not be entitled to a discount for advance payment.

7. There shall be recorded in the office of the County Recorder of Stanislaus County a notice of the charges and interest which are spread.

8. After all charges and interest have been paid in full, a notice of such payment shall be recorded in the office of the County Recorder of Stanislaus County.

BE IT FURTHER RESOLVED that Resolution No. 92-267 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after May 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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. 97-98

A RESOLUTION ESTABLISHING AN ADVANCE DEPOSIT
FOR SEWER SERVICE AND RESCINDING RESOLUTION
NO. 92-265.

WHEREAS, Section 5-6.02.1 of the Modesto Municipal Code
provides that an advance sewer deposit shall be required for each
premise where the City does not provide water, and

WHEREAS, Section 5-6.02.1 of the Modesto Municipal Code
further provides that the Council may establish from time to time
by resolution advance sewer deposits, and

WHEREAS, City staff has recommended changes to the
advance deposit for sewer service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a
regular meeting on February 25, 1997, to consider the recommended
changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto, in accordance with the authority contained in
Section 5-6.02.1 of the Modesto Municipal Code, hereby
establishes an advance sewer deposit of Twenty-five and no/100ths
($25.00) Dollars.

BE IT FURTHER RESOLVED that Resolution No. 92-265
adopted by the Council on May 19, 1992, is hereby rescinded
effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall
become effective on and after May 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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. 97-99

A RESOLUTION ESTABLISHING A RECONNECTION
CHARGE FOR SEWER SERVICE AND RESCINDING
RESOLUTION NO. 92-256.

WHEREAS, Section 5-6.15 of the Modesto Municipal Code
provides that in cases where bills for sewer service shall become
delinquent, the Public Works and Transportation Director may
disconnect the premises from the sewage system, and

WHEREAS, Section 5-6.15 of the Modesto Municipal Code
further provides that the City Council may establish charges for
reconnection of premises to the sewage system by resolution duly
adopted by the Council, and

WHEREAS, City staff has recommended changes in the
reconnection charge for sewer service to reflect increased costs,
and

WHEREAS, the City Council held a public hearing at its
regular meeting on February 25, 1997, to consider the recommended
changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto, in accordance with the authority contained in
Section 5-6.15 of the Modesto Municipal Code, hereby establishes
a charge of Four Hundred Fifty and no/100ths ($450.00) Dollars
for reconnection of any premises to the sewage system which have
been disconnected from said sewage system because of the failure
of any user to pay any sewer service charge prior to delinquency
thereof.
BE IT FURTHER RESOLVED that Resolution No. 92-256 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-100

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 93-261.

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of fees and charges to be charged to consumers for water services in the City of Modesto to reflect current costs of providing service, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the following schedule of fees and charges for water service to be charged to consumers for water services in the City of Modesto:
## SCHEDULE OF FEES AND CHARGES
### FOR WATER SERVICES

<table>
<thead>
<tr>
<th>Reference</th>
<th>Name of Fee or Charge and Itemization</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1.04</td>
<td>Water service installation charges</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1&quot; service</td>
<td>$1,108.00</td>
</tr>
<tr>
<td></td>
<td>1-1/2&quot; service</td>
<td>1,130.00</td>
</tr>
<tr>
<td></td>
<td>2&quot; service</td>
<td>1,156.00</td>
</tr>
<tr>
<td></td>
<td>4&quot;-6&quot; service</td>
<td>2,131.00</td>
</tr>
<tr>
<td></td>
<td>8&quot; service</td>
<td>2,347.00</td>
</tr>
<tr>
<td></td>
<td>10&quot; or larger service</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Connection to existing main</td>
<td>2,820.00</td>
</tr>
<tr>
<td>11-1.04</td>
<td>Additional Charge for each water service</td>
<td>$439.00</td>
</tr>
<tr>
<td></td>
<td>installation involving pavement removal and/or replacements.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water system fee - for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 12&quot; and larger lines and fire hydrants installed at minimum spacing.</td>
<td>.05*</td>
</tr>
<tr>
<td></td>
<td>Water system fee - for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10&quot; and larger lines and fire hydrants installed at minimum spacing.</td>
<td>.05</td>
</tr>
<tr>
<td>11-1.05(a)</td>
<td>Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.</td>
<td>18.00</td>
</tr>
<tr>
<td></td>
<td>Water single check valve, 4 in.</td>
<td>390.00</td>
</tr>
<tr>
<td></td>
<td>Water single check valve, 6 in.</td>
<td>479.00</td>
</tr>
<tr>
<td></td>
<td>Water single check valve, 8 in.</td>
<td>688.00</td>
</tr>
</tbody>
</table>
Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.

Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge

11-1.05(b) Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.

Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.

Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge

11-1.05(c)(4) Fire hydrant installation, each
Fire hydrant line to main per lineal foot Additional charge for each hydrant installation involving pavement removal and/or replacement.
Fire main test

11-1.06(e) Meter installation cost
Each 1" meter, New Service
Each 1" meter with traffic lid, New Service
Each 1" meter, Retrofit Service
Each 1" meter with traffic lid, Retrofit Service
Each 1-1/2" meter
Each 1-1/2" meter with traffic lid
Each 2" meter
Each 2" meter with traffic lid
Each 4" meter 1,820.00
Each 6" meter 2,400.00
Each 8" meter 3,350.00
Each 10" or larger meter COST

11-1.09 Fire hydrant charge for construction water used.

11-1.09 Deposit to install meter on fire hydrant for construction water 500.00

11-1.14(e) Water bill delinquent charge. (LATE CHARGE) 4.35

11-1.14(e) Water disconnection NOTICE. 10.00

11-1.14(e) Water Disconnect 10.00

11-1.14(e) Water Reconnect 10.00

11-1.14(e) Unauthorized Reconnect 25.00

11-1.14(e) Lock Breakage 50.00 (plus lock)

11-1.14(e) Disconnect Waterline at main for non-payment 375.00

Collection Agency Fee
For use of collection agency to collect on unpaid utility bills (sewer and water) 16.50

Utility Credit Check
For relieving customer of deposit requirement. This is a computer check through a private credit agency 1.80

*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)
BE IT FURTHER RESOLVED that except as otherwise provided herein, the above schedule of fees and charges shall become effective on and after May 1, 1997.

BE IT FURTHER RESOLVED that Resolution No. 93-261, adopted by the Council May 4, 1993, is hereby rescinded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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

02/26/97—CA  -5-
WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After April 1, 1994

<table>
<thead>
<tr>
<th>Size of Meter</th>
<th>Monthly Rate March 1, 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/3&quot;</td>
<td>$ 14.35</td>
</tr>
<tr>
<td>1&quot;</td>
<td>19.10</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>23.73</td>
</tr>
<tr>
<td>2&quot;</td>
<td>28.63</td>
</tr>
<tr>
<td>3&quot;</td>
<td>38.18</td>
</tr>
<tr>
<td>4&quot;</td>
<td>49.65</td>
</tr>
<tr>
<td>6&quot;</td>
<td>74.63</td>
</tr>
<tr>
<td>8&quot;</td>
<td>95.32</td>
</tr>
<tr>
<td>10&quot;</td>
<td>114.91</td>
</tr>
<tr>
<td>12&quot;</td>
<td>134.56</td>
</tr>
</tbody>
</table>

The charge for each additional 100 cf over 1,680 cf on a monthly rate 0.86
Commodity Charge:

For the first one thousand six hundred eighty (1,680) cubic feet of water delivered through a water meter, per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be eighty-six ($0.86) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after March 1, 1994, shall be as follows:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Monthly Rate March 1, 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,500 SF, or less</td>
<td>$18.80</td>
</tr>
<tr>
<td>3,501 to 7,000 SF</td>
<td>21.68</td>
</tr>
<tr>
<td>7,001 to 10,500 SF</td>
<td>24.30</td>
</tr>
<tr>
<td>10,501 to 14,000 SF</td>
<td>26.91</td>
</tr>
<tr>
<td>14,001 to 17,500 SF</td>
<td>32.40</td>
</tr>
<tr>
<td>17,501 to 21,000 SF</td>
<td>37.99</td>
</tr>
</tbody>
</table>

For each 3,500 SF or fraction thereof over 21,000 5.11

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5) percent discount will be made in all billings on unmetered services paid one year in advance.
SECTION 3. CHARGES FOR UNMETERED WATER SERVICES TO SCHOOLS.

(a) The Flat-rate water service charges for schools shall be established according to the following formula:

Domestic Use - ADA (Avg. daily attendance) x c.f./pupil/month x 12 months x \$2.90
1000 c.f.

Where:

<table>
<thead>
<tr>
<th>School Type</th>
<th>Flat-rate Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>K-6 Schools</td>
<td>10 cu. ft./pupil/month</td>
</tr>
<tr>
<td>K-8 Schools</td>
<td>13 cu. ft./pupil/month</td>
</tr>
<tr>
<td>7-8 Schools</td>
<td>24 cu. ft./pupil/month</td>
</tr>
<tr>
<td>High Schools</td>
<td>36 cu. ft./pupil/month</td>
</tr>
<tr>
<td>College</td>
<td>36 cu. ft./pupil/month</td>
</tr>
</tbody>
</table>

(b) Irrigation

140,000 cu. ft./acre/year x no. of acres x \$2.90/1000 c.f.

The formula set forth above shall be based on the number of pupils enrolled in each of the following schools:

<table>
<thead>
<tr>
<th>District</th>
<th>Grade Range</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Empire Union School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capistrano Elementary</td>
<td>K-5</td>
<td>6.022</td>
</tr>
<tr>
<td>Christine Sipherd Elementary</td>
<td>K-5</td>
<td>7.622</td>
</tr>
<tr>
<td>Bernard Hughes Elementary</td>
<td>K-5</td>
<td>0.165</td>
</tr>
<tr>
<td>Modesto City School District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harriet Kirschen Elementary</td>
<td>K-6</td>
<td>2.600</td>
</tr>
<tr>
<td>Elihu Beard Elementary</td>
<td>K-6</td>
<td>6.269</td>
</tr>
<tr>
<td>Fred C. Beyer High</td>
<td>9-12</td>
<td>28.122</td>
</tr>
<tr>
<td>Grace Davis High</td>
<td>9-12</td>
<td>19.937</td>
</tr>
<tr>
<td>Enslen Elementary</td>
<td>K-6</td>
<td>0.425</td>
</tr>
<tr>
<td>Catherine Everett Elementary</td>
<td>K-6</td>
<td>6.929</td>
</tr>
<tr>
<td>John C. Fremont Elementary</td>
<td>K-6</td>
<td>0.580</td>
</tr>
<tr>
<td>William H. Garrison Elementary and Joseph M. Kelly Center</td>
<td>K-6</td>
<td>5.960</td>
</tr>
<tr>
<td>Lakewood Elementary</td>
<td>K-6</td>
<td>7.008</td>
</tr>
<tr>
<td>Alberta Marton Elementary</td>
<td>K-6</td>
<td>5.100</td>
</tr>
<tr>
<td>School District</td>
<td>School Name</td>
<td>Grades</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>--------</td>
</tr>
<tr>
<td>Modesto High</td>
<td>9-12</td>
<td>6.604</td>
</tr>
<tr>
<td>Modesto High (North Campus)</td>
<td>9-12</td>
<td>1.463</td>
</tr>
<tr>
<td>John Muir Elementary</td>
<td>K-6</td>
<td>5.751</td>
</tr>
<tr>
<td>Robertson Road Elementary</td>
<td>K-6</td>
<td>5.610</td>
</tr>
<tr>
<td>Roosevelt Junior High</td>
<td>7-8</td>
<td>1.979</td>
</tr>
<tr>
<td>Rose Avenue Elementary</td>
<td>K-6</td>
<td>6.304</td>
</tr>
<tr>
<td>Sonoma Elementary</td>
<td>K-6</td>
<td>5.609</td>
</tr>
<tr>
<td>Salida Union School District</td>
<td>Mildred Perkins Elementary</td>
<td>K-5</td>
</tr>
<tr>
<td>Stanislaus Union School District</td>
<td>Eisenhut Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td></td>
<td>Muncy Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td></td>
<td>Prescott Junior High</td>
<td>7-8</td>
</tr>
<tr>
<td></td>
<td>Agnes Baptist Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td>Sylvan Union School District</td>
<td>Coleman F. Brown Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td></td>
<td>Sherwood Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td></td>
<td>Somerset Junior High</td>
<td>7-8</td>
</tr>
<tr>
<td></td>
<td>Standiford Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td></td>
<td>Stockard Coffee Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td></td>
<td>Sylvan Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td></td>
<td>Woodrow Elementary</td>
<td>K-6</td>
</tr>
<tr>
<td>Yosemite Community College District</td>
<td>Modesto Junior College - East Campus</td>
<td>College</td>
</tr>
<tr>
<td>Central Catholic High</td>
<td>9-12</td>
<td>9.940</td>
</tr>
</tbody>
</table>

(c) The flat-rate sewer water charges shall be due and payable to the City of Modesto November 1st of each year.

(d) The determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

(e) The schools shall promptly notify City of any changes in area irrigated from the City water system. Charges shall be immediately revised in accordance with said changes. Failure to promptly notify City may be cause for immediate requirement of metering of the premises.
(f) All other property owned or controlled by the schools and connected to the City water system shall be on a regular metered basis.

SECTION 4. WATER CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION.

(a) The water service charge furnished to single-family residences, duplexes, and triplexes that are under construction will be a flat rate charge based on the formula below. This charge will be assessed and paid at the time of building permit issued.

120 Day Construction Water Rate:
Flat Rate for Smallest Lot Area x Utility Tax x 4 months
$18.80/month x 6% tax x 4 months - $79.71

(b) Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

(c) The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

(d) In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.

(e) In the event a structure is occupied before final inspection of the structure, or water is used for other than normally required for construction, the water service charge will be made at the established rate for regular service.
SECTION 5. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND
DISABLED PERSONS. The following water discount rates for senior citizens and
disabled persons shall apply as follows:

<table>
<thead>
<tr>
<th>Annual Income Levels</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 7,560 or less</td>
<td>25%</td>
</tr>
<tr>
<td>$ 7,561 to $10,394</td>
<td>15%</td>
</tr>
<tr>
<td>$10,395 to $13,230</td>
<td>10%</td>
</tr>
</tbody>
</table>

Criteria to receive the discount is as follows:

1. Must be 60 years old.
2. Must live alone or with spouse.
3. Living with children will not qualify the household for a discount.
4. Must be able to prove the qualifying income level.
5. If living with a spouse, the combined income level will determine the level of discount.
6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.
7. All applicants must complete an application.

SECTION 6. PREPAID UNMETERED WATER SERVICE CHARGES. Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution Nos. 90-735, 93-260, and 94-99 are hereby rescinded effective April 30, 1997.
BE IT FURTHER RESOLVED that this resolution shall become effective on
and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of February, 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,
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. 97-102

A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR A PERMIT FOR MONITORING WELLS OR EMERGENCY EXTRACTION WELLS AND RESCINDING RESOLUTION NO. 93-258.

WHEREAS, the City Council has adopted Section 5-1.503 of Chapter 1 of Title V of the Modesto Municipal Code which authorizes an application fee for a permit for monitoring wells and emergency extraction wells, and

WHEREAS, application for the permit will generate certain costs which must now be compensated for, and

WHEREAS, City staff has recommended changes to the schedule of fees for monitoring wells or emergency extraction wells, and

WHEREAS, the City Council held a public hearing at a regular meeting on February 25, 1997, to consider the recommended changes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fee for the above described permit shall be a fixed charge of Forty-two and no/100ths ($42.00) Dollars, plus a fixed charge of Ninety-six and no/100ths ($96.00) Dollars for each well installed.

BE IT FURTHER RESOLVED that Resolution No. 93-258 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.
BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, 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. Militch, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-103

A RESOLUTION FIXING CERTAIN RATES FOR
SUPPLYING WATER AND STAND-BY SERVICE TO THE
COUNTY OF STANISLAUS AND RESCINDING
RESOLUTION NO. 93-257.

WHEREAS, the County of Stanislaus, a political
subdivision of the State of California, maintains in said County
a County Hospital, Stanislaus Medical Center, located at 830
Scenic Avenue, in the City of Modesto, and

WHEREAS, water is used in large quantities at said
Hospital, which water is ordinarily supplied from water pumps or
plants owned and operated by said County, and

WHEREAS, in event that the said plants owned and/or
operated by said County should break down or for some reason
become incapable of operation, it will be necessary for said
County to secure water from some other source to supply said
Hospital, and

WHEREAS, to insure a ready supply of water at all times
it becomes necessary to have a supply in readiness at all times,
which readiness to supply water at all times is hereinafter
referred to as stand-by service, and

WHEREAS, the City of Modesto, a municipal corporation
of Stanislaus County, California, is possessed of a supply of
water and can furnish water to said County for the use of said
Hospital and can likewise furnish stand-by service for the same, and
WHEREAS, the said County desires said City to furnish water for said Hospital when the same may be needed and to likewise furnish stand-by service for the same, and

WHEREAS, Section 11-1.08 of the Municipal Code authorizes the Council to establish by resolution the rate to be charged for providing water services to governmental agencies,

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that stand-by water service be supplied by the said City of Modesto for the said County Hospital, Stanislaus Medical Center, located at 830 Scenic Avenue, in the City of Modesto, for the sum of $46.60 monthly, payable whether any water belonging to the City of Modesto is used at said Hospital or not. In the event said City does furnish water for said County Hospital, said water shall be so furnished at the rate of $8.00 per day or fraction thereof, in addition to the stand-by charge stated above.

BE IT FURTHER RESOLVED that in the event the said County desires the services of said City as aforesaid, all requests for the same shall be directed to the office of the Public Works and Transportation Director of said City of Modesto between the hours of 8:00 a.m. and 5:00 p.m. on all working days.
and to the City of Modesto Pump Control Station, telephone number 577-5325, at all other hours.

BE IT FURTHER RESOLVED that Resolution No. 93-257 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Freidman, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-104

A RESOLUTION ESTABLISHING AN ADVANCE DEPOSIT FOR WATER SERVICE AND RESCINDING RESOLUTION NO. 92-252.

WHEREAS, Section 11-1.13 of the Modesto Municipal Code provides that an advance deposit shall be required for each water service, and

WHEREAS, Section 11-1.13 of the Modesto Municipal Code further provides that the City Council may establish from time to time by resolution advance water deposits, and

WHEREAS, City staff has recommended changes in the advance deposit for water service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, in accordance with the authority contained in Section 11-1.13 of the Modesto Municipal Code, hereby establishes an advance water deposit of Twenty-five and no/100ths ($25.00) Dollars for water service.

BE IT FURTHER RESOLVED that Resolution No. 92-252 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR REPAINTING STREET LIGHT STANDARDS

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 repainting street light standards, for up to five years, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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. 97-106

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE DIGITAL 800 MHZ RADIO 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 one digital 800 MHZ radio system, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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. 97-107

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE SET OF REACTOR ARMS

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 set of reactor arms to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR ONE ROTARY MOWER

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 one rotary mower to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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
A RESOLUTION ACCEPTING THE WOODLAND AVENUE LIFT STATION ODOR CONTROL PROJECT 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 Woodland Avenue lift station odor control project, has been completed by Conco-West, Inc., in accordance with the contract agreement dated March 19, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Woodland Avenue lift station odor control project be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $49,250.00, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF AERIAL SURVEYING SERVICES FOR THE CARPENTER ROAD LOW ALTITUDE MAPPING PHOTOGRAMMETRY (LAMP) PROJECT FROM TOWILL, INC. FOR $22,095.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of aerial surveying services for the Carpenter Road low altitude mapping photogrammetry project are hereby waived.

BE IT FURTHER RESOLVED that the purchase of aerial surveying services for the Carpenter Road low altitude mapping photogrammetry (LAMP) project from Towill, Inc. for $22,095.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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. 97-111

A RESOLUTION APPROVING AN AGREEMENT WITH STATE OF CALIFORNIA, STATE LANDS COMMISSION FOR THE INSTALLATION OF ONE SIXTY-INCH AND TWO EIGHTEEN-INCH DIAMETER SANITARY SEWER PIPELINES CROSSING THE TUOLUMNE RIVER

BE IT RESOLVED by the Council of the City of Modesto that the agreement with State of California, State Lands Commission for the installation of one sixty-inch and two eighteen-inch diameter sanitary sewer pipelines crossing the Tuolumne River be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-112

A RESOLUTION APPROVING AN AGREEMENT WITH CALVARY TEMPLE ASSEMBLY OF GOD OF MODESTO FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE COFFEE/BRIGGSMORE INTERSECTION WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Calvary Temple Assembly of God of Modesto for the purchase of right of way needed for the Coffee/Briggsmore intersection widening project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Dobbs, 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-113  

A RESOLUTION APPROVING AN AGREEMENT WITH CALVARY TEMPLE ASSEMBLY OF GOD OF MODESTO FOR AUTHORIZATION TO ENTER UPON LAND FOR THE PURPOSE OF CONSTRUCTION OF IMPROVEMENTS IN CONJUNCTION WITH THE COFFEE/BRIGGSMORE INTERSECTION WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Calvary Temple Assembly of God of Modesto for authorization to enter upon land for the purpose of construction of improvements in conjunction with the Coffee/Briggsmore intersection widening project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Dobbs, 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. 97-114

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH SKYTREK AVIATION FUELS, INC. FOR THEIR OPERATIONS AT THE MODESTO CITY-COUNTY AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Skytrek Aviation Fuels, Inc. for their operations at Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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
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:

- Custodian I
- Custodian II

The job specifications for the classification of Custodian I (Range 101), as shown on the attached Exhibit "A", and Custodian II (Range 107) as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan.
Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Custodian

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after February 25, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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
This position is an entry level custodial position. Positions may be filled by regular, permanent employees or with permanent, part-time employees. Progression from Custodian I to II will be based on competency and organizational needs.

DEFINITION

To perform routine custodial duties related to the care, maintenance, and cleaning of assigned buildings and facilities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Custodian Supervisor, Maintenance Worker II, or Custodian II positions.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Clean and sanitize restroom facilities and fixtures including sinks, urinals and toilets; clean and sanitize drinking fountains.

Sweep, vacuum, mop, wax, strip, and polish floors; vacuum and shampoo carpets.

Dust and polish furniture, woodwork, fixtures, and equipment.

Wash windows, mirrors and walls.

Clean desks and counter tops and other vertical and horizontal surfaces.

Empty, clean and sanitize waste receptacles.

Replenish supplies in restrooms, kitchens and other areas as required.

Move and arrange furniture and equipment and set-up rooms for conferences and meetings.

Replace fluorescent and incandescent lamps; clean lighting fixtures and replace lenses.

Clean air vents and replace filters as required.

Pick up papers and other debris.

Exhibit "A"
EXAMPLES OF DUTIES, Continued:

Work irregular shifts as required.
Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:
Methods, materials, and equipment used in custodial work.
Safe work practices.

Ability to:
Clean and care for assigned areas and equipment.
Use a variety of custodial equipment, supplies and materials.
Use and work from ladders.
Understand and follow oral and written directions.
Establish and maintain cooperative working relationships with those contacted in the course of work.
Perform manual labor, meaning lifting and carrying up to seventy-five (75) pounds of weight.

Work independently in the absence of direct supervision.

Experience and Training Guidelines

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

Experience:
None; Some custodial experience is desirable.

Training:
Completion of formal or informal education at a level which provides the ability to read and write at a level required by the job.
QUALIFICATIONS, Continued

License or Certificate

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

Note: this position may be required to pass a full background investigation
This position is distinguished from the Custodian I by the independence of direct supervision on a regular basis, by the direction given to Custodian I's, temporary or non-paid personnel, and the performance of the full range of custodial duties and performance of grounds and facility maintenance tasks.

DEFINITION

To perform the full range of custodial duties related to the care, maintenance, and cleaning of assigned buildings and facilities; to perform a wide range of grounds and facility maintenance duties.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Custodian Supervisor or Maintenance Worker II; provides direction to Custodian I’s, temporary or non-paid personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

- Clean and sanitize restroom facilities and fixtures including sinks, urinals and toilets; clean and sanitize drinking fountains.
- Sweep, vacuum, mop, wax, strip, and polish floors; vacuum and shampoo carpets.
- Operate and maintain a full range of power equipment such as buffers, extractors, pressure washers and carpet cleaners.
- Dust and polish furniture, woodwork, fixtures, and equipment.
- Wash windows, mirrors and walls.
- Clean desks and counter tops and other vertical and horizontal surfaces.
- Empty, clean and sanitize waste receptacles.
- Replenish supplies in restrooms, kitchens and other areas as required.
- Move and arrange furniture and equipment and set-up rooms for conferences and meetings.
- Replace fluorescent and incandescent lamps; clean lighting fixtures and replace lenses.

Exhibit "B"
EXAMPLES OF DUTIES, Continued:

Clean air vents and replace filters as required.
Pick up papers and other debris.
Assist in the training of subordinate staff.
Plant, prune and maintain shrubbery around public facilities.
Patch, prepare and paint walls, ceilings, doors and other areas associated with public buildings. Remove and/or paint over graffiti on interior and exterior of public buildings.
Perform minor building maintenance repairs. Report major building maintenance problems.
Maintain and repair tables and chairs.
Work irregular shifts as required.
Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, and equipment used in custodial work, grounds maintenance work and in the painting and repair of public buildings.
Safe work practices.

Ability to:

Clean and care for assigned areas and equipment.
Use a variety of custodial equipment, supplies and materials.
Use a variety of grounds maintenance equipment, supplies and materials.
Use a variety of tools and equipment used in the painting and repair of public buildings.
Use and work from ladders.
Ability to, Continued:

Understand and follow oral and written directions.

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

Give direction to Custodian I's or other subordinates.

Perform manual labor, meaning lifting and carrying up to seventy-five (75) pounds of weight.

Work independently in the absence of direct supervision.

Experience and Training Guidelines

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

Experience:

Two years of custodial or grounds/facility maintenance experience, preferably in large commercial buildings or public buildings.

Training:

Completion of formal or informal education at a level which provides the ability to read and write at a level required by the job.

License or Certificate

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

Note: Persons in this position must pass a full background investigation.
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE TO ESTABLISH SALARY RANGES FOR CUSTODIAN I AND CUSTODIAN II.

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 February 25, 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 Custodian I (Range 101) and Custodian II (Range 107), and deletes Custodian.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 25, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>101</td>
<td>Custodian I</td>
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<tr>
<td>103</td>
<td>Administrative Clerk I</td>
</tr>
<tr>
<td>104</td>
<td></td>
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<tr>
<td>105</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td></td>
</tr>
</tbody>
</table>
| 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   | Code Enforcement Officer I |
| 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 |

Exhibit "A"
<table>
<thead>
<tr>
<th>Class Range Table</th>
<th>General Non-Sworn Classes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 2</td>
<td></td>
</tr>
</tbody>
</table>

| Code Enforcement Officer II  |
| 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 |

| Electrical Technician II    |
| Storm Water Inspector      |

| Tree Trimmer               |
| Senior Storeskeeper        |
| Street Trees Crewleader    |
| Parking Lot Maintenance Crewleader |
| Parks Crewleader           |

| 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 |

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

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<table>
<thead>
<tr>
<th>Class Range Table</th>
<th>General Non-Sworn Classes</th>
<th>Page 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>122</td>
<td>Coach Mechanic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire Equipment Mechanic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tree Trimmer Crewleader</td>
<td></td>
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<tr>
<td></td>
<td>Programmer Analyst I</td>
<td></td>
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<td></td>
<td>Industrial Waste Inspector I</td>
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<tr>
<td></td>
<td>Cross Connection Specialist</td>
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<tr>
<td>123</td>
<td>Sr. Wastewater Treatment Plant Operator</td>
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</tr>
<tr>
<td></td>
<td>Maint. Mech. Crewleader - Pumps</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Civil Engineering Technician II</td>
<td></td>
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<td></td>
<td>Maint. Mech. Crewleader - Parks</td>
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<tr>
<td>124</td>
<td>Plant Mechanic</td>
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<td>Laboratory Technician</td>
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<td>Equipment Mechanic Crewleader</td>
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<td></td>
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<td>Equipment Crewleader</td>
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<td>Community Development Program Specialist I</td>
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<td></td>
<td>Wastewater Collection System Crewleader</td>
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<td>125</td>
<td>Crime Analyst</td>
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<td>126</td>
<td>Coach Mechanic Crewleader</td>
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<td></td>
<td>Building Inspector I</td>
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<td></td>
<td>Electrician</td>
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<td></td>
<td>Housing Rehab. Specialist I</td>
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<td></td>
<td>Housing Financial Specialist</td>
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<td></td>
<td>Industrial Waste Inspector II</td>
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<tr>
<td></td>
<td>Senior Fire Equipment Mechanic</td>
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<td>127</td>
<td>Civil Engineering Assistant</td>
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<td></td>
<td>Landscape Technician</td>
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<td>128</td>
<td>Instrument Repair Technician</td>
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<td></td>
<td>Programmer Analyst II</td>
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<td></td>
<td>Public Improvement Specialist</td>
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<td></td>
<td>Community Development Program Specialist II</td>
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<tr>
<td>130</td>
<td>Building Inspector II</td>
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<td></td>
<td>Construction Inspector</td>
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<tr>
<td></td>
<td>Housing Rehabilitation Spec. II</td>
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<td></td>
<td>Hazardous Materials Inspector</td>
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<tr>
<td></td>
<td>Senior Crime Analyst</td>
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<tr>
<td>131</td>
<td>Sr. Civil Engineering Asst.</td>
<td></td>
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<tr>
<td>132</td>
<td></td>
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</tbody>
</table>
133

134  Senior Building Inspector
     Senior Construction Inspector
     Fire Plan Checker
     Plan Review Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-117

A RESOLUTION GRANTING THE APPEAL OF MID­VALLEY ENGINEERING, ON BEHALF OF LEONARD SORANNO, TO A DECISION OF THE PLANNING COMMISSION AND APPROVING AN AMENDMENT TO SECTION 2 OF RESOLUTION NO. 88-578, AS AMENDED BY RESOLUTION 91-42, TO PROVIDE FOR AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P­D(450), FOR A FREESTANDING SIGN FOR THE WALGREEN DRUG STORE AT THE SOUTHEAST CORNER OF CARVER AND STANDIFORD AVENUE.

WHEREAS, Planned Development Zone, P-D(450), was approved by the City Council by Ordinance No. 2599-C.S., which became effective on September 8, 1988, to allow all permitted and conditional P-O zone uses, a restaurant, and multi-family condominium units on property located at the southeast corner of Standiford Avenue and Carver Road, and

WHEREAS, Modesto City Council Resolution No. 88-578 approved the Development Plan for Planned Development Zone, P-D(450), subject to certain conditions of approval contained therein, and

WHEREAS, City Council Resolution No. 91-42, adopted on January 22, 1991, approved plans for the Walgreen Retail Drug Store, on the corner location previously approved for a restaurant and/or office, and limits the signs allowed in the non-residential portion of P-D(450) to those of the Highway Commercial, C-3 Zone, which zone does not allow a free-standing sign for the subject free-standing use, and

WHEREAS, a verified application for an amendment to
P-D(450) was filed by Leonard Soranno, on December 17, 1996, for an eight-foot-high, 47.5 square-foot free-standing monument sign at the corner of Carver Road and Standiford Avenue, and

WHEREAS, said application was set for a public hearing before the Planning Commission on February 10, 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, thereafter, the Planning Commission adopted Resolution No. 97-05 denying the request of the applicant for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, by letter dated February 13, 1997, which was received by the City Clerk on February 14, 1997, from Dennis E. Wilson, on behalf of Leonard Soranno, an appeal was filed with the City Council to the decision of the Planning Commission, which denied the request for an amendment to P-D(450), for a free-standing monument sign to identify the Walgreen Retail Drug Store location, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place located in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:00 p.m., on March 4, 1997, at which date and time evidence both oral and documentary was taken and introduced, and

WHEREAS, after said duly noticed public hearing, the
Council of the City of Modesto found and determined that said
appeal of Dennis E. Wilson, on behalf of Leonard Soranno, to the
decision of the Planning Commission to allow a six-foot-high,
47.5 square-foot free-standing sign with lower monument at the
corner of Carver Road and Standiford Avenue, should be granted as
consonant with public necessity, convenience and general welfare
for the following reasons:

1. By lowering the requested overall height from
eight feet to six feet, and by limiting the
monument base to two feet in height, the proposed
sign will provide adequate identification for the
retail use.

2. The requested sign contains a maximum of 48-square
feet in area and is of the "monument" style
mandated in the City’s most recent sign code
change.

3. The limitation placed on wall signs allowed on the
applicant’s building assures that there will not
be excessive signage on the site.

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

SECTION 1. That the appeal of Dennis E. Wilson, on
behalf of Leonard Soranno, to the decision of the Planning
Commission, to allow a six-foot-high, 47.5 square-foot free-
standing monument sign at the corner of Carver Road and
Standiford Avenue, is hereby approved, subject to condition
number 18 set forth below.

SECTION 2. That Section 2 of Modesto City Council
Resolution No. 88-578, entitled "A Resolution Granting the Appeal
of Mid-Valley Engineering on Behalf of Summerview Associates
Approving the Development Plan for Planned Development Zone, P-D(450), Property Located on the Southeast Corner of Standiford Avenue and Carver Road, and Overruling the Decision of the Planning Commission (Summerview Associates), as amended by Resolution No. 91-42, is hereby amended to read as follows:

"SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(450), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "The Commons and a Restaurant", as amended in red, stamped approved by the City Council on July 12, 1988, and the plan stamped approved by the City council on January 22, 1991.

   a. That the residential buildings adjacent to the east and south property lines shall be one story. These buildings shall have no doors opening to the rear yards.

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 property line south of building No. 2. 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. Eight-foot high wood fence with decorative masonry pilasters along the east and south property lines. There shall be approximately a 5'8"-foot board on top of a 1'4"-foot masonry base.
b. Eight-foot decorative masonry wall shall be installed along the south and east property lines of the restaurant property.

4. That a six-foot high solid screening shall be installed on the second floor landing on the south end of building No. 2. A six-foot high solid screening shall also be installed along the top half of the staircase to this landing.

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

6. The developer shall dedicate street right-of-way required by the Engineering Services Director to complete Standiford Avenue to major street standards and Carver Road to collector street standards. Said dedication shall be made prior to the issuance of a building permit or at any time requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area.

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

8. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.

9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Standiford Avenue and Carver Road frontages. The number shall be as determined by the Engineering Services Director.

10. Both commercial curbcuts shall be 41 feet in width.
11. That the applicant shall participate in 30 percent of the cost of traffic mitigations as provided by the traffic study prepared for the project at the southwest corner of Standiford Avenue and Carver Road.

12. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering Services Director.

13. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering Services Director. Easements for irrigation lines to remain shall be dedicated.

14. That on-site drainage shall be stored and disposed of on-site as approved by the Engineering Services Director. All off-site rockwells shall be subject to the Rockwell Maintenance Fee.

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

16. All utilities shall be underground and cable television service shall be stubbed into all units.

17. 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.

18. All signs for the residential development shall comply with the sign requirements of the R-3 Zone, and the retail store shall comply with the sign requirements of the C-3 Zone except as follows:
a. One free-standing monument sign with a maximum of 48-square feet, an overall maximum height of six-feet, and a monument base of a maximum height of two-feet shall be allowed.

b. There shall be no additional wall signs placed on the building other than those that already exist.

19. Prior to the issuance of a building permit for any structure, the proposed tentative subdivision and parcel maps shall be recorded.

20. Prior to City Council approval of a final subdivision map, the subdivider shall submit evidence in a form satisfactory to the City Attorney that there has been created a Homeowner's Association to guarantee common facility and private property maintenance in accordance with the approved plans.

21. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action or proceedings and shall cooperate fully in the defense."

SECTION 3. That all other provisions of Resolutions Nos. 88-578 and 91-42 not in conflict with this resolution shall remain in full force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
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 computers and related equipment to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 7, 1997, at 11:00 a.m., and 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 4th day of March, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-119

A RESOLUTION ACCEPTING THE "H" STREET SEWER PROJECT FROM FIRST STREET TO FIFTH STREET 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 "H" Street sewer project from First Street to Fifth Street, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the "H" Street sewer project from First Street to Fifth Street be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $139,685.79, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-120

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $18,500 TO FULLY FUND THE "H" STREET SEWER PROJECT FROM FIRST STREET TO FIFTH STREET

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: 621-480-E568-6040 $18,500
Woodland Lift Station Standby Generator

TO: 621-480-F736-6040 $18,500
Replace "H" Street Sewer/1st to 5th

A layer of concrete and unstable sugar sand in the soil beneath the asphalt surface were encountered resulting in additional removal work, resulting in extra costs to the project.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 4th day of March, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams,
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-121

A RESOLUTION ACCEPTING THE SCENIC DRIVE WATERLINE PROJECT 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 Scenic Drive waterline project has been completed by Clyde Wheeler Pipeline, in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Scenic Drive waterline project be accepted from said contractor, Clyde Wheeler Pipeline; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $150,922.14, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
A RESOLUTION AMENDING PARAGRAPH NO. 3 OF
RESOLUTION NO. 88-649, AS AMENDED, RELATING
TO EXEMPTIONS FROM AND DEFERRAL TO CAPITAL
FACILITIES FEES FOR AFFORDABLE OWNER-OCCUPIED
HOUSING

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

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

WHEREAS, non-profit developers of owner-occupied
single-family homes have requested that the CFF program be
amended to provide for more favorable terms for low income home
buyers to be granted CFF exemptions/deferrals, and

WHEREAS, development fees were identified in the City’s
Consolidated Plan as a barrier to affordable housing, and

WHEREAS, the consideration of exemptions and deferrals
of CFF was cited as a strategy that City would pursue to reduce
affordable housing barriers, and

WHEREAS, the Community Development and Housing
Committee has recommended that a home buyer earning fifty-five
(55%) percent or less of median area income be granted a full CFF
exemption provided there is no resale for ten (10) years and if
resale occurs within the ten (10) year period, that the full CFF would be due with no interest thereon, and

WHEREAS, the Community Development and Housing Committee has recommended that a home buyer earning between fifty-five (55%) percent and eighty (80%) percent of median area income be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6), with no interest accruing during the deferral period and that the CFF would be paid over a ten-year period with a five (5%) percent interest rate on the unpaid balance, and

WHEREAS, the City Council considered this matter at its meeting of March 4, 1997, as recommended by City Staff and the Community Development and Housing Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Paragraph No. 3. Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, and 95-393, is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

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

(1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.
(2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.

(3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

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

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

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

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

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

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

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

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

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

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

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

The property owner and/or developer in the case of "Category B qualified projects" may enter into a Deferred Payment Agreement with the City to pay twenty (20%) percent of those fees at the time the building permit is issued with the remaining eighty (80%) percent to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall
be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital facilities fees due through property tax assessment.

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

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

(1) Any single-family affordable housing unit constructed by any person or entity on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "single-family affordable housing unit" shall mean a single-family home purchased by a home buyer earning between fifty-five (55%) percent and eighty (80%) percent of Median Area Income as determined from time to time by the United States Department of Housing and Urban
Development to be used by the home buyer as its principle place of residence. The home buyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid over a 10-year period with a five (5%) percent interest rate on the unpaid balance. The deferral authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit and whether or not the development would be on a not-for-profit basis. If approved by the City Council, the benefit of the CFF deferral would be transferred to the home buyer at the time of purchase. The home buyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 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, 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. 97-123


WHEREAS, the Council of the City of Modesto finds that the tournament fee schedule and policy at its Modesto Nine-Hole Municipal Golf Course, Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course, as set forth in City Council Resolution No. 96-628, needs to be revised,

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

SECTION 1. TOURNAMENT FEE SCHEDULE AND POLICY. The Council hereby approves the tournament fee schedule and policy as set forth in Exhibit "A" attached hereto.

SECTION 2. AFFILIATED GOLF CLUB WAIVER OF MANDATORY RESTAURANT FEE AND PRO SHOP FEE. The five affiliated golf clubs Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club, Muni Niners, and SIRS are exempted from paying any mandatory restaurant fees and pro shop fees. All regular green fees, range fees and car rental fees apply.

SECTION 3. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on the date of adoption.

SECTION 4. REPEALS. Resolution No. 96-628 adopted on November 19, 1996, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 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, 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
TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE MARCH 4, 1997

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In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($16.00 weekdays/$20.00 weekends at Creekside/Dryden and $8.00 weekdays/$10.00 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 ($20.00 weekdays/$25.00 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 ($20.00 weekdays/$25.00 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. 97-124

A RESOLUTION AMENDING EXHIBIT "H" OF RESOLUTION NO. 96-366 TO APPROVE A REVISED SCHEDULE OF SALARY RANGES FOR EXECUTIVE MANAGEMENT.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 96-366.
Exhibit "H" entitled "City Of Modesto Schedule of Salary Ranges in City Service For FY 96-97 Effective June 25, 1996", attached to Resolution No. 96-366, is hereby amended as shown on the amended Exhibit "H" entitled, "City Of Modesto Schedule of Salary Ranges in City Service For FY 96-97 Effective March 4, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "H" changes the salary range for Finance Director from $5,785-$7,231 to $6,230-$7,787 per month.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 4, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
# CITY OF MODESTO

**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97**

**EFFECTIVE 3/4/97**

## Executive Management

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<td>60.1913</td>
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<tr>
<td>1432</td>
<td>49.3568</td>
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<tr>
<td>1433</td>
<td>50.5907</td>
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<tr>
<td>1434</td>
<td>51.8555</td>
<td>64.8194</td>
</tr>
<tr>
<td>1435</td>
<td>53.1519</td>
<td>66.4399</td>
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</tbody>
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**EXHIBIT "H"**
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO TRANSFER $13,200 FROM THE WATER CONTINGENCY RESERVE #610-800-8000-8003 AND $8,800 FROM THE SEWER CONTINGENCY #621-800-8000-8003 AND ESTABLISH A NEW WATER FUND CAPITAL PROJECT, XEROX PRINTER/RS6000 IN ACCOUNT #610-480-H156-6040

WHEREAS, the Council authorized the purchase of a business/dog licensing software which is scheduled to be operational on March 14, 1997. The Council also approved an upgrade to the financial/human resource software, with conversion anticipated in July 1997; and

WHEREAS, in order to print the City's bar-coded utility bill from a client server environment, specialized channel switching equipment for the Xerox laser printer is required at a cost of $18,504. A 486PC is also required at a cost of $3,496.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as follows:

<table>
<thead>
<tr>
<th>Wastewater Fund</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#621-800-8000-8003 Contingency Reserve</td>
<td>(8,800)</td>
</tr>
<tr>
<td>#621-700-7000-7610 T/O to Water Fund</td>
<td>8,800</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Water Fund</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#610-800-8000-8003 Contingency Reserve</td>
<td>(13,200)</td>
</tr>
<tr>
<td>#610-480-H156-6040 Xerox Printer/RS6000</td>
<td>22,000</td>
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</table>

<table>
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<tr>
<th>Reserves</th>
<th>Increase (Decrease)</th>
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</thead>
<tbody>
<tr>
<td>#610-700-7000-9621 T/I from Wastewater Fund</td>
<td>8,800</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 day of March 4, 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 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 APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING RECYCLED JANITORIAL PAPER PRODUCTS

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

SECTION 1. The specification for the furnishing recycled janitorial paper products, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 31, 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 3. 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 11th day of March, 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, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-127

A RESOLUTION ACCEPTING THE BID OF FULLER FORD FOR ONE SHOP TRUCK/VAN WITH COMPRESSOR; PACIFIC UTILITY EQUIPMENT COMPANY FOR TWO TRUCKS WITH AERIAL LIFTS; AND OAKLAND TRUCK CENTER FOR ONE BIN LOADER/ROLL-OFF TRUCK AND AUTHORIZING THE PURCHASE FOR A COMBINED TOTAL OF $343,336.09

WHEREAS, Resolution No. 97-56, adopted by the Council of the City of Modesto on February 4, 1997, authorized bids to be opened for furnishing four various vehicles; and

WHEREAS, the bids received for the four various vehicles, were opened at 11:00 a.m. on February 24, 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 bids of Fuller Ford, Pacific Utility Equipment Company and Oakland Truck Center for the combined total amount of $343,336.09 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Fuller Ford for one shop truck/van with compressor; Pacific Utility Equipment Company for two trucks with aerial lifts; and Oakland Truck Center for one bin loader/roll-off truck, be accepted and the preparation of a formal purchase orders 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 11th day of March, 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, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-128

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH GROTHE & SMITH ARCHITECTS FOR THE DESIGN OF THE WASTEWATER COLLECTION/ELECTRICAL MAINTENANCE BUILDING

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Grothe & Smith Architects for the design of the Wastewater Collection/Electrical Maintenance Building be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-129

A RESOLUTION APPROVING A LEASE AGREEMENT AND ADDENDUM TO THE LEASE WITH AT&T WIRELESS SERVICES OF CALIFORNIA, INC. FOR THE LEASE OF 700± SQUARE FEET OF LAND IN BEYER PARK FOR A CELLULAR TELEPHONE ANTENNA

BE IT RESOLVED by the Council of the City of Modesto that the lease agreement and addendum to the lease with AT&T Wireless Services of California, Inc. for the lease of 700± square feet of land in Beyer Park for a cellular telephone antenna be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 97-130

A RESOLUTION APPROVING AN AGREEMENT FOR A LOCAL PROGRAMMING GRANT IN THE AMOUNT OF $700 WITH MORRIS E. SMITH, JR.

BE IT RESOLVED by the Council of the City of Modesto that an agreement for a local programming grant in the amount of $700 with Morris E. Smith be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams, City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT WITH FRED ANDERSON THAT PROVIDES FOR COST OVERRUNS FOR THE JOHN THURMAN FIELD RENOVATION PROJECT TO ALLOW AN AUTHORIZED REPRESENTATIVE TO ACT ON FRED ANDERSON’S BEHALF

BE IT RESOLVED by the Council of the City of Modesto that an amendment to the agreement with Fred Anderson that provides for cost overruns for the John Thurman Field Renovation Project to allow an authorized representative to act on Fred Anderson’s behalf, if for reasons of health or death, Fred Anderson is unable to do so be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 97-132

A RESOLUTION APPOINTING RAY FELLER TO THE BOARD OF ZONING ADJUSTMENT, TO FILL
THE SEAT RESERVED FOR A MEMBER OF THE PLANNING COMMISSION, TERM TO EXPIRE ON
JANUARY 1, 1998

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

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

SECTION 1. Ray Feller is hereby appointed to the Board of Zoning
Adjustment to fill the seat reserved for a member of the Planning Commission.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 11th day of March, 1997, by
Councilmember Serpa, who moved its adoption, which motion being duly seconded
by Councilmember Fisher, was upon roll call carried and the resolution adopted
by the following vote:

AYES: Councilmembers: 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. 97-133

A RESOLUTION DENYING THE APPEAL OF TIMOTHY A. MILLER, PROJECT MANAGER, J. C. WILLIAMS COMPANY, TO A PLANNING COMMISSION DECISION DENYING AN AMENDMENT TO THE VILLAGE ONE SPECIFIC PLAN AND PRECISE PLAN FOR AREA 27, INCLUDING DOWNZONING FROM R-3 TO R-1 UNDERLYING ZONING, PROPERTY LOCATED NORTH OF MERLE AVENUE, WEST OF FUTURE ROAD "R" AND SOUTH OF FUTURE BELHARBOUR DRIVE (EAST OF ROSELLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA).

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted Village One Specific Plan, a 1,780-acre area of land adjoining the northeast portion of the City of Modesto, within its Sphere of Influence, which Specific Plan has been amended by Resolutions adopted from time-to-time, and

WHEREAS, the City Council by Ordinance No. 2873-C.S., which became effective on January 13, 1994, adopted a Precise Plan for Area No. 27 and Underlying Zoning for Area No. 27, which required the southern quarter (9.0 acres) of the property to carry an underlying zoning of multi-family residential, R-3, zoning, and

WHEREAS, the J.C. Williams Company filed an application proposal to eliminate approximately 4.2 acres of multi-family land use from Precise Plan Area 27 to develop a 72-lot, single-family subdivision on 19.6 acres on the north side of Merle Avenue, west of future Road "R", called Center Court Subdivision, which comprises the east half of Precise Plan Area 27, located on
the north side of Merle Avenue west of future Road "R", and

WHEREAS, an application package has been filed to amend the underlying zoning of 4.2 acres within the Precise Plan from the multi-family designation to a single-family designation, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 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 on this application, and

WHEREAS, the Planning Commission by its Resolution No. 97-10 denied the application for the amendment due to its incompatibility with the existing Precise Plan and the Village One Specific Plan, as well as determining that the proposed amendment violated the spirit of the Housing Element of the General Plan, as well as the affordable housing policies of the Village One Specific Plan, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application was filed with the Office of the City Clerk by letters date-stamped received on February 17, 1997, and March 11, 1997, from Timothy A. Miller, Project Manager, J.C. Williams Company, expressing concern relating to the proposed change in land use and the deferred construction of Road "R", and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City
Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 18, 1997, at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the Specific Plan and Precise Plan Amendment for Area 27 of the Village One Specific Plan, to amend underlying zoning of 4.2 acres within the Precise Plan from a multi-family designation to a single-family designation, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 97-10, and quoted below:

1. The proposed Precise Plan for Area 27 does not conform to the Specific Plan in that it deviates from the previously established land use mix, and the street layout and development specifications.

2. The proposed reduction in density of 4.2 acres from R-3 to R-1 underlying zoning is not necessary as an integral step toward development under the Village One Specific Plan and further inhibits the provision of affordable housing in the Village One and City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Timothy A. Miller, Project Manager, J.C. Williams Company, to the decision of the Planning Commission denying the application for Specific Plan and Precise Plan Amendment for Area 27 of the Village One Specific Plan, property located on the south side of Merle Avenue west of future Road "R", is denied for the reasons set forth above, and the decision of the Planning Commission is hereby affirmed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 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, Fisher, Friedman, McClanahan

NOES: Councilmembers: Dobbs, Serpa, Mayor Lang

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. 97-134

A RESOLUTIONDENYING THE APPEAL OF TIMOTHY A. MILLER, PROJECT MANAGER, J. C. WILLIAMS COMPANY, TO A PLANNING COMMISSION DECISION DISAPPROVING THE VESTING TENTATIVE SUBDIVISION MAP OF CENTER COURT SUBDIVISION, PROPERTY LOCATED NORTH OF MERLE AVENUE, WEST OF FUTURE ROAD "R" AND SOUTH OF FUTURE BELHARBOUR DRIVE (EAST OF ROSELLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA).

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted Village One Specific Plan, a 1,780-acre area of land adjoining the northeast portion of the City of Modesto, within its Sphere of Influence, which Specific Plan has been amended by Resolutions adopted from time-to-time, and

WHEREAS, the City Council by Ordinance No. 2873-C.S., which became effective on January 13, 1994, adopted a Precise Plan for Area No. 27 and Underlying Zoning for Area No. 27, which required the southern quarter (9.0 acres) of the property to carry an underlying zoning of multi-family residential, R-3, zoning, and

WHEREAS, the vesting tentative map of the Center Court Subdivision was filed in the office of the Secretary of the Planning Commission on December 16, 1996, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, the J.C. Williams Company filed a proposal to eliminate approximately 4.2 acres of multi-family land use from Precise Plan Area 27 to develop a 72-lot, single-family
subdivision on 19.6 acres on the north side of Merle Avenue, west of future Road "R", and

WHEREAS, copies of said vesting tentative map were sent to the Sylvan Elementary School and Modesto High School Districts, Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

WHEREAS, City services, including sewer and water facilities, are available, and

WHEREAS, the area can be served by elementary schools in the Sylvan School District and by Fire Station No. 9 at 4025 Fara Biundo Avenue, one mile distant, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 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, the Planning Commission by its Resolution No. 97-11 determined that the proposed subdivision in Precise Plan Area 27 is inconsistent with the currently approved Village One Specific Plan proposed land use density at this site and policy articulated in Section IV B 2(c) of the Specific Plan relating to construction of connector streets, and disapproved the Vesting Tentative Map of Center Court Subdivision, and

WHEREAS, an appeal to the decision of the Planning
Commission's disapproval of the application was filed with the Office of the City Clerk by letters date-stamped received on February 17, 1997, and March 11, 1997, from Timothy A. Miller, Project Manager, J.C. Williams Company, expressing concern relating to the proposed change in land use and the deferred construction of Road "R", and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 18, 1997, at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the disapproval of the Vesting Tentative Subdivision Map of Center Court Subdivision, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 97-11, and quoted below:

1. That the proposed vesting subdivision, together with the provisions for its design and improvements, is not consistent with the General Plan and applicable Specific Plan of the City of Modesto.

2. That the vesting tentative subdivision map of Center Court Subdivision, is not in conformance with the approved Village One Specific Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Timothy A. Miller, Project Manager, J.C. Williams Company, to eliminate approximately 4.2
acres of multi-family land use from Precise Plan Area 27 to
develop a 72-lot, single family subdivision on 19.6 acres on the
north side of Merle Avenue, west of future Road "R", is hereby
denied for the reasons set forth above, and the decision of the
Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 18th
day of March, 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, Fisher, Friedman, McClanahan
NOES: Councilmembers: Dobbs, Serpa, Mayor Lang
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. 97-135

A RESOLUTION APPROVING 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.

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

WHEREAS, on December 12, 1995, the City Council by Resolution No. 95-585 adopted the Fairview Village Specific Plan, and

WHEREAS, on October 8, 1996, the City Council by Resolution No. 96-545 amended the Policies and Procedures for the use of Mello-Roos Community Facilities Districts, and

WHEREAS, staff review of a proposal to amend the Fairview Village Specific Plan to change funding of certain public facilities from an Assessment District to a City Mello-
Roos Community Facilities District has determined that the proposed amendment is an administrative action which would result in no physical changes to the environment and is therefore exempt from review pursuant to the General Rule, CEQA Guidelines Section 159061(b)(3), and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 24, 1997, to receive evidence both oral and documentary regarding a proposal to amend the Fairview Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, and

WHEREAS, after said public hearing held on February 24, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-12, recommending to the City Council Amendment No. 1 to the Fairview Village Specific Plan to incorporate changes in financing for installation and ongoing maintenance of infrastructure within the Specific Plan area from various assessment districts to a single, City Mello-Roos Community Facilities District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 18, 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 Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, as recommended by the Planning Commission in its Resolution 97-12, is consistent with the City of Modesto Urban Area General Plan and is required for the following reasons:

1. Administrative Convenience. The two districts (Storm Drainage Improvement District and Landscape and Lighting District, can be folded into one.

2. Right to Vote on Taxes Act (Proposition 218). The Citizens Initiative for a Constitutional Amendment (Jarvis III) passed November, 1996. The initiative creates new standards for determining special benefits in assessment districts. These standards are contested and somewhat ambiguous. In the event of a legal challenge, the City would face a new, more difficult burden of proof.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Fairview Village Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, 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 18th day of March, 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

(S Seal)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
City of Modesto

Fairview Village Specific Plan

1995
Adopted by Modesto City Council by Resolution No. 95-585, December 12, 1995

Specific Plan Amendment No. 1 consolidating some infrastructure financing into a City Mello-Roos Community Facilities District was adopted by the Modesto City Council by Resolution No. 97- , on 1997.

Adopted December 12, 1995
City Council Resolution No. 95-585
5. Water

a) Funding Sources: Existing City fees and developer requirements.
b) Net Cost to City: None. Citywide user fees, which are updated from time to time, are sufficient to pay for needed water facilities.
c) Specifications: Water Section of the Infrastructure Element (2.3.4).

6. Stormwater Drainage

[Developer requirements and a Mello-Roos Community Facilities District]

(a) Funding Sources: Storm Drainage District, to be established.
b) Net Cost to City: None. Development will provide 100% financing for these improvements.
c) Specifications: Storm Drainage Section (2.3.3) of the Infrastructure Element (2.3.3). The property owners will provide for the design and construction of the landscaped drainage basins, in conformance with applicable City standards and criteria, and, as part of the subdivision map application, will dedicate these areas to the appropriate City agency or department.

7. Schools

[Separate from and not associated with any Mello-Roos District established by the City]

a) Funding Sources: Separate agreement with the School District and Mello-Roos Assessment District. In addition to financing construction costs and bond issuance costs, a Mello-Roos can be used to finance furniture, fixtures, equipment and operating and maintenance expenses as well as legal and financial consulting costs associated with establishing the district. Formation of a Mello-Roos district involves the issuance of tax exempt bonds. Debt service on the bonds is repaid from a special tax levied annually on property owners within the district. Because it is a tax rather than an assessment, there is no requirement that the tax be tied to the benefit received.
b) Net Cost to City: None; the applicant will reach full agreement with Modesto City Schools to insure funding and to mitigate all impacts to the School District.
c) Specifications: Separate agreement with the Modesto City School District; (1) The Specific Plan ensures that the school mitigation agreement between the Modesto City School District and the applicant shall be executed prior to the submittal of the first subdivision map within the Plan Area; (2) Prior to any transfer of property to the Modesto City School District, a Phase I Environmental Audit should be prepared for the project site by a qualified consultant, in conformance with the general guidelines and standard practice established in the American Society for Testing and Materials' (ASTM) Standard Practice E1527-94, and focusing on the past use of pesticides on site, the presence of any underground storage tanks, and the presence of soil and/or groundwater contamination resulting from the pesticide use; (3) Any contamination problems identified would need to be remediated through the development of a remediation plan for the project site; and (4) The remediation plan must be approved in advance by the appropriate authorities.
8. Parks

a) Funding Sources: Developer requirements and Capital Facilities Fees.

b) Net Cost to City: None. Development will provide 100% financing for City part.

c) Specifications: Neighborhood Parks in the Open Space Section of the Land Use Element (2.2.5); (1) The Parks and Recreation Department, in coordination with the School District, shall be responsible for the design and construction of all planned improvements; (2) The central neighborhood park area shall be dedicated to the City Parks and Recreation Department as part of a tentative subdivision map application by owners of the Sub-Area B property; and (3) The City shall provide for the maintenance of the new central neighborhood park and that cost is not included as part of the L&LMD budget, as discussed below.

9. Landscape Maintenance

a) Funding Sources: Developer requirements and Landscape and Lighting Assessment District (L&LMD) will levy flexible assessments on the property owners within the Plan Area. The L&LMD also is flexible in the sense that it can expand and contract depending on necessary expenditures. Typically, L&LMD assessments are based on the estimated benefit received, not on the value of the parcel. Veto approval is not required but formation of the L&LMD can be protested. There is no authority to issue bonds (secured by lien against property) in order to finance the improvements up front, and assessment revenues may only be secured for a specified period of time, such as up to five years. It is possible, however, to issue assessment notes, secured by annual collection of revenues, to finance the improvements up front.

b) Net Cost to City: None. The Landscape and Lighting District will pay for all necessary maintenance that is not normally included in the City's scope of responsibility.

c) Specifications: To be developed as the District is established: (1) According to City policy, the Fairview Specific Plan Area shall receive standard landscape and lighting maintenance services from the City, to the level that they do not diminish service capabilities to other parts of the City; (2) The Plan Area L&LMD would supplement those services and would be managed through the appropriate City department, such as Public Works and Transportation; and (3) The categories of landscape improvements whose maintenance costs are included as part of the L&LMD budget are as follows: (a) Landscaped medians, if constructed, on Hatch Road, Carpenter Road, and Whitmore Avenue; (b) Stormwater drainage basins; (c) Landscape setbacks along lots adjacent to expressways and arterials; (d) Sewer outfall easement, if landscaped; and (e) The TID, if appropriate.
2. Street and Drainage Basin Landscape

The connector streets and the stormwater drainage basins located along each of the connectors are another important part of the Plan Area landscaping. As stated above, the overall visual character of the Fairview Village neighborhoods is defined largely by the alignment and landscape character of the entry streets and street adjacent landscape areas. Variations in the final design of the landscaped drainage basins are an opportunity to provide an added level of individuality to each neighborhood area. For example, one of the drainage basins may be an ellipse that is landscaped as an open green, while another may be a tree-filled square defined by connector streets that either intersect at the corners or at the mid-point of the square.

The landscaping along the connectors and in the detention basin areas will be a major aesthetic feature of Fairview Village and will be a primary concern during the final planning and design of each increment of build out. The street and drainage basin landscape becomes a network of green space that conserves energy and that provides a high quality environment for pedestrians, bicyclists and all others who move about through the Village, including motorists. Landscaping, including tree planting, will be allowed in the drainage basins only if appropriate to the technical operating characteristics of the drainage basins. Landscape improvements and maintenance costs will be funded through a Landscape and Lighting Maintenance District (L&LMD), as discussed in the Implementation Element of the Plan (3.3.4, Item 9). Mello-Roos Community Facilities District.
The Fairview Village property frontage along Hatch and Carpenter Roads and along Whitmore Avenue will be improved, as development occurs, to include a landscaped setback. Along Hatch and Carpenter Roads, which are “Class C” Expressways, well designed soundwalls will be provided to mitigate noise levels, as identified in the General Plan. High quality landscaping shall be designed for the setback area to create a unified edge along these two expressways and to complement and break down the scale of what otherwise could be the dominant linear character of the soundwalls.

Along Whitmore Avenue, which is a Minor Arterial, the landscape setback also shall be designed to provide a consistent, high quality visual identity for the edge of the Plan Area. A consistently designed masonry wall will be used to prevent unwanted access into development parcels along Whitmore. Maintenance of all the landscape setback areas along the Fairview Village side of the three edge roadways will be maintained through the above referenced L&A, a Mello-Roos Community Facilities District.

3. Utility Easement

Complementary to the landscaped circulation and landscaped drainage basins network is a diagonal, 40 foot sewer easement that is described in detail in the infrastructure section of the Plan. This easement crosses several of the connectors and is an opportunity for an off-street linear trail and bicycle route. A basic level of landscape improvements will be provided for the sewer easement that makes it an amenity for the Village. Subject to tentative map design, all landscape improvements for secondary, recreational uses shall be compatible with the primary function of the easement as the location for the underground sewer line. Basic maintenance would be provided by the L&A, a Mello-Roos Community Facilities District.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-136

A RESOLUTION APPROVING 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.

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 August 15, 1995, the City Council by
Resolution No. 95-409 adopted the City of Modesto Urban Area
General Plan, which has been amended from time to time by
resolution, and contains Community Development policies, which
allows implementation through Specific Plans prepared pursuant to
Government Code Section 65450, and

WHEREAS, on January 16, 1996, the City Council by
Resolution No. 96-19 adopted the Pelandale-Snyder Specific Plan,
and

WHEREAS, on October 8, 1996, the City Council by
Resolution No. 96-545 amended the Policies and Procedures for the
use of Mello-Roos Community Facilities Districts, and

WHEREAS, staff review of a proposal to amend the
Pelandale-Snyder Specific Plan to change funding of certain
public facilities from an Assessment District to a City Mello-
Roos Community Facilities District has determined that the
proposed amendment is an administrative action which would result in no physical changes to the environment and is therefore exempt from review pursuant to the General Rule, CEQA Guidelines Section 159061(b)(3), and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 24, 1997, to receive evidence both oral and documentary regarding a proposal to amend the Pelandale-Snyder Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, and

WHEREAS, after said public hearing held on February 24, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-13, recommending to the City Council Amendment No. 1 to the Pelandale-Snyder Specific Plan to incorporate changes in financing for installation and ongoing maintenance of infrastructure within the Specific Plan area from various assessment districts to a single, City Mello-Roos Community Facilities District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 18, 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 revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, as recommended by the Planning Commission in its Resolution 97-13, is consistent with the City of Modesto Urban Area General Plan and is required for the following reasons:

1. **Administrative Convenience.** The two districts (Storm Drainage Improvement District and Landscape and Lighting District, can be folded into one.

2. **Right to Vote on Taxes Act (Proposition 218).** The Citizens Initiative for a Constitutional Amendment (Jarvis III) passed November, 1996. The initiative creates new standards for determining special benefits in assessment districts. These standards are contested and somewhat ambiguous. In the event of a legal challenge, the City would face a new, more difficult burden of proof.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Pelandale-Snyder Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, 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 18th day of March, 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

SEAL

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
City of Modesto
Pelandale-Snyder Specific Plan

Final Specific Plan
Prepared for
City of Modesto
January 16, 1996

by:
RRM Design Group
San Luis Obispo • Modesto

Architecture • Planning • Engineering • Surveying • Interiors • Landscape Architecture

Andrew, California • Los Angeles • San Diego • San Francisco • Oakland • Stockton • Modesto • Fresno • Santa Maria • Santa Barbara • Palm Springs • Honolulu • Seattle

EXHIBIT A
City of Modesto

Pelandale-Snyder Specific Plan

This Specific Plan was adopted by the Modesto City Council by Resolution 96-19 on January 16, 1996.

Final Specific Plan

Specific Plan Amendment No. 1 - Consolidating some infrastructure financing into a City Mello-Roos Community Facilities District was adopted by the Modesto City Council on Resolution No. 97 on 1997.

__________________________
City of Modesto, California

__________________________
RRM Design Group & Mid-Valley Engineering

January 16, 1996
Street improvements will be paid for by a combination of developer financing for abutting roadway frontages and an Area of Benefit charge that covers the entire Specific Plan Area. Assessment districts to Mello-Roos community facilities districts may be considered in place of or in combination with the Area of Benefit charge. Improvements for the bicycle/pedestrian pathway along the MID Canal will also be paid for through a combination of developer financing in Area of Benefit and charges. Landscape maintenance within public right-of-way may be funded by a property owner association or a landscape, lighting and maintenance district.

Mello-Roos Community Facilities District

C. Local Connector Streets and Residential Streets

Construction of local connector streets and residential streets will also be the responsibility of developers within the Pelandale Snyder Specific Plan Area on a tract by tract basis. Landscape maintenance within public rights-of-way may be funded by a property owner association and/or landscape lighting and maintenance district.

Mello-Roos Community Facilities District

D. Public Safety Facilities

Public Safety services and facilities will be funded through the City of Modesto's Capital Facilities Fee Program. All new developments will be charged a fee at the time building permits are issued. Provision of a site for fire facilities within the Pelandale Snyder Specific Plan Area will be accommodated in conjunction with the precise alignment to the Pelandale Expressway and funded through the CFF.

E. Schools

Development within the Specific Plan Area will be required to mitigate the impact on the elementary, middle and high schools. An elementary school site has already been acquired within the Pelandale Snyder Specific Plan Area. School Facilities Impact Fees and payment schedule, as established by Stanislaus Union School District, Sylvan School District and the Modesto City School District will be determined by the Planning Commission.

F. Parks

A neighborhood park site has already been acquired within the Pelandale Snyder Specific Plan Area. Additional parks may be provided in conjunction with individual developments. All parks will be funded through the City of Modesto's Capital Facilities Fee Program, the Area of Benefit process and/or private development. All development will be charged the fee at the time building permits are issued.

Park maintenance for neighborhood and community parks may be funded through the creation of a landscape lighting and maintenance district.

Mello-Roos Community Facilities District

G. Water, Sanitary Sewer and Storm Drainage Systems

Except for certain major water, sanitary sewer and storm drainage trunk lines, construction of all utilities infrastructure will proceed in conjunction with individual developments within the specific plan area. The need for the utility systems within the Pelandale Snyder Specific Plan Area will be triggered by the approval of tentative maps for residential subdivisions. Prior to the recording of final maps, detailed improvement plans and funding mechanisms consistent with the general design described in this Specific Plan shall be prepared and approved by the City.
Developers shall pay the sanitary sewer, water and storm drainage fees at the filing of the final map. Advanced funding may be provided by the City through revenue bonds if the fees for a specific project are insufficient to cover the costs of extensions to the project due to over-sizing of facilities or other factors.

Developers may also be required to initially fund costs of nearby areas not funding their share of the costs and infrastructure extensions due to the timing of development of specific projects. Developers who initially fund the cost above their fair share shall be reimbursed when adequate fee revenues are collected. Reimbursement agreements will be approved by the City.

h. Street Lights
Street lights will be installed along all expressway, major connector, and residential streets as specified in the Specific Plan. Street lighting may be funded as a part of the road improvements and/or may be funded through a landscape lighting and maintenance district, Mello-Rees Community Facilities District.

3. Public Facilities Financing Plan - Policies
The following policies shall guide the development of the facilities financing plan.

a. Property owners within the Pelandale Snyder Specific Plan Area will be required to pay their fair share of the expressway area wide circulation system improvements, local streets, neighborhood park improvements, water, sanitary sewer, storm drainage, school facilities, and public services that are required to specifically serve the area. The financing plan will identify the specific revenue sources to pay for each of the infrastructure improvements and public services.

b. The backbone infrastructure cost shall be allocated to property within the Pelandale Snyder Specific Plan Area based on general principles of benefit received with consideration to the financial feasibility of the proposed land use. Consideration for value of land dedicated for infrastructure improvements shall be incorporated into the cost and allocated as a credit against costs for individual development. The financing plan will describe the cost allocation method to distribute the cost of the backbone infrastructure on a pro rata basis throughout the plan area.

Development projects will then be required to pay their fair share of these costs. Conditions for payment will be stated in the financing plan.

c. The City shall create an Area of Benefit for the Pelandale Snyder Specific Plan Area using the City’s Procedural Ordinance for Financing Public Facilities, Article 3 of Title 7 of Modesto City Code. As a part of the formation of the Area of Benefit a fair share cost allocation for public improvements required for the development of the Plan Area will be established for each parcel. All parcel owners who develop land within the Pelandale Snyder Specific Plan Area will be required to pay their fair share of costs based on the cost allocation methodology. The Area of Benefit is a method to establish the cost allocation of benefit of each parcel without forming an assessment district.

The formation of an Area of Benefit notifies all property owners that they cannot avoid paying their fair share of infrastructure costs by waiting until the infrastructure has been installed by other developers before developing their project. Payment of the Area of Benefit charge by those parcels developing later in the buildout of
Pelalande Snyder's Specific Plan provides the funds to reimburse those properties within the Specific Plan Area that were built early in the process and were required to advance the cost in infrastructure.

The Area of Benefit charge shall establish a contingent lien on these properties within the Specific Plan Area that wish to remain in their present land use. The Area of Benefit charge shall not be paid until development occurs on the parcel. The required Area of Benefit charge may be satisfied by payment of a fee at the time of final map or building permit or participation in a financing district such as a Mello-Roos Community Facilities District or an assessment district.

c. The City shall use pay-as-you-go financing to the extent possible. Debt financing shall be used only when essential to provide facilities necessary to permit development or to maintain service standards. Pay-as-you-go financing reduces the net cost of development by minimizing financing costs. Debt financing should be used only when essential to guarantee the facilities are constructed to meet the requirements of the infrastructure sequencing plan. Debt financing may also be used when it proves more cost effective than pay-as-you-go financing due to interest rate advantages of tax exempt financing and tax deductibility of the repayments.

The pay-as-you-go financing will include development impact fees, developer-land owner dedications and exactions and private sector financing. Certain facilities may be required in advance of development of specific areas to ensure an orderly development program or to mitigate potential traffic problems.

d. Development projects in the Specific Plan Area shall be required to fund any over-sizing of facilities required by the City consistent with the Specific Plan subject to reimbursement from future developments benefiting from the over-sizing.

e. The City shall require dedication of land for road improvements and construction of arterial and collector street improvements consistent with City wide policies.

Existing City policies govern the dedication of land for road improvements and require developers of a given road frontage to construct the first 40 feet of the road, curb and gutter measured from the property line.

f. The City shall pay for acquisition of dedicated property required for the Pelalande Avenue Expressway. Additionally, the City shall pay for the acquisition of dedicated property for arterial streets and connectors that exceed 25% of the gross acreage of any existing parcel. Arterial roads are defined as Dale Road, Prescott Road, and Tully Road. Collectors include Marsala Way, Carver Road, and Snyder Avenue. The City shall acquire parcels that are left without an economic use as a result of the land dedication requirements.

There will be a remnant parcel remaining at the southwest corner of Tully Road and the Pelalande Expressway as a result of the Pelalande Expressway alignment. The potential economic use of this parcel should be a consideration in the preparation of the facilities financing plan as it may be viable for use as a public safety facility (fire station), at least in part if not entirely.

The acquisition of property covered by this policy will be funded through the Area of Benefit charge and or the CFF in the case of the expressway.

Mello-Roos Community Facilities District.
The City shall not require payment of Specific Plan fees or charges for the cost of infrastructure required to develop this Specific Plan Area until the individual owners develop the parcels according to the land uses assigned by the Specific Plan Land Use Plan. Most of the Specific Plan Area is presently in agricultural use. To the extent that development and/or building permits may be required for expansion of agricultural uses or pertinent facilities (i.e. single family residence, storage facilities, etc.), the property owners will not be required to comply with the Specific Plan facilities financing plan. It is not the intent of the Specific Plan to discourage the continued agricultural use of the subject properties within the Plan Area but rather to ensure the orderly development of the Plan Area as properties do ultimately convert.

The property owners/developers will be required to pay their fair share of the infrastructure costs at the time a development project for any given parcel is approved as established by the Area of Benefit charge.

4. Long Term Facilities Management
   a. City of Modesto
   The City of Modesto will provide the majority of public services to the Specific Plan Area including police, fire, parks, water, sewer, streets and roads, median landscaping, street lighting, storm drainage, and general government services.
   b. Mello-Roos Community Facilities District
   Landscape and Lighting District
   A landscape and lighting district may be formed to manage and fund pedestrian paths, bicycle paths, and landscaping-installation and maintenance, and the maintenance of any other facilities deemed appropriate, including Storm Drainage.
   c. Property Owners Associations
   Property owners associations may be created in some neighborhoods to manage and fund public area landscaping, installation of maintenance, when there are advantages over inclusion in the landscape and lighting district.
   d. Stanislaus Union School District
   This district will provide elementary and middle schools to serve the portion of the Specific Plan Area west of Tully Road.
   e. Sylvan Union School District
   This district will provide elementary and middle schools to serve the Specific Plan Area east of Tully Road.
   f. Modesto City Schools
   This district will provide high schools to serve the Specific Plan Area
   g. Modesto Irrigation District (MID)
   MID will provide electric service to the Specific Plan Area. The district will also maintain water lines to irrigate lands that remain in agricultural use and maintain the MID Lateral #6 which is an open canal running through the project area. Some provisions may be possible for utilization of the MID Lateral #6 for storm purposes.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-137

A RESOLUTION APPROVING AN AMENDMENT TO THE
MODESTO URBAN AREA GENERAL PLAN TEXT TO
DELETE POLICY NO. 15 FROM THE HOUSING ELEMENT
TO REMOVE THE REQUIREMENT FOR THE VILLAGE ONE
HOUSING TRUST FUND/EQUITY SHARING PROGRAM AND
COLLECTION OF AN AFFORDABLE HOUSING FEE.

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

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

WHEREAS, said General Plan has been amended by Modesto
City Council Resolutions No. 95-584, No. 96-20, 96-338, 96-639,
and 97-3, copies of which are on file in the office of the City
Clerk, and

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

WHEREAS, an amendment was proposed to increase the
affordability of new housing through the elimination of the
General Plan Housing Element, Policy No. 15, the Village One
Housing Trust/Fund Equity Sharing Program, which would result in
the elimination of the program's required Affordable Housing Fee
on new housing, and

-1-
WHEREAS, staff review of the project determined that the proposed amendment would be an administrative action which would result in no physical changes to the environment and is therefore exempt from review pursuant to the General Rule, CEQA Guidelines Section 15061(b)(3), and

WHEREAS, on February 24, 1997, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to said proposed amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 97-14, recommending to the City Council an amendment to the Modesto Urban Area General Plan text to delete Policy No. 15 from the Housing Element to remove the requirement for the Village One Housing Trust Fund/Equity Sharing Program and Collection of an Affordable Housing Fee, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on March 18, 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 held for the purpose of receiving public comment on the proposed amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban Area General Plan text to
delete Policy No. 15 from the Housing Element to remove the requirement for the Village One Housing Trust Fund/Equity Sharing Program and Collection of an Affordable Housing Fee, is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto for the following reasons:

1. The amendment is needed to reduce the cost of new housing in the City thereby increasing affordability.

2. The amendment is needed to allow for the use of alternative funding sources rather than relying on a per square foot affordable housing fee on new housing.

BE IT FURTHER RESOLVED that the amendment to the Modesto Urban Area General Plan text to delete Policy No. 15 from the Housing Element to remove the requirement for the Village One Housing Trust Fund/Equity Sharing Program and Collection of an Affordable Housing Fee, is hereby approved, as shown on the attached Exhibit "A".

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of this resolution and said Amendment to the Modesto Urban Area General Plan text to the Board of Supervisors of the County of Stanislaus.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
15. **Village One Housing Trust Fund/Equity Sharing Program**

**Program Description:** New. The City shall draft and adopt an ordinance establishing a Housing Trust Fund/Equity Sharing Program, which will be supported by a developer fee based on single-family homes built in excess of 800 square feet. This program will assist eligible low- and moderate-income households with "gap financing," with the City taking an equity share in the home. The funds collected from the Equity Sharing Program will go into the Housing Trust Fund. The program represents the best utilization of local resources and was developed by the Village One Affordable Housing Task Force. In addition, should State or Federal government funds become available, the City will consider applying for these funds to assist in the implementation of this program.

**Quantified Objective:** Approximately 101 low- and 322 moderate-income first-time homeowners will be eligible to participate in this program. The City's Housing Program Office will administer and monitor this program. To assure that this program is maintained over the long term, funds collected from resellers would be recycled in the form of new gap financing loans.

**Time Frame:**
- 1992 Establish Trust Fund Ordinance.
- 1994 A percentage of low and moderate-income households are assisted, as funds are accumulated.

**Responsible Agency:** City of Modesto Housing Program Office Planning & Community Development Department

**Funding Source:** Single Family Builders contribution and Capital gains from resellers-in-Equity Sharing Program

16. **HOME Consortium Program**

**Program Description:** New. The City of Modesto will explore participating in the formation of a Consortium for the purpose of seeking increased federal funding under the HOME program. The formation of the Consortium should include other incorporated cities and the County, along with the Stanislaus County Housing Authority. It is assumed that this Consortium could potentially increase the entitlement funding for all members, including the City.

**Time Frame:**
- 1992 Explore participating in a Consortium to determine if it is beneficial to the City's entitlement funding will be increased.
- 1993- If Consortium is beneficial to the City, proceed with the formation and administration.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-138

A RESOLUTION APPROVING 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.

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, the elimination of the affordable housing fee
is exempt from CEQA under the General Rule (CEQA Section
15061(b)(3) because this action will not add or delete dwelling
units from the project or intensify any other land uses thus
there is no possibility that the project may have a significant
effect on the environment, and

WHEREAS, the Planning Commission held a duly noticed
public hearing on February 24, 1997, to receive evidence both
oral and documentary regarding a proposal to amend the Fairview
Specific Plan to increase the affordability of new housing
through the elimination of policies in chapter III of the
fairview Village Specific Plan, regarding a Housing Trust/Fund
Equity Sharing Program, as well as the elimination of the
required collection of an Affordable Housing Fee on new housing,
and

WHEREAS. after said public hearing held on February 24,
1997, in the Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Planning Commission adopted Resolution
No. 97-15, recommending to the City Council Amendment No. 2 to
the Fairview Village Specific Plan to delete the requirement for
a Housing Trust Fund Equity Sharing Program and Collection of an
Affordable Housing Fee, and

WHEREAS, said matter was set for a public hearing of
the City Council to be held on March 18, 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 Specific Plan to delete the
requirement for a Housing Trust Fund Equity Sharing Program and
Collection of an Affordable Housing Fee, as recommended by the
Planning Commission in its Resolution 97-15, is consistent with
the City of Modesto Urban Area General Plan Housing Element Goal
of providing affordable housing and is required for the following
The proposed amendment is needed to reduce the cost of new housing in the City, thereby increasing its affordability so that alternative sources including Redevelopment and CDBG funds can be used for the City-wide Housing Trust Fund.

BE IT FURTHER RESOLVED that said Amendment No. 2 to the Fairview Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, 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 18th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
3.3.2 Implementation Policies

The following policies will be used to implement the Long Range Financing Strategy:

1. Unless specifically excepted, each property owner will finance and construct community facilities, as specified in the Specific Plan, which occur directly on his or her property.

2. The above referenced community facilities will be sized by each property owner, in accordance with the Specific Plan, for the benefit of future planned development. In the event that the properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owners. Each property owner will reimburse the other(s) for their oversize expenses at the time of filing the first final subdivision map within each of the three major ownership groups.

3. The existing Citywide and County fees for new construction will prevail for development within the Plan Area and are intended to pay for all off-Plan Area community facilities, unless specifically excepted.

4. Property owners may receive credits to the payment of Citywide and County fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.

5. Accounting for facility oversizing will be handled by the property owners, in conformance to standard accounting practices. Repayment will be enforced by the City by being part of the City's requirement for the subdivision map filing (see item 2, above). Disputes among property owners will be subject to binding arbitration by a member of the American Arbitration Association (AAA). Outstanding balances for oversizing will be subject to 10% annual interest, payable by the benefiting "downstream" property owner at the time of final map filing.

6. The costs of developing the Specific Plan shall be reimbursed to the property owners who have fronted those costs. Reimbursement shall be through plan application fees required from non-contributing property owners. It shall be an equal share of the costs of preparing the Specific Plan and environmental documents, including the Fairview Village FEIR, and shall be prepaid upon annexation of the property owner's property. The property owner financing the Specific Plan shall assume responsibility for maintaining accounting records to established City standards. Any disputes which arise shall be resolved through binding arbitration by the American Association of Arbitrators (AAA).

7. Developers building single-family housing units will be required to pay a fee of $0.89 per square foot for floor areas exceeding 100 square feet, to the Housing Trust Fund Equity-Sharing Program, as established by the General Plan Housing Element policy (TV-E-15) to assist in providing affordable housing in the City. Other General Plan housing policies implemented by the Specific Plan include an increased supply of entry level or "step-up" housing, sale and rental practices that support equal opportunity for ownership and that follow established fair housing practices, a process that seeks to remove procedural constraints to housing production, and construction that meets energy conservation requirements. Finally, approximately 400 multi-family units are
MODESTO CITY COUNCIL
RESOLUTION NO. 97-139

A RESOLUTION APPROVING 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.

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, the elimination of the affordable housing fee is exempt from CEQA under the General Rule of (CEQA Section 15061(b)(3) because this action will not add or delete dwelling units from the project or intensify any other land uses thus there is no possibility that the project may have a significant effect on the environment, and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 24, 1997, to receive evidence both oral and documentary regarding a proposal to amend the Pelandale-Snyder Specific Plan to increase the affordability of new housing
through the elimination of policies in chapter III of the fairview Village Specific Plan, regarding a Housing Trust/Fund Equity Sharing Program, as well as the elimination of the required collection of an Affordable Housing Fee on new housing, and

WHEREAS. after said public hearing held on February 24, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-16, recommending to the City Council Amendment No. 2 to the Pelandale-Snyder Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 18, 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 delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, as recommended by the Planning Commission in its Resolution 97-16, is consistent with the City of Modesto Urban Area General Plan Housing Element Goal of providing affordable housing and is required for the
following reason:

The proposed amendment is needed to reduce the cost of new housing in the City, thereby increasing its affordability so that alternative sources including Redevelopment and CDBG funds can be used for the City-wide Housing Trust Fund.

BE IT FURTHER RESOLVED that said Amendment No. 2 to the Pelandale-Snyder Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, 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 18th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: 

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
b. Housing Implementation - City and Developer Requirements

The affordable housing program in Pelandale-Snyder will be a shared effort between the City and developers. This combined participation can help meet the Pelandale-Snyder Specific Plan's affordable housing goals.

The following policies determine the responsibilities involved to assure that the Pelandale-Snyder Specific Plan's affordability goals are met.

1.2.a. Public Agencies will be responsible for meeting the very-low income housing needs for Pelandale-Snyder. The City will aggressively pursue all local, state and federal programs that would assist affordable rental housing and subsidized housing.

1.2.b. The City will create a Down Payment Assistance Program administered as part of the Housing Trust Fund, as a vehicle to provide "gap" financing for home ownership.

1.2.c. Pelandale-Snyder developers of single-family housing will be responsible for meeting the estimated needs of low-income and moderate-income households by contributing to the Housing Trust Fund, or by providing affordable housing equal in scope and amount to that provided by the public agencies.

1.2.d. In lieu of providing affordable housing, developers who build units larger than 500 square feet will contribute to the Housing Trust Fund on a per-square-foot basis for the floor area of each single family home in excess of 500 square feet. These funds will contribute to the Down Payment Assistance Program. Developers who build a home of 500 square feet or less will not be assessed the $50 per square foot because a house of that size is expected to be affordable without assistance.

1.2.e. To keep pace with inflation, annual adjustments will be made to the square foot contribution based upon Capital Facilities Fees, land appraisals for land costs and Engineering News Record Index for building costs. Also, a full review and assessment of the program's performance will be made five years from the start of implementation to ensure that the program is meeting its goals.

c. Housing Assistance Program

Very Low Income Dwelling Units
(Household incomes that are less than 50% the area median)

At least 287 dwelling units must be provided for very low income households. The construction of these units will be administered by of the City of Modesto in cooperation with non-profit housing development organizations. Projects will usually be moderately sized projects of less than 50 units in size, and of mixed incomes.

Low Income Dwelling Units
(Household incomes between 50% and 80% the area median)

In order to meet this goal, 30 percent of all privately developed multi-family units must be available and maintained as affordable to low income households. In addition, rents for these low income units will be set and monitored by the City. Rents may be adjusted annually.

The City will administer a Down Payment Assistance Program from the Housing Trust Fund to provide up to $7,500 for down payment assistance.
2. Affordable Housing
   a. Overview
      The development review/subdivision process within the Pelandale Snyder Specific Plan Area shall be governed by the procedures and requirements set forth in the Modesto Municipal Code Chapter 4 of Title IV, and Title X. In order to ensure compliance with affordable housing policies set forth in the Specific Plan, an affordable housing program shall be submitted with the submittal for approval of the Tentative Subdivision Map and must be approved concurrently or prior to Tentative Map approval.
   b. Requirements
      The affordable housing program need not be elaborate but must contain adequate information to establish the method of compliance with affordable housing policies that the particular project will pursue.

3. Subdivision Process
   The subdivision process within Pelandale Snyder Specific Plan shall be governed by the City of Modesto's Subdivision Ordinance, Chapter 4 of Title IV of the Modesto Municipal Code and the State Subdivision Map Act (California Government Code Sections 66410 et. seq.). Processing procedures, submittal requirements, and findings required by the City's Subdivision Ordinance will be enforced as set forth therein.

4. Required Findings
   In addition to the findings required by Section 4-4.404 of the Modesto Municipal Code (Subdivision Ordinance), all tentative map approvals will require adoption of the following findings:

      Findings

      a. The Tentative Map conforms to the requirements of the Pelandale Snyder Specific Plan; and

      b. The Tentative Map is consistent with any relevant/required mitigation measures adopted by the Final Environmental Impact Report (FEIR), as certified by the City Council

      c. The affordable housing program conforms to state law and City policies regarding the provision of affordable housing units, and/or in-lieu fees.

      d. The Tentative Map is consistent with the Specific Plan as adopted and therefore, additional environmental review under CEQA is not required (CEQA Guidelines Section 15182, Public Resources Code 21083, California Government Codes 65453).
MODESTO CITY COUNCIL RESOLUTION NO. 97-140

A RESOLUTION APPROVING AN AGREEMENT WITH SUNRISE ROTARY TO PROVIDE PHASE II OF PLAY APPARATUS AT ORCHARD NEIGHBORHOOD PARK

BE IT RESOLVED by the Council of the City of Modesto that an agreement with Sunrise Rotary to provide Phase II of play apparatus at Orchard Neighborhood be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by 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 AGREEMENT WITH JANICE K. MILLIKEN, IRENE KIRKPATRICK FREDERICK, AND JEAN CAROL HIXON FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE COFFEE/BRIGGSMORE INTERSECTION WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Janice K. Milliken, Irene Kirkpatrick Frederick, and Jean Carol Hixon for the purchase of right of way needed for the Coffee/Briggsmore intersection widening project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1997, by Councilmember Fisher, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-142

A RESOLUTION APPROVING AN AMENDMENT TO THE ACCESS AGREEMENT WITH WALTER G. BARKER, JR. TO RELOCATE A RECIPROCAL VEHICLE ACCESSWAY TO CONFORM TO APPROVED PLOT PLANS AND PARCEL MAP OF PROPERTY LOCATED ON THE EAST SIDE OF DALE ROAD, NORTH OF VENEMAN AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the access agreement with Walter G. Barker, Jr. to relocate a reciprocal vehicle accessway to conform to approved plot plans and parcel map of property located on the east side of Dale Road, north of Veneman Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 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, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-143

A RESOLUTION APPROVING THE FINAL MAP OF THE
CHARLESTON PLACE UNIT NO. 2 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 1.20 acres, known
as Charleston Place Unit 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
October, 1993, 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 Charleston Place Unit No. 2
Subdivision meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal
Code relating to subdivisions, and that the map is technically
correct,

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 18th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-144

A RESOLUTION DESIGNATING THE CITY'S CHRISTMAS TREE ON PROPERTY LOCATED IN A BLOCK BOUNDED BY LALOMA, 19TH AND H STREETS AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: CITY OF MODESTO)

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 February 24, 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. 97-4, that the City's Christmas Tree on property located in a block bounded by LaLoma, 19th and H Streets 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 uses are compatible with the preservation and maintenance of the site. It is acknowledged that plans for a round-about will result in root pruning and the pruning of limbs to a 14' height on the southwest side of this deodar cedar.

and
WHEREAS, after a public hearing held on March 25, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the City's Christmas Tree on property located in a block bounded by LaLoma, 19th and H Streets 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 City Christmas Tree on property located in a block bounded by LaLoma, 19th and H Streets has cultural significance as the City's first Christmas Tree which has been lit with Christmas lights since about 1960.

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 25th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By ________________________________
Community Development Department
Strategic Planning
MODESTO CITY COUNCIL
RESOLUTION NO. 97-145

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN AREAS NOS. 4 AND 5 PERTAINING TO SILVERADO AT THE VILLAGE SUBDIVISION, REZONING, PRECISE PLANS AND REQUIREMENT FOR DEVELOPMENT AGREEMENT (JAGUAR INVESTMENT CORPORATION)

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, Jaguar Investment Corporation, has applied for approval of a precise plan, a vesting tentative subdivision map (Silverado At The Village Subdivision), and a zone change from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, and

WHEREAS, on January 21, 1997, the City's Community Development Department reviewed the proposed project to determine
if said project might have a significant effect on the environment, and

WHEREAS, by Environmental Assessment No. 97-6 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. 97-8, adopted on February 10, 1997, and City staff, by a report dated March 11, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Areas Nos. 4 and 5 of the Village One Specific Plan as set forth in said Resolution No. 97-8, and an Amendment to Section 11-3-9 of the Zoning Map to establish principal underlying zoning of Specific Plan-Overlay Zone, SP-O, on Precise Plan Areas Nos. 4 and 5, located on the north side of Hillglen Avenue, south of Sylvan Avenue, west of Roselle Avenue, east of Road F, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 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. 97-6, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:
1. That the project is within the scope of the Village One Specific Plan 1990 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 (Section 15168(c)(2), State CEQA Guidelines).

2. The proposed Vesting Tentative Subdivision Map in Precise Plan Areas Nos. 4 and 5 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. 97-6, entitled "Use of Previous EIR and Findings", 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 March, 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

MICHAEL D. MILICH, City Attorney
DESCRIPTION OF PROJECT:
The applicant seeks Specific Plan approval of PPA Nos. 4 and 5, and applicable
vesting tentative subdivision maps. Amendment of the Zoning Map from
SP-H to SP-O and adoption of the findings that this project is within the scope
of the previous Village One EIR.
"Silverado at the Village" is an applicable subdivision and thus an
implementing development of these precise plans.

References to the EIR and mitigation measures in this document pertain to
the Village One EIR (SCH#90020181) as amended by the Supplemental EIR.
The 1990 Village One Program EIR has been superseded and updated by the
incorporates by reference technical studies and background material from the
1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These
measures have been revised by the Supplemental EIR which is now the
project EIR. All 40 Mitigation Measures contained in the Supplemental EIR
have been incorporated into the Specific Plan and Facilities Master Plan.
and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:

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<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>1. Unstable earth conditions or in changes in geologic substructures?</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>2. Disruptions, displacements, compaction or overcovering of soil?</td>
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<tr>
<td>3. Change in topography or ground surface?</td>
<td></td>
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<td>✓</td>
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<tr>
<td>4. The destruction, covering or modification of any unique geologic or physical features?</td>
<td></td>
<td></td>
<td>✓</td>
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<tr>
<td>5. Any increase in wind or water erosion of soils, either on or off the site?</td>
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<td></td>
<td>✓</td>
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<tr>
<td>6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?</td>
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</table>

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Village One Specific Plan.

The project site is relatively flat and has not been used as a landfill site. Any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:

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<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
</table>
1. **Substantial air emission or deterioration of ambient air quality?**
   - Yes
   - Maybe
   - No

2. **The creation of objectionable odors?**
   - Yes
   - Maybe
   - No

**AIR**  Will the proposal result in:

3. **Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?**
   - Yes
   - Maybe
   - No

**Discussion:** The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

**C. WATER**  Will the proposal result in:

1. **Changes in currents, or the course of direction of fresh water movements?**
   - Yes
   - Maybe
   - No

2. **Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?**
   - Yes
   - Maybe
   - No

3. **Alterations to the course of flow of flood waters?**
   - Yes
   - Maybe
   - No

4. **Change in the amount of surface water in any water body?**
   - Yes
   - Maybe
   - No

5. **Discharge into surface waters, or any alteration of surface water quality,**
including but not limited to temperature, dissolved oxygen or turbidity?  

6. Alteration of the direction or rate of flow of ground waters?  

7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?  

8. Substantial reduction in the amount of public water supply?  

9. Exposure of people or property to water related hazards such as flooding?  

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

D. PLANT LIFE Will the proposal result in:  

<table>
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<tr>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
</table>

1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?  

2. Reduction of the numbers of any unique, rare or endangered species of plants?  

3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
4. Reduction in acreage of any agricultural crop?  

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:

1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?

2. Reduction of the numbers of any unique, rare or endangered species of animals?

3. Introduction of new species of animals into the area, or result in a barrier to the migration or movement of animals?

4. Deterioration to existing fish or wildlife habitat?

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:

1. Increases in existing noise levels?

2. Exposure of people to severe noise levels?
3. Will the project require noise abatement measures? Yes Maybe No

4. Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity? Yes Maybe No

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR. Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

G. LIGHT AND GLARE Would on or off-site residents be subject to light or glare that would disturb those residents? Yes Maybe No

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electroliers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

H. LAND USE Will the proposal result in a substantial alteration of the present or planned land use of an area? Yes Maybe No

Discussion: The project is within the range of uses analyzed in the Program EIR for the Precise Plan Areas. It is consistent with all the intensity that was programmed for these areas within the Program EIR, and the Village One Specific Plan. Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.
I. NATURAL RESOURCES  Will the proposal result in an increase in the rate of use of any natural resource?  Yes  Maybe  No

Discussion: The proposed Precise Plans for the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET  Will the proposal involve:

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?  Yes  Maybe  No

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION  Will the proposal:

Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR?  Yes  Maybe  No

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new
population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal:  

Affect existing Housing, or create a demand for additional housing that was not considered in the EIR? 

Yes  | Maybe | No

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR for the Village One Specific Plan (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994). Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant: 

1. Generation of substantial additional vehicular movement? 

Yes  | Maybe | No

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. This project is totally consistent with the traffic analysis for the Village One Specific Plan EIR. Furthermore, the Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental
EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas

1. Fire protection?
2. Police Protection?
3. Schools?
4. Parks or other recreational facilities?
5. Maintenance of public facilities, including roads?
6. Other governmental services?

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II-52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.
O. UTILITIES AND ENERGY Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

<table>
<thead>
<tr>
<th>No.</th>
<th>Utilities</th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Power or Natural gas?</td>
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<tr>
<td>2.</td>
<td>Communications systems?</td>
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<td>3.</td>
<td>Water?</td>
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<td>4.</td>
<td>Sewer and septic tanks?</td>
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<td>5.</td>
<td>Storm water drainage?</td>
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<td>6.</td>
<td>Solid waste disposal?</td>
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<tr>
<td>7.</td>
<td>Substantial amounts of fuel or energy?</td>
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Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-45, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan). The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

P. HUMAN HEALTH Will the proposal result in:  

Yes | Maybe | No
----|-------|----
1.  | Creation of any health hazard or potential | | | |
health hazard (excluding mental health)?  __  __  ✓

2. Exposure of people to potential health hazards?  __  __  ✓

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The pattern of development is entirely consistent with what was proposed as part of the Specific Plan. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?  Yes  Maybe  No

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

R. CULTURAL RESOURCES  Yes  Maybe  No

1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?  __  __  ✓

2. Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object?  __  __  ✓

3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?  __  __  ✓

4. Will the proposal restrict existing religious or sacred uses within the potential impact area?  __  __  ✓

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the
Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE

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<tr>
<th></th>
<th>Yes</th>
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<tr>
<td>1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<td>2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals?</td>
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<td>3. Does the project have impact which are individually limited, but cumulatively considerable?</td>
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<td>4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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<td>✓</td>
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T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.
On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).

2. The proposed Precise Plan 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, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: [Signature]

Date: 1-21-97
MODESTO CITY COUNCIL
RESOLUTION NO. 97-146

A RESOLUTION FINDING THAT THE FOLLOWING
PROJECT IS CONSISTENT WITH THE VILLAGE ONE
ENVIRONMENTAL IMPACT REPORT (SCH NO.
90020181), AS AMENDED BY THE SUPPLEMENTAL
EIR: PRECISE PLAN AREAS 21 AND 22 PERTAINING
TO MILLBROOK ESTATES SUBDIVISION, REZONING,
PRECISE PLANS AND REQUIREMENT FOR DEVELOPMENT
AGREEMENT (BRIGHT DEVELOPMENT)

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, Bright Development, has applied for approval
of a precise plan, a vesting tentative subdivision map (Millbrook
Estates), and a zone change from Specific Plan-Holding Zone,
SP-H, to Specific Plan-Overlay Zone, SP-O, and

WHEREAS, on January 21, 1997, the City's Community
Development Department reviewed the proposed project to determine
if said project might have a significant effect on the
environment, and
WHEREAS, by Environmental Assessment No. 97-1, 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. 97-6, adopted on February 10, 1997, and City staff, by a report dated March 11, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Areas 21 and 22 of the Village One Specific Plan as set forth in said Resolution No. 97-6, and an Amendment to Section 13-3-9 of the Zoning Map to establish principal underlying zoning of Specific Plan-Overlay Zone, SP-O, on Precise Plan Areas 21 and 22, located on the north side of Floyd Avenue, south of Kodiak Drive, east of Esta Avenue and west of Fine Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 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. 97-1, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One Specific Plan 1990 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 (Section 15168(c)(2), State CEQA Guidelines).

2. The proposed Vesting Tentative Subdivision Map in Precise Plan Areas 21 and 22 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. 97-1, entitled "Use of Previous EIR and Findings", 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 March, 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

(SEAL)

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

1. Name of Project:
Precise Plans Areas Nos. 21 and 22

2. Name, Address and Phone Number of Proponent:
Bright Development - 1620 N. Carpenter Rd. Suite B-1
Modesto, CA 95351

3. Type of Project:
Precise plans for Precise Plan Areas Nos. 21 and 22

4. Location:
Precise Plan Areas Nos. 21 and 22 are bordered by Kodiak Drive on the north, Floyd Avenue on the south, Road U (Esta Avenue) on the west and Fine Avenue on the east.

5. Description of Proposed Project:
The applicant seeks Specific Plan approval of PPA Nos. 21 and 22, and applicable vesting tentative subdivision maps. Amendment of the Zoning Map from SP-H to SP-O and adoption of the findings that this project is within the scope of the previous Village One EIR.
Millbrook Estates is an applicable subdivision and thus an implementing development of these precise plans.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan.
and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in: Yes Maybe No

1. Unstable earth conditions or in changes in geologic substructures? __ _ _ ✔

2. Disruptions, displacements, compaction or overcovering of soil? __ _ _ ✔

3. Change in topography or ground surface? __ _ _ ✔

4. The destruction, covering or modification of any unique geologic or physical features? __ _ _ ✔

5. Any increase in wind or water erosion of soils, either on or off the site? __ _ _ ✔

6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure? __ _ _ ✔

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Village One Specific Plan.

The project site is relatively flat and has not been used as a landfill site. Any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.
### B. AIR

Will the proposal result in:

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<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Substantial air emission or deterioration of ambient air quality?</td>
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<td></td>
<td>✓</td>
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<tr>
<td>2. The creation of objectionable odors?</td>
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<td>✓</td>
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**AIR** Will the proposal result in:

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
<td>3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?</td>
<td></td>
<td></td>
<td>✓</td>
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</table>

**Discussion:** The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

### C. WATER

Will the proposal result in:

<table>
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<tr>
<th>Question</th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
<td>1. Changes in currents, or the course of direction of fresh water movements?</td>
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<td>✓</td>
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<tr>
<td>2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?</td>
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<tr>
<td>3. Alterations to the course of flow of flood waters?</td>
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<tr>
<td>4. Change in the amount of surface water in any water body?</td>
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<td>✓</td>
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</table>
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? __ _ _ Yes

6. Alteration of the direction or rate of flow of ground waters? __ _ _ Yes

7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an area cuts or excavations? __ _ _ Yes

8. Substantial reduction in the amount of public water supply? __ _ _ Yes

9. Exposure of people or property to water related hazards such as flooding? __ _ _ Yes

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No. 28, Page II-44, Final Supplement to an Environmental Impact Rep.)

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

D. PLANT LIFE Will the proposal result in: Yes Maybe No

1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? __ _ _ Yes

2. Reduction of the numbers of any unique, rare or endangered species of plants? __ _ _ Yes

3. Introduction of new species of plants into
an area, or in a barrier to the normal replenishment of existing species?

4. Reduction in acreage of any agricultural crop?

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:

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<th>Yes</th>
<th>Maybe</th>
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1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?

2. Reduction of the numbers of any unique, rare or endangered species of animals?

3. Introduction of new species of animals into the area, or result in a barrier to the migration or movement of animals?

4. Deterioration to existing fish or wildlife habitat?

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:

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<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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1. Increases in existing noise levels?
2. Exposure of people to severe noise levels? Yes
3. Will the project require noise abatement measures? Yes
4. Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity? Yes

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR. Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

G. LIGHT AND GLARE Would on or off-site residents be subject to light or glare that would disturb those residents? Yes

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electronicers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

H. LAND USE Will the proposal result in a substantial alteration of the present or planned land use of an area? Yes

Discussion: The project is within the range of uses analyzed in the Program EIR for the Precise Plan Areas. It is consistent with all the intensity that was programmed for these areas within the Program EIR, and the Village One Specific Plan. Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not
introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. NATURAL RESOURCES Will the proposal result in Yes Maybe No
an increase in the rate of use of any natural resource?

Discussion: The proposed Precise Plans for the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve: Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

2. Possible interference with an emergency response plan or an emergency evacuation plan?

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal: Yes Maybe No

Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR?

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new
population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal:

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<tr>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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Affect existing Housing, or create a demand for additional housing that was not considered in the EIR?

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR for the Village One Specific Plan (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994). Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:

<table>
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<th>Yes</th>
<th>Maybe</th>
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1. Generation of substantial additional vehicular movement?

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. This project is totally consistent with the traffic analysis for the Village One Specific Plan EIR. Furthermore, the Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental
EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES

Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas

1. Fire protection?
   - Yes
   - Maybe
   - No

2. Police Protection?
   - Yes
   - Maybe
   - No

3. Schools?
   - Yes
   - Maybe
   - No

4. Parks or other recreational facilities?
   - Yes
   - Maybe
   - No

5. Maintenance of public facilities, including roads?
   - Yes
   - Maybe
   - No

6. Other governmental services?
   - Yes
   - Maybe
   - No

Discussion:

Construction of the project will not have a significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan. Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II-52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan. Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.
O. UTILITIES AND ENERGY  Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:

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<tbody>
<tr>
<td>1.</td>
<td>Power or Natural gas?</td>
<td>☑</td>
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<tr>
<td>2.</td>
<td>Communications systems?</td>
<td>☑</td>
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<tr>
<td>3.</td>
<td>Water?</td>
<td>☑</td>
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<tr>
<td>4.</td>
<td>Sewer and septic tanks?</td>
<td>☑</td>
</tr>
<tr>
<td>5.</td>
<td>Storm water drainage?</td>
<td>☑</td>
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<tr>
<td>6.</td>
<td>Solid waste disposal?</td>
<td>☑</td>
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<tr>
<td>7.</td>
<td>Substantial amounts of fuel or energy?</td>
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Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.The project will be served by the City's County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH  Will the proposal result in:

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<td>1.</td>
<td>Creation of any health hazard or potential</td>
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</table>
health hazard (excluding mental health)?  

2. Exposure of people to potential health hazards?

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The pattern of development is entirely consistent with what was proposed as part of the Specific Plan. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

Discussion: The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

R. CULTURAL RESOURCES

1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?

2. Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object?

3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the
Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory? 

2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals?

3. Does the project have impact which are individually limited, but cumulatively considerable?

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Public Works and Transportation Department.
On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).

2. The proposed Precise Plan 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, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: [Signature]

Date: [Date]
A RESOLUTION GRANTING A DEFERRAL OF CAPITAL
FACILITIES FEES (CFF) TO 10 AFFORDABLE
SINGLE-FAMILY HOMES BEING CONSTRUCTED BY
SELF-HELP ENTERPRISES ALONG VICKSBURG STREET
NEAR PARADISE ROAD, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE NECESSARY CFF/DEFERRAL
DOCUMENTS.

WHEREAS, Resolution No. 97-122 authorizes the City
Council to grant CFF exemptions and deferrals for affordable
single-family homes constructed by nonprofit developers for low-
income households, and

WHEREAS, Self-Help Enterprises, a nonprofit housing
developer is building 10 single-family homes for low income
homebuyers along Vicksburg Street near Paradise Road, and

WHEREAS, homebuyers earning 55% or less of area median
income, may be granted full CFF exemption, provided there is no
resale for 10 years, with payment to be made in full over a 10-
year period at 5% interest, and homebuyers earning between 55%
and 80% of area median income may be granted CFF deferral for 5
years, with payments to commence in year six, at 5% interest, and

WHEREAS, CFF Administrative Guideline 25 calls for
residential exemptions not to exceed 2% of the total CFF program
housing units, and

WHEREAS, the total CFF program residential housing
units used to define future facilities needs to the year 2010 is
70,900, and 2% percent of 70,900 is 1,418 housing units, and

WHEREAS, with current exemptions and potential
exemptions, including approval of the current request for 10 additional units, only 33.1% of the allowable cap on housing units will be reached, and

WHEREAS, City staff is recommending CFF exemption/deferral of up to $38,190 ($3,819 per each home) in accordance with Resolution No. 97-122, and

WHEREAS, said matter was considered by the City Council at its meeting held on March 25, 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 it hereby grants to Self-Help Enterprises deferral of CFF in an amount up to $38,190 for 10 new single-family homes to be constructed along Vicksburg Street near Paradise Road.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute all necessary CFF deferral/exemption documents, including loan agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-148

A RESOLUTION GRANTING A DEFERRAL OF CAPITAL FACILITIES FEES (CFF) TO NO MORE THAN 6 AFFORDABLE SINGLE-FAMILY HOMES BEING CONSTRUCTED BY HABITAT FOR HUMANITY ON THE NORTHWEST CORNER OF WOODLAND AND ROSEMORE AVENUES (WYLDENWOOD VILLAGE SUBDIVISION), AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CFF/DEFERRAL DOCUMENTS.

WHEREAS, Resolution No. 97-122 authorizes the City Council to grant CFF exemptions and deferrals for affordable single-family homes constructed by nonprofit developers for low-income households, and

WHEREAS, Habitat For Humanity, a nonprofit housing developer is building 6 single-family homes for low income homebuyers on the northwest corner of Woodland and Rosemore Avenues (Wyldewood Village subdivision), and

WHEREAS, homebuyers earning 55% or less of area median income, may be granted full CFF exemption, provided there is no resale for 10 years, with payment to be made in full over a 10-year period at 5% interest, and homebuyers earning between 55% and 80% of area median income may be granted CFF deferral for 5 years, with payments to commence in year six, at 5% interest, and

WHEREAS, CFF Administrative Guideline 25 calls for residential exemptions not to exceed 2% of the total CFF program housing units, and

WHEREAS, the total CFF program residential housing units used to define future facilities needs to the year 2010 is
70,900, and 2% percent of 70,900 is 1,418 housing units, and

WHEREAS, with current exemptions and potential exemptions, including approval of the current request for 6 additional units, only 32.9% of the allowable cap on housing units will be reached, and

WHEREAS, City staff is recommending CFF exemption/deferral of up to $22,914 ($3,819 per each home) in accordance with Resolution No. 97-122, and

WHEREAS, said matter was considered by the City Council at its meeting held on March 25, 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 it hereby grants to Habitat For Humanity deferral of CFF in an amount up to $22,914 for up to 6 new single-family homes to be constructed on the northwest corner of Woodland and Rosemore Avenues (Wyldewood Village subdivision).

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute all necessary CFF deferral/exemption documents, including loan agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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, 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. 97-149

A RESOLUTION ACCEPTING THE BID OF SIERRA POWER PRODUCTS FOR TWO TRAILER MOUNTED GENERATORS FOR A TOTAL PRICE OF $96,314.31

WHEREAS, Resolution No. 96-673, adopted by the Council of the City of Modesto on December 3, 1996, authorized bids to be opened for furnishing two trailer mounted generators; and

WHEREAS, the bids received for the two trailer mounted generators, were opened at 11:00 a.m. on January 6, 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 Sierra Power Products for two trailer mounted generators for the total amount of $96,673.31 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Sierra Power Products for two trailer mounted generators 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 25th day of March, 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, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO.97-150

A RESOLUTION DECLARING USED, OBSOLETE POLICE EMERGENCY LIGHT BARS AS SURPLUS PROPERTY AND AUTHORIZING THE DONATION OF SEVERAL OF THE LIGHT BARS TO THE WOODLAND AVENUE FIRE PROTECTION DISTRICT.

WHEREAS, in 1990 the Police Department of the City of Modesto replaced emergency light bars on police vehicles with newer, more high-tech light bars which offered additional visibility, and

WHEREAS, the obsolete light bars are in storage following several unsuccessful attempts to sell them, and

WHEREAS, on occasion, special districts have contacted the City requesting the donation of old, surplus, scrap materials for their use, and

WHEREAS, the Purchasing Officer received a written request from the Woodland Avenue Fire Protection District for the donation of several used, obsolete emergency light bars, and

WHEREAS, after consultation with the City’s Fleet Manager, the donation of the scrap surplus light bars was approved because they are of no further use to the City and cannot be used for spare parts, and

WHEREAS, the Council of the City of Modesto desires to donate said surplus emergency light bars, as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that used, obsolete police emergency light bars have become surplus property to the
City's needs, and the Council hereby authorizes the donation of several of these obsolete police emergency light bars to the Woodland Avenue Fire Protection District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-151

A RESOLUTION IN SUPPORT OF THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS RETAINING THE 209 AREA CODE.

WHEREAS, the 209 area code is one of numerous areas throughout the United States that requires area code relief, mainly due to the growing demand for telephone numbers, and

WHEREAS, this demand is being spurned by such factors as the demand for high tech equipment requiring phone numbers, competition, and population growth, and

WHEREAS, the 209 area code will be split in November, 1998, to meet the growing demand for new phone numbers, and consensus has not yet been reached as to who will retain the 209 area code, and

WHEREAS, residents, businesses and government in area code 209 have the opportunity to express their opinions on which part of the region should keep the 209 area code.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby supports the City of Modesto and Stanislaus County retaining the 209 area code for the following reasons:

1. A large volume of international calls are made to the Port of Stockton and Yosemite National Park.

2. A large volume of calls are made to the Sharpe and Tracy Defense Distribution depots.

3. The northern area has 90,000 more telephone numbers than the southern area, due mainly to the northern area's large commuting population and their use of cellular telephones.
4. The northern area of the 209 area code region has 30 cities compared to the southern area which has 8 cities.

5. The unemployment rate for the northern San Joaquin area (approximately 15%) is more than double the average of the State of California.

6. The expenses incurred from an area code change would negatively impact small businesses and residents already impacted by the recent floods.

BE IT FURTHER RESOLVED that the Council hereby directs staff to forward copies of this resolution to the Director of California Code Administration, in San Ramon, and other cities in the northern half of the 209 area code region to be presented at public meetings discussing the issue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

04/01/97-CA
A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SOUTHERN PACIFIC, FILING OF AN APPLICATION WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, VERIFYING THAT SUFFICIENT FUNDS ARE AVAILABLE, AND THAT ALL OTHER MATTERS PREREQUISITE TO AWARDING THE CONTRACT FOR A GRADE SEPARATION ON KANSAS AVENUE-NEEDHAM STREET AT THE SOUTHERN PACIFIC TRANSPORTATION COMPANY TRACKS WILL BE UNDERTAKEN

WHEREAS, Section 2456 of the Streets and Highways Code of the State of California requires that local agencies requesting allocations for railroad grade separation projects furnish evidence that sufficient funds from the local agency are available and that all other matters prerequisite to awarding the construction contract within a period of one (1) year have been or can be taken care of within that time, and

WHEREAS, the 1997-98, 1998-99 and 1999-00 fiscal year budgets will provide for the City of Modesto’s cash flow requirements and the City’s share of the cost of the grade separation structure on Kansas Avenue-Needham Street, P.U.C. No. B-112.3, and

WHEREAS, the City of Modesto will obtain all necessary orders from the Public Utilities Commission of the State of California, execute all necessary agreements with the Southern Pacific Transportation Company, acquire all necessary rights-of-way or obtain an order of the court granting to said City the immediate possession thereof, and accomplish all other
requirements prerequisite to awarding a contract for the construction of the grade separation structure on Kansas Avenue-Needham Street at the Southern Pacific Transportation Company’s track (Public Utilities Crossing No. B-112.3) in the City of Modesto, within a period of one (1) year after the date that the California Transportation Commission and the Department of Transportation of the State of California have made an allocation of funds to said construction project,

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

1. That the City intends that sufficient funds be made available in the City of Modesto’s 1997-98, 1998-99 and 1999-00 fiscal year(s) Capital Improvement Program Budget; and

2. That the City of Modesto intends to award the contract for the construction of said grade separation structure on Kansas Avenue-Needham Street at the Southern Pacific Transportation Company’s tracks no later than one (1) year after the date that the California Transportation Commission and the Department of Transportation of the State of California have made an allocation of funds to said construction project; and

3. That J. Edward Tewes, City Manager, or his authorized designee, as agent of the City, are authorized to conduct all negotiations, execute and submit all documents including but not limited to Applications, agreements with the Southern Pacific Transportation Company or others, amendments,
payment requests, etc., which may be necessary for completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-153

A RESOLUTION REVISING THE CITY'S DOWN PAYMENT ASSISTANCE PROGRAM TO ALLOW COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) TO BE USED TO ASSIST ELIGIBLE HOMEBUYERS TO PURCHASE EXISTING HOMES BY PROVIDING FINANCIAL ASSISTANCE TOWARD DOWN PAYMENT AND CLOSING COSTS.

WHEREAS, since June 1995, the City and its Redevelopment Agency have been operating a Down Payment Assistance Program (DPAP) to help low and moderate income families purchase new homes in Modesto, and

WHEREAS, homebuyers are assisted through a deferred-payment loan funded by HOME, Community Development Block Grant, or the Redevelopment Agency Housing set-aside funds, and

WHEREAS, currently, DPAP funds can only be used to assist with new home purchases and existing homes cannot be assisted through the program, and

WHEREAS, when the program began, it was with the intent to help stimulate the local economy by supporting new construction, and

WHEREAS, staff is now requesting that the program be expanded to allow homebuyers to purchase existing and new homes through the program, and

WHEREAS, Federal funding requires inspection and lead-based paint testing for existing homes, and funding with HOME funds must meet federal housing quality standards, but there is no inspection requirement for units assisted with CDBG or
Redevelopment Agency funds, and

WHEREAS, HOME requires lead-based paint testing and abatement for homes built before 1978, and CDBG requires that purchasers of homes built before 1978 be notified of the potential existence, hazards, precautions, and treatment of lead-based paint poisoning, and also be advised of screening tests available for children under seven years of age and of the appropriate abatement measure that must be taken should lead-based paint be found, and

WHEREAS, State Redevelopment law does not require lead-based paint testing, but the Agency has elected to test for lead-based paint if the assisted unit was built before 1978, and

WHEREAS, at the Community Development and Housing Committee meeting on March 12, 1997, City staff recommended inspection and testing requirements for existing homes, should the program be expanded, with the inspection to be conducted by Housing & Neighborhoods staff or contracted out to qualified housing inspectors at a charge of $100 per inspection to be paid out the escrow, and

WHEREAS, the Council has resolved that providing down payment assistance to help low and moderate income families to purchase either new or existing homes is a high priority for the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's Down Payment Assistance Program
is hereby revised to allow assistance for the purchase of either new or existing homes.

BE IT FURTHER RESOLVED that homes built before 1978 will be tested for lead-based paint, homebuyers will be notified of the potential existence, hazards, precautions, and treatment of lead-based paint poisoning and of screening tests available for children under seven years of age, and of appropriate abatement measures should lead-based paint be found, and that no DPAP loan shall be made to the homebuyer until such time as the City is satisfied that the lead-based paint has been properly abated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

03/31/97
WHEREAS, since June 1995, the City and its Redevelopment Agency have been operating a Down Payment Assistance Program (DPAP) to help low and moderate income families purchase new homes in Modesto, and

WHEREAS, homebuyers are assisted through a deferred-payment loan funded by HOME, Community Development Block Grant, or the Redevelopment Agency Housing set-aside funds, and

WHEREAS, currently, DPAP funds can only be used to assist with new home purchases and existing homes cannot be assisted through the program, and

WHEREAS, when the program began, it was with the intent to help stimulate the local economy by supporting new construction, and

WHEREAS, staff is now requesting that the program be expanded to allow homebuyers to purchase existing and new homes through the program, and

WHEREAS, it is necessary to amend the Down Payment Assistance Program Guidelines to provide assistance for new and existing home purchases, and

WHEREAS, the Council has resolved that providing down payment assistance to help low and moderate income families to purchase either new or existing homes is a high priority for the
City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's Down Payment Assistance Program Guidelines are hereby amended, as more fully set forth in Exhibit "A" attached hereto, to provide assistance to low and moderate income families for the purchase of either new or existing homes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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, 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. INTRODUCTION
The City of Modesto and the Modesto Redevelopment Agency offers a Down Payment Assistance Program (DPAP) to assist low and moderate income families purchase a home. Eligible homes are new and existing homes located within Modesto's city limits. The program helps homebuyers by providing financial assistance toward downpayment and closing costs. It is designed for families that have adequate incomes to afford monthly mortgage payments, but have not been able to save enough money for the downpayment. Eligible participants do not have to be first-time homebuyers. The program is funded by the HOME Investment Partnerships Program (HOME), Community Development Block Grant (CDBG) program, and the Redevelopment Agency housing set-aside Fund. The City believes that affordable homeownership opportunities can provide the foundation whereby individual families, and entire neighborhoods, can achieve a sense of stability and community pride.

For more information about the Down Payment Assistance Program contact the City of Modesto, Office of Housing & Neighborhoods, 940 Eleventh Street, Modesto, CA 95354. Phone No: (209)577-5247; Fax No: (209) 544-3982.

B. MAXIMUM LOAN AMOUNT
There is no application fee to apply for a DPAP loan. The maximum loan for each household is determined as follows: For households earning up to 80% of area median income (AMI), the maximum loan is $7,500. For households earning between 80% and 120% of AMI, the maximum loan is $5,000. The current income eligibility limits are:

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Low Income 80% AMI</th>
<th>Moderate Income 120% AMI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 person</td>
<td>$22,950</td>
<td>$34,450</td>
</tr>
<tr>
<td>2 person</td>
<td>$26,250</td>
<td>$39,350</td>
</tr>
<tr>
<td>3 person</td>
<td>$29,500</td>
<td>$44,300</td>
</tr>
<tr>
<td>4 person</td>
<td>$32,800</td>
<td>$49,200</td>
</tr>
<tr>
<td>5 person</td>
<td>$35,400</td>
<td>$53,150</td>
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<tr>
<td>7 person</td>
<td>$40,650</td>
<td>$61,000</td>
</tr>
<tr>
<td>8 person</td>
<td>$43,300</td>
<td>$64,950</td>
</tr>
</tbody>
</table>

dpap4/03-14-97

EXHIBIT "A"
C. DOWN PAYMENT REQUIREMENT
Homebuyers must provide a downpayment, from their own funds, to participate in the program. Households earning up to 80% of AMI are required to provide a 1% down payment, and households earning between 80% and 120% of AMI are required to provide a 3% down payment. See income chart above.

D. INTEREST RATE AND DEFERRED LOAN REPAYMENT TERMS
The DPAP loan accrues interest at 5% per year and will be charged on the unpaid balance until the full loan amount has been repaid. No payments are required on the DPAP loan for the first five years, and no interest accrues during the deferral period. Monthly payments (principal and interest) begin in year six. The loan is repaid over a 15-year period (year six through year twenty) for households earning up to 80% of AMI. Households earning between 80% and 120% of AMI are required to repay the loan over a 10-year period (year six through year fifteen).

Other repayment provisions include the following:
1. The total amount of the deferred loan plus accrued interest becomes due and payable at the time of sale or transfer of ownership, refinancing of the property, upon death of owners(s), or upon change of use of the property.
2. No Prepayment Penalty. There is no charge or penalty for making full or partial payments on the loan.
3. The deferred DPAP loan is generally not assumable. However, if the subsequent purchaser of the home is otherwise eligible for the Down Payment Assistance Program, the applicant may apply to the City for a waiver of the non-assumption feature of the loan. All proceeds from the payoff of the loan shall roll over into a revolving loan fund that will be used to assist other low and moderate income home buyers with the purchase of a home.

E. SILENT SUBORDINATE MORTGAGE
The DPAP loan is a silent, subordinate mortgage secured by a promissory note and City or Agency trust deed, and is recorded junior to the primary mortgage.

F. BORROWER ELIGIBILITY REQUIREMENTS
Eligible borrowers must meet the following eligibility criteria in order to participate:

1. Borrower must qualify as a low or moderate income household. To qualify under this criteria, borrowers must be households whose total annual income does not exceed 120 percent of the area median income (adjusted for family size) for Modesto at the time the household initially occupies the property, or at the time the City or Agency funds are invested, whichever is later (See income limits above). HOME and CDBG funds can be used to assist households at or below 80% of AMI, while Agency funds can assist households earning up to 120% of AMI. Section 8 income guidelines will are used to determine annual income, which is defined as the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period (See Determining Annual Income at Exhibit 1).
recertification will be required if more than 180 days have elapsed from the date of the original certification and the date of loan closing or occupancy of the property. It is required that the property be occupied within 60 days of loan closing.

2. Borrower or any household member cannot have a current ownership interest in other real estate property or investments.

3. Borrower must contribute a minimum of 1% to 3% equity (cash) toward the purchase price of the home.

4. Borrower must have sufficient income and credit to qualify for a mortgage loan through a reputable lender.

5. Borrower must occupy the property as a principal residence. This means that the borrower household must use the property as its primary place of residence. Use of the property for rental purposes, including temporary leases, is not allowed and, if at any time during the loan term the property is no longer the principal residence of the borrower, the loan will become immediately due and payable in full. The loan documents (loan agreement, deed of trust, promissory note) executed by the City/Agency and the borrower will incorporate this requirement.

6. Preference given to eligible borrowers who live or work in Stanislaus county.

G. ELIGIBLE HOMES
Homes purchased with City or Agency assistance must meet the following requirements:

1. The home can be new or existing. Acquisition of the unit, however, must not result in the displacement of any tenants residing in the unit.

2. The home must be located within the city limits of Modesto.

3. The purchase price of the home must not exceed the following affordable price limits:
   2-bedroom - $100,000; 3-bedroom - $115,000; 4-bedroom - $125,000

The City can refuse to participate in the purchase of homes that are clearly not in good repair, or if lead-based-paint is found on the property (common in homes built before 1978) and it is not properly addressed.

H. COMBINING THE DPAP LOAN WITH OTHER PROGRAMS AND SUBSIDIES
The DPAP loan may also be combined with other homebuyer programs and subsidies such as approved sweat-equity programs, mortgage credit certificates (MCCs), and Stanislaus County public facilities fees (PFF) waivers/deferrals. Homebuyers are encouraged to request that participating lenders apply for MCCs and PFF waivers/deferrals on their behalf, since such subsidies may allow homebuyers to qualify for a higher mortgage.
I. ASSETS
A household’s assets (i.e., cash or noncash items that can be converted to cash) are recognized when determining need for assistance and for calculating annual income. When determining need, a family’s case is evaluated individually, looking at factors such as amount of assets, accessibility, extenuating circumstances, and the like. The program’s intent is to encourage saving. Our intent is not to leave a family with no liquid assets after the purchase of their home; however, applicants determined to have excessive assets, or asset income that causes their annual income to exceed the income eligibility guidelines, shall not be allowed to participate in the program. Ownership of any real estate asset will disqualify an applicant from participating in the program.

J. CONDITIONS FOR DISBURSING FUNDS
Before disbursing any funds, the homebuyer must (1) meet all the Down Payment Assistance Program eligibility requirements; (2) execute City or Agency loan documents (loan agreement, promissory note, subordinate trust deed) assuring compliance with the applicable requirements of the program; and (3) secure permanent financing (first mortgage).

K. FUNDING SOURCE RESTRICTIONS
Funding for DPAP loans use to assist in the purchase of existing homes, shall be restricted to Community Development Block Grant (CDBG) and Redevelopment Agency housing set-aside funds.

L. THE APPLICATION PROCESS
1. Contact the City of Modesto, Office of Housing and Neighborhoods, at (209) 577-5247 to see if you qualify for the Down Payment Assistance Program.

2. See a realtor or visit a subdivision in Modesto to select a home to purchase. The realtor will assist you in selecting a home and will execute a purchase contract and determine if you have adequate resources to qualify for a loan. The realtor will then refer you to a lender to apply for a mortgage loan and to apply for a DPAP loan. You are not obligated to use the lender referred to you by the realtor. Any lender can participate in the program.

3. See a lender to apply for a first mortgage and to complete a DPAP application, with the lender’s assistance. While qualifying you for your first mortgage, the lender will assist you in completing the DPAP application, verify the information, and submit the complete loan application package to the City for approval.

4. Upon approval of the DPAP application, the City will issue a conditional letter of commitment good for 45 days from the date of issuance, and prepare the necessary loan documents for the silent subordinate mortgage. The downpayment assistance funds will be provided to the title company at escrow, to be applied toward the purchase of the home.
DETERMINING ANNUAL INCOME

Section 8 income guidelines are used to calculate annual income to determine program eligibility. Annual Income is defined as the gross amount of income of all adult household members that is anticipated to be receive during the coming 12-month period. The following definitions are key to understanding the requirements for calculating Annual Income:

1. **Gross amount.** For those types of income counted, gross amounts (before any deductions have been taken) are used;

2. **Income of all adult household members.** The definition of Annual Income contains income "inclusions"--types of income to be counted--and income "exclusions"--types of income that are not considered (e.g., income of minors); and

3. **Anticipated to be received.** Annual Income is used to determine eligibility and a household's expected ability to pay, rather than past earnings, are used to estimate housing assistance needs.

The following items shall be included in determining Annual Income:

1. All wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services (before any payroll deduction);

2. Net income from the operation of a business or profession;

3. Interest, dividends, and other net income of any kind from real or personal property. Income shall include the greater of the actual income derived from all assets or a percentage of such assets based on the current passbook saving rate, as determined by HUD.

4. Lottery winnings paid in periodic payments;

5. All gross periodic payments received from Social Security, annuities, insurance policies, retirement funds, pension, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (except Social Security)

6. Payments in lieu of earnings such as unemployment, worker's compensation and severance pay;

7. Welfare assistance;
8. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

9. All regular pay, special pay, and allowances of a member of the Armed Forces

The following items shall be excluded in determining Annual Income:

1. Income from employment of children (including foster children) under the age of 18 years;

2. Payments received for the care of foster children;

3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers compensation), capital gains and settlement for personal or property losses.

4. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member;

5. Income of a live-in aide;

6. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, material, supplies, transportation, and miscellaneous personal expenses of the student.

7. The special pay to a family member serving in the armed forces who is exposed to hostile fire;

8. Amounts received under training programs funded by HUD;

9. Temporary, nonrecurring, or sporadic income (including gifts);

10. Reparation payments from foreign governments in connection with the Holocaust.

11. Lump sum payment of SSI and Social Security benefits; and

12. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act.
A resolution approving an agreement with Carolyn V. Whisler for the acquisition of an easement needed for the parallel pipeline for the waste treatment system

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Carolyn V. Whisler for the acquisition of an easement needed for the parallel pipeline for the waste treatment system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ADAMS, City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH CITY TOWER GROUP, LLC, FOR A RADIO REPEATER ANTENNA AT 801 TENTH STREET TO CHANGE THE ADDRESS OF THE LESSOR

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with City Tower Group for a radio repeater antenna at 801 Tenth Street to change the address of the lessor be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 97-157

A RESOLUTION IN SUPPORT OF THE GOALS OF THE STANISLAUS COUNTY CONDITION OF CHILDREN CONFERENCE.

WHEREAS, in response to growing concern about conditions for children and families in Stanislaus County, in 1996 a community collaborative was formed to develop a plan to educate the community regarding issues critical to children and families and to motivate individuals and communities to take action in support of children's issues, and

WHEREAS, the collaborative held a successful first conference on April 23, 1996, attended by over 600 community members, and was successful in identifying areas of concern, areas of unmet needs and problems that need to be addressed and was successful in its goal to motivate individuals to action as evidenced by 245 individuals pledging to get involved with children, and

WHEREAS, the collaborative has set a date for a second conference for April 22, 1997, to evaluate progress made, further educate the community on critical issues, and further motivate individuals and community members to action, and

WHEREAS, we believe that it is unacceptable for Stanislaus County to have experienced a 22% rise in juvenile crimes against people over the last year, and that it is unacceptable for 24% of the county's children to live in poverty,
and that 32 reports of child abuse per day are unacceptable, and

WHEREAS, the Modesto City Council acknowledges that children in Stanislaus County deserve our focus and support,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council supports the goals of the Stanislaus County Condition of Children Conference.

BE IT FURTHER RESOLVED by the Council that we shall participate in the Stanislaus County Condition of Children Conference to be held on April 22, 1997, at the Modesto Centre Plaza.

BE IT FURTHER RESOLVED by the Council that we shall join community leaders to find solutions to the issues identified by the conference within our own jurisdiction and in partnership with others.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-158

A RESOLUTION APPROVING AN AMENDMENT TO THE
MODESTO URBAN AREA GENERAL PLAN TO
REDESIGNATE 80 ACRES WEST OF MORROW ROAD FROM
BUSINESS PARK TO VILLAGE RESIDENTIAL AND TO
DELETE AN EXPRESSWAY LINK BETWEEN KIERNAN
AVENUE AND DAKOTA AVENUE.

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

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

WHEREAS, said General Plan has been amended by Modesto
City Council Resolutions No. 95-584, No. 96-20, 96-338, 96-639,
97-3 and 97-137, copies of which are on file in the office of the
City Clerk, and

WHEREAS, the General Plan Land Use Diagram and the
Kiernan/Carver Comprehensive Planning District text and diagram
designate 660 acres as Business Park, and

WHEREAS, the General Plan Circulation Diagram
designates an expressway link between Kiernan Avenue and Dakota
Avenue, and

WHEREAS, the City has prepared a Kiernan Business Park
Specific Plan, authorized under Section 65450 of the Government
Code, to implement the General Plan within the Kiernan/Carver Comprehensive Planning District, and said Specific Plan proposes 540 acres net (580 acres gross) designated for Business Park, and

WHEREAS, the Kiernan Business Park Specific Plan proposes the deletion of the expressway link between Kiernan Avenue and Dakota Avenue, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines the Planning Commission certified that it reviewed and considered the findings of the Final Focused Environmental Impact Report (SCH 94082005) prepared for the proposed Kiernan Business Park Specific Plan and the proposed amendments to the General Plan, and

WHEREAS, pursuant to provisions of the Government Code Section 65402 of the State of California, the Modesto Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, on March 3, 1997, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the proposed amendment to the General Plan Land Use Diagram for the Kiernan/Carver Comprehensive Planning District and the Circulation Diagram, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 97-17, recommending to
the City Council an amendment to the General Plan to redesignate 80 acres west of Morrow road from Business Park to Village Residential, and to delete an expressway link between Kiernan Avenue and Dakota Avenue, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on April 1, 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 held for the purpose of receiving public comment on the proposed items,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to redesignate 80 acres west of Morrow Road from Business Park to Village Residential, and to delete an expressway link between Kiernan Avenue and Dakota Avenue, is in the public interest,

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds and determines as follows:

That the Kiernan Business Park and Carver-Bangs Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

BE IT FURTHER RESOLVED that the proposed amendment to the General Plan to revise the Land Use Diagram, the Kiernan/Carver Comprehensive Planning District, and the Circulation Diagram, to redesignate 80 acres west of Morrow Road from Business Park to Village Residential, and to delete an
expressway link between Kiernan Avenue and Dakota Avenue, is hereby approved, to read as shown on the attached Exhibit "A".

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

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance No. 3035-C.S., prezenzing the Kiernan Business Park Specific Plan, introduced by the Council on April 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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:

AYE:

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

NOE:

Councilmembers: None

ABSENT:

Councilmembers: None

ATTEST:  
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
1. Overview

This 1,385-acre Comprehensive Planning District proposes a 580 acre Business Park fronting on the future Pelandale Avenue and Kiernan Avenue expressways, and 730 acres of Village Residential uses on the eastern half of the Comprehensive Planning District. Also included is a regional commercial center on Pelandale Avenue.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

730 acres designated "Village Residential"
580 acres designated "Business Park"
- 75 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

(1) The Regional Commercial uses should be located near Highway 99 to take advantage of regional traffic.

(2) The supporting commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))
(2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) Adequate buffering should be provided between the Business Park uses and residential use to the south and east.

(2) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 3,700 dwelling units.

c. Housing Policy Implementation:

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

5. Provision of Public Facilities and Services:

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

a. This Comprehensive Planning District will be served by an extension of the North Sanitary Sewer Trunk.

6. Focused EIR:

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

a. A total of 22,600 employees was assumed for this Comprehensive Planning District.

b. A total of 3,700 dwelling units was assumed for this Comprehensive Planning District.
The following areas of this Comprehensive Planning District have been analyzed by a Final Focused EIR (SCH #9408205), and projects consistent with the General Plan and the applicable Specific Plans do not need further environmental analysis under CEQA:

a. Parcels located within the Kieman Business Park Specific Plan.
b. Parcels located within the Carver-Bangs Specific Plan.

However, all residential development in the above areas shall implement the following mitigation measures:

a. All development will adopt an outdoor noise performance standard of 60Ldn for new single-family residential development. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. The key locations requiring the noise barrier would include the future Pelandale Expressway, (extended) Prescott Road, and along the future SR 219 Expressway.

b. A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or development plan approval.

7. Special Considerations Unique to this Comprehensive Planning District:

The final boundaries of the Business Park shall be determined by the Comprehensive Plan.
CIRCULATION AND TRANSPORTATION DIAGRAM

LEGEND

FACILITY DESIGNATIONS

- HIGHWAY NETWORK
- EXPANSION LINES to be added at discretion of City Council
- EXPANSION LINES to be added at discretion of City Council
- PRINCIPAL ARTERIAL
- PRINCIPAL ARTERIAL
- RUNWAY ARTERIAL
- RAMP COLLECTOR
- KNIGHT COLLECTOR
- Local Street is planned but not yet constructed
- AIRPORT
- RAILROAD

REFERENCE POINT

GENERAL PLAN MIDDLE
ADJACENT DEVELOPMENT BOUNDARY
LINES

* Not all intersections shown on General Plan because of limited scope of study in the preparation.
A RESOLUTION ADOPTING THE KIERNAN BUSINESS PARK SPECIFIC PLAN.

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

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

WHEREAS, a proposal for the Kiernan Business Park Specific Plan has been prepared to meet the City’s General Plan requirements for Comprehensive Plans, Chapter III, Section D, and State Government Code Section 65450, and

WHEREAS, the Specific Plan is 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, a duly noticed public hearing was held by the Planning Commission on March 3, 1997, to receive evidence both oral and documentary to consider making a recommendation to the
City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, by Resolution No. 97-18 adopted on March 3, 1997, the Planning Commission recommended to the City Council the adoption of the Kiernan Business Park Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on April 1, 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 held and evidence both oral and documentary was received and considered,

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

1. That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the proposed Specific Plan is consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Kiernan Business Park Specific Plan dated April 1, 1997, a copy of which is attached hereto as Exhibit "A".

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

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific Plan to the Board of Supervisors of the County of
Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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

(SEAL)

APPROVED AS TO FORM:

By _____________________________________________________________________

MICHAEL D. MILICH, City Attorney
Kiernan Business Park

Specific Plan
2 LANE MINOR CONNECTOR

CLASS I BIKE PATH NORTH OF MID LATERAL

Figure IV-4
Minor Connector and Bike Path Cross-Sections
Figure IV-5
Bike Paths

Legend:

- Specific Plan Area Boundary
- Class I Bike Path
- Class II Bike Lane
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.

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.
The existing City of Modesto wastewater treatment system will have the capacity to provide service to property in the Plan area as development occurs.

As shown in Figure V-1, the extension of the 48-inch line would pass through the Pelandale/Snyder Specific Plan area and would enter the Kiernan Specific Plan area along the southeastern edge. The extension of the line would include an undercrossing of the MID Canal. As shown on Figure V-1, at Bangs Avenue the sewer main will branch into an east-west line. The line to the east is planned to be a 42-inch line. To the west a sewer main will be extended approximately 8,100 feet to the western boundary of the Kiernan Business Park. The size of this line is undetermined at this time and will depend on planned extensions to serve future developments to the northwest. This line will probably be in the range of 30 inches.

Table V-1

RELEVANT GENERAL PLAN GOALS AND POLICIES

<table>
<thead>
<tr>
<th>Goal</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V. (Section D, p. III-13)</td>
<td></td>
</tr>
<tr>
<td>The exact boundaries of each Comprehensive Planning District may be shifted somewhat, as Comprehensive Plans are processed. However, any proposed boundary shifts shall address all public facility and public service requirements of the Planned Urbanizing Area, as specified in Chapter V. (Section D, p. III-13)</td>
<td></td>
</tr>
<tr>
<td>The City of Modesto will require each new development project to be served with public sanitary sewers. (Section D, p. V-15)</td>
<td></td>
</tr>
<tr>
<td>The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state. The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Section E, p. V-17)</td>
<td></td>
</tr>
<tr>
<td>The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80 percent of the average annual run off. Recharges shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Section E, p. V-17)</td>
<td></td>
</tr>
<tr>
<td>New areas shall be designed so that runoff in excess of groundwater recharge in Policy 3.c. shall be discharged to waters of the state is a manner not exceeding the undeveloped storm hydrograph. (Section E, p. V-17)</td>
<td></td>
</tr>
<tr>
<td>The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities.</td>
<td></td>
</tr>
<tr>
<td>The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area. (Section K, p. V-29)</td>
<td></td>
</tr>
<tr>
<td>Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities. (Section K, p. V-29)</td>
<td></td>
</tr>
<tr>
<td>The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards:</td>
<td></td>
</tr>
<tr>
<td>(a) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95 percent of all cases.</td>
<td></td>
</tr>
<tr>
<td>(1) The first fire emergency response unit arrives within 6 minutes of dispatch.</td>
<td></td>
</tr>
<tr>
<td>(2) A full alarm assignment arrives within 10 minutes of dispatch.</td>
<td></td>
</tr>
<tr>
<td>(3) A second alarm assignment arrives within 15 minutes of dispatch.</td>
<td></td>
</tr>
<tr>
<td>(b) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2. (Section K, p. V-30)</td>
<td></td>
</tr>
<tr>
<td>In conjunction with the processing of a Comprehensive Plan within the Planned Urbanizing Area, the city shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project. (Section L, p. V-32)</td>
<td></td>
</tr>
</tbody>
</table>

*New development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards. (Section D, p. VI-4)*
Policy PF-9: The City shall require each water line to be completed before the street under which it is to be located is paved.

D. Storm Drainage

Policy PF-10: The City shall require all storm drainage facilities for the Kiernan Business Park to be designed and constructed in accordance with the City of Modesto's Drainage Master Plan and Figure V-1, Public Facilities Plan Diagram, which is hereby adopted as part of this Specific Plan.

The storm drainage system for the Kiernan Business Park will be designed in accordance with the City of Modesto’s Drainage Master Plan. The storm drainage system will consist of a positive storm drainage system consisting of catch basins, pipe lines, recharge/detention basins and pumping facilities (see Figure V-1).

The drainage system for the Specific Plan area is anticipated to include pumping storm waters from recharge/detention basins on-site into the Modesto Irrigation District (MID) Canal Lateral No. 6. This canal runs east-west along the southern side of Bangs Avenue. The MID has significant restrictions regarding timing, flow rate and water quality for discharge into their facilities. These restrictions will need to be taken into consideration when designing the storage capacity of the discharge/detention basin. Based on the City standard for commercial/industrial areas, storage requirements of 2 inches of water over the entire developed area is required. Using the maximum City allowed depth of 10 feet, this standard results in a minimum storage of five acres for Phase I with an additional 5 acres for Phase II. The actual area for the discharge/detention basin will depend on location, soil infiltration properties, MID requirements, the total area being served (could extend beyond Specific Plan area) and detailed hydrology/hydraulic calculations.

The City’s Draft Master Drainage Plan has identified two sites for a retention/detention basin to serve the study area east of Dale Road. These sites are on the north and south sides of Bangs Avenue midway between Dale Road and American Avenue, as shown in Figure V-1. The City’s Draft Master Drainage Plan does not address the area west of Dale Road. Figure V-1 identifies two potential locations west of Dale Road. The basin south of the MID canal would serve the Phase I portion of the project area located west of Fleur de Ville and the basin located north of the MID canal would serve Phase II of the Specific Plan area.

Policy PF-11: The City shall require the initial recharge/detention basin and pumping facilities to be completed prior to construction of buildings or paved surfaces in the Specific Plan area.

Policy PF-12: The City shall require all development to be connected to the recharge/detention basin with a gravity storm drain system designed in conformance with the Master Drainage Plan.

Policy PF-13: The recharge/detention basin shall be designed to accomplish 80 percent recharge of average annual run into groundwater. Discharge into the Modesto Irrigation District (MID) Canal shall meet MID’s requirements for timing, flow rate and quality.

Policy PF-14: All storm drain lines shall be within public street right-of-ways or, if appropriate and approved by the City, in public easements within private driveways or roadways.

Policy PF-15: All storm retention basins and pumping facilities shall have direct access from public right-of-ways.
Branch lines from the east-west main will extend north into the Kiernan Business Park in the north-south streets. The size of these lines will probably be eight inches and ten inches in diameter unless there are planned future extensions to the north, in which case they may be sized larger.

The main in Bangs Avenue between Dale Road and American Avenue and the extension of the 48-inch main south to the existing line in Marsala Way will need to be constructed with the first phase of development.

Policy PF-2: The City shall require all development to be connected to the public sanitary sewer system.

Policy PF-3: The City shall require all downstream sanitary sewer improvements to be constructed and sized consistent with the City Wastewater Master Plan.

Policy PF-4: The City shall require all sanitary sewer mains to be within public street right-of-ways. Branch lines, where appropriate, may be within public easements, within private driveways and roadways, as approved by the City.

Policy PF-5: The City shall require each sanitary sewer line to be constructed prior to paving the street under which it is to be located.

C. Water

With the purchase of the Del Este Water Company by the City of Modesto, the City will be the sole provider of municipal and industrial water service to the Specific Plan area.

Presently there are no domestic water system improvements in the Specific Plan area. A new well and distribution system will be constructed to serve the Kiernan Business Park. Based on the City service standard of approximately one groundwater well per square mile of developed area, one new well will be needed to serve the Specific Plan area. The well will be needed to serve first phase development and is best located on the western edge of the first phase development. The well location is not shown on Figure V-1.

The City’s water distribution generally consists of a network of 12-inch lines on half mile increments and 8-inch lines on quarter mile increments with local 6-inch distribution lines. Thus, 12-inch lines will be in American Avenue, Dale Road, Chapman Road, Pelandale Avenue, and the new east-west industrial connector. The remaining street right-of-ways would contain 8-inch distribution lines, as shown in Figure V-1.

Water lines to serve the Kiernan Business Park can be installed as development occurs.

Policy PF-6: The City shall require all new development to be served by a public water system.

Policy PF-7: The City shall require all water lines to be constructed and sized according to the City’s Master Water Distribution Plan.

Policy PF-8: The City shall require all water lines to be within the public street right-of-way, or if appropriate and approved by the City, in public easements within private driveways or roadways.
Legend:

- Specific Plan Area Boundary
- Water Supply Line
- Sanitary Sewer Line
- Major Storm Drain Line
- Potential Storm Drainage Basin Site

Figure V-1
Public Facilities Plan Diagram

KIERNAN
BUSINESS PARK
Chapter VI
IMPLEMENTATION AND FINANCING

A. Overview

The Kiernan Business Park Specific Plan establishes the framework for future development of a business park within the Specific Plan area. This section of the Specific Plan describes the proposed implementation strategy and financing strategy for public facilities in the Specific Plan area. The Specific Plan implementation and financing goal is stated below.

1. Specific Plan Implementation and Financing Goal

Provide adequate public facilities at the time of need to serve the Kiernan Business Park in a planned, logical fashion, phased in response to market demand, financed through the equitable participation of benefiting property owners and developers, and implemented through public-private partnership arrangements.

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 implementation and financing policies listed in Table V1-1.

B. Plan Implementation

The implementation program for the Specific Plan includes the following components:

1. Phasing
2. Tentative Subdivision Map Approval
3. Implementation of Land Use and Development Standards
4. Specific Plan Amendment Process
Table VI-1
RELEVANT GENERAL PLAN GOALS AND POLICIES

- Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately-initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners. (Section D, p. III-11)

- The Comprehensive Plan within each Comprehensive Planning District should establish clear and comprehensive implementation tools which identify ALL subsequent land use approvals required to be consistent with the Comprehensive Plan. (Section D, p. III-11)

- Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on-and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms. (Section D, p. III-12)

- Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on-and off-site infrastructure to support We proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms. (Section D, p. III-12)

- A "Focused Environmental Impact Report" as defined by Section 21.156 of the Public Resources Code shall be required for each Comprehensive Plan to implement the policies of each Comprehensive Planning District. Each Focused EIR shall concentrate on those resources and issues presented in the Master Environmental Impact Report prepared and certified for the General Plan. (Section D, p. III-12)

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

  "No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available." (Section 21.156.6(a) of Public Resources Code.) (Section D, p. III-12)

- The exact boundaries of each Comprehensive Planning District may be shifted somewhat, as Comprehensive Plans are processed. However, any proposed boundary shifts shall address all public facility and public service requirements of the Planned Urbanizing Area, as specified in Chapter V. (Section D, p. III-15)

- No phasing or sequencing of development is intended through the "Comprehensive Planning District" process, as long as each Comprehensive Plan conforms to the requirements of its respective Comprehensive Planning District. (Section D, p. III-13)

- Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.

The Comprehensive Traffic Study shall include the following components:

(a) Sufficient analysis and mitigation measures to ensure that the level of Service "D" standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director.

(b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section E, p. V-10)
The Comprehensive Traffic Study shall include the following components:

(a) Sufficient analysis and mitigation measures to ensure that the level of Service "D" standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director.

(b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans; and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)

For individual projects proposed for a Comprehensive Plan, surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (Section E, p. VII-8)

All habitat found to contain or potentially contain sensitive species shall be avoided and reserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially unfeasible; avoided habitat areas shall also be protected by fencing, signage, and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend. (Section E, p. VII-8)
Where formally listed species are determined present, consultation shall be carried out with the CDPC and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated. (Section E, p. VII-9)

Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report. (Section E, p. VII-9)

For proposed development outside an identified archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates of the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as to the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would follow the procedure described in Policy 2-a, above. (Section F, p. VII-10)

If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the CEQA Guidelines. (Section F, p. VII-11)

The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses...that minimizes the exposure of [present and future] community residents to excessive noise." (Section 65303(1), Government Code.) The noise contours developed by the Noise Analyst shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p. VII-16)

1. Phasing

The Specific Plan provides for two development phases. These Phases are shown on Figure VI-I. Phase I consists of two Sub Areas. Sub Area A is the portion of the Specific Plan east of Dale Road which is designated for Business Park (see Chapter III). Sub Area B is the area south of M.I.D. Lateral No. 6 and west of Fleur de Fille. It is designated Offices and Regional Commercial. Phase II consists of the area west of Dale Road, north of M.I.D. Lateral No. 6, south of Kiernan Avenue, and the western boundary of the Specific Plan.

The initial development phase contains the area east of Dale Road within the City of Modesto Sphere of Influence (see Figure VI-I) and the area west of the Fleur de Fille subdivision and south of the MID Lateral No. 6. The Phase I area will be served by Kiernan Avenue, the extension of Chapman Road, and the extension of Pendalade Avenue expressway. As described in Chapter III Land Use, Phase I development consists of approximately 300 acres, of which 227 acres are designated for Business Park uses, 19 acres are designated for Office uses, and 55 acres for Business Park/Commercial uses. Potential Phase II development consists of 314 acres, all of which are designated for Business Park.

The development of basic infrastructure in Phase I will be phased in conjunction with the development of parcels on a pay-as-you-go basis except for the sanitary sewer trunk and backbone water supply extensions which will be built by the City and repaid by property owners upon development of their parcels. Sewer sub-trunks and laterals, and infill water lines, will be constructed by developers of individual parcels. Sanitary sewer and water supply extensions will be of a magnitude to support
potential Phase I development. All infrastructure improvements in Phase I do not need to be in place prior to development in Phase I.

Phase I sanitary sewer improvements to serve Phase I parcels east of Dale Road will consist of lines extending from the south along American Avenue, from the east along Bangs Avenue to Dale Road, and from the east along the new connector road. Sanitary sewer improvements to serve the Phase I parcels west of Fleur de Fille and south of the MID canal will consist of lines extending from the east along the bike path right-of-way adjacent to the MID canal and the west side of Bangs Avenue, and from the south along Chapman Road. Alternatively, this area could be served from existing lines located south of Pelandale Avenue. Phase II sanitary sewer improvements will consist of the remainder of the sanitary sewer collection system. It is not necessary to complete Phase I infrastructure before extending infrastructure into Phase II areas.

Phase I water supply improvements to serve Phase I parcels east of Dale Road will consist of lines extending from the east along Kierinan Avenue to Dale Road and along Bangs Avenue to Dale Road, from the south along American Avenue and Dale Road, and from the east along the new connector to Dale Road. Water supply improvements to serve the Phase I parcels west of Fleur de Fille and south of the MID canal will consist of lines extending from the east along Pelandale Avenue, from the south along Chapman Road, and from the east along Bangs Avenue west of Chapman Road. Alternatively, this area could be served from lines located south of Pelandale Avenue. Phase II water supply improvements will consist of the remainder of the water supply system.

Phase I roadway improvements will consist of the extension of American Avenue to Pelandale Avenue and the construction of the east/west new major connector from American Avenue to Dale Road, the proposed Bangs Avenue two-lane industrial connector and cul-de-sac, and the extension of Chapman Road north from Pelandale Avenue.

Policy 1-1: Construct Phase I basic infrastructure shall be constructed in conjunction with the development of individual parcels. All infrastructure improvements in Phase I do not need to be in place prior to development.

Policy 1-2: The City shall require Phase I development of the Specific Plan to proceed in an orderly fashion.

Policy 1-3: Infrastructure improvements shall be built according to the location, size and design described in Chapter V, Public Facilities and Figure V-1, Public Facilities Plan Diagram.

Policy 1-4: Development in Phase II may occur prior to buildout of Phase I.

2. Tentative Subdivision Map Approvals

The tentative subdivision map application process is governed by the City of Modesto's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et. seq.). To be approved, tentative subdivision map applications must conform to the requirements of the Specific Plan and must be consistent with any relevant certified mitigation measures identified in the Specific Plan Final EIR. Following tentative subdivision map approval, development projects may be submitted for development plan review.
Policy I-5: The City shall not authorize public improvements or land use entitlements (subdivision, conditional use permits, design review, etc.) until a finding has been made that the proposed project is in substantial compliance with all Policies and in Specific Plan.

Policy I-6: Each tentative subdivision map application within the Specific Plan area shall provide final design of connector and local roads according to Figures IV-3 and IV-4 of the Specific Plan.

3. Implementation of Land Use and Development Standards

Policy I-7: The city shall regulate all land use and development standards for the Kiernan Business Park Plan area through the City Zoning Ordinance classifications, as modified by Chapter III of this Specific Plan.

The entire Plan area will be prezoned SP-O (Specific Plan - Overlay Zone). All subsequent development in the Plan area shall comply with the uses, standards, and development review procedures of the SP-O Overlay Zone, and Chapter III of this Specific Plan.

4. Specific Plan Amendment Process

Policy I-8: Because of its programmatic nature and future changes in economic conditions, the Specific Plan may require amendment. The following process shall be followed for amending the Kiernan Business Park Specific Plan.

a) Proposals to amend the Specific Plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.

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

c) Applications for Specific plan amendments also must provide an impact analysis for levels and types of development other than or in excess of the maximums addressed in the certified FEIR. Depending on the nature of the amendment, supplemental environmental analysis may be necessary, according to CEQA legislation (Section 15162).

d) City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.
e) Both the Planning Commission and City Council must hold public hearings on Specific Plan amendments, in accordance with Section 65453 of the State Government Code.

C. Financing Strategies

The Specific Plan details a number of key infrastructure improvements (i.e., domestic water supply, sanitary sewers, storm drainage, major road and circulation improvements, and lighting and landscaping improvements) that are considered to be essential for successful development and marketing of the Kiernan Business Park.

As stated previously, basic infrastructure improvements are expected to be phased over time and in conjunction with development of parcels on a pay-as-you-go basis. All improvements are to be sized according to identified future needs with provisions for contributions from property owners who will receive the benefit in the future.

Policy I-9: Circulation, sewer, water and drainage facilities shall be constructed as properties are developed.

The costs of on-site and off-site public infrastructure and public services required to support development in the Kiernan Avenue Business Park are to be funded from revenues generated by development within the Specific Plan area, except where specific existing City, County or other funding sources are available. Property owners within the Specific Plan area will pay for infrastructure improvements when they actually develop their property. The costs of basic infrastructure will be allocated to property within the Kiernan Avenue Business Park based on the general principles of benefit received. Table VI-2 provides a summary of the basic infrastructure costs by category as well as an indication of a potential funding source. (See Appendix B for more information on unit costs.) Improvements normally constructed by developers (e.g., streets within development parcels) as part of project development are not included.

Policy I-10: Revenues generated by development shall be used to fund the infrastructure required by development except where other specific funding sources exist.

The following discussion describes the general types of infrastructure improvements to be provided in support of future development and identifies potential funding mechanisms.

1. Domestic Water Supply

Water main improvements, which include improvements to existing main lines and extension of new main lines, will be required to serve newly developing parcels. Generally, these improvements will need to be made at the same time as major road improvements. The full cost of water main lines identified in the Specific Plan will be funded by new development because the improvements are required by new development and provide no significant benefit to existing development. Existing enterprise funds are one potential source for funding the construction of the 10- and 12-inch water
lines. Developers of individual properties will be responsible for connections from their properties to the main water lines, as per standard City policy.

2. **Sanitary Sewer Improvements**

The Specific Plan calls for the improvements necessary to provide additional main lines needed to connect the developing portions of the Kiernan Avenue Business Park to the City’s sewage treatment plant. The full cost of sewer system improvements will be funded by new development because the improvements are required by new development and provide no significant benefit to existing development. Existing enterprise funds could be used to fund the extension of the trunk sewer lines. Developers of individual properties will be responsible for connections from their properties to those trunk sewer lines as per standard City policy.

3. **Storm Drainage**

The Specific Plan identifies improvements for the collection and conveyance of storm water. The drainage improvements included in the Specific Plan are intended to serve newly developing areas with increased amounts of impervious surfaces and resulting higher storm water runoff. These improvements may be funded through the formation of a Mello-Roos Community Facilities District.

4. **Principal Arterials and Connector Roads**

The Specific Plan outlines a number of arterial and connector roads that are necessary to complete the basic infrastructure components of the Kiernan Avenue Business Park. Landowners will be required to dedicate the land necessary to create these roads. A Community Facilities District could be established to finance the construction of these roads. Although the City can initiate the formation of a Community Facilities District for this purpose, it must be approved by two-thirds of the votes cast by registered voters residing in the district (or property owners if there are fewer than 12 voters). These funds can be used to finance construction of these roads as well as associated operations and maintenance costs. The responsibility of the costs of construction and maintenance of any section of roadway not within the City’s right-of-way (the "local interest portion" which may include curbs, gutter, sidewalk, street lighting, Parkway setbacks, landscaping, sound walls, and contribution to local intersection signalization as warranted) will be borne by the developer of the property.

5. **Off-Site Circulation Improvements**

Off-site circulation improvements shown in the Specific Plan include the widening improvements necessary along Kiernan and Pelandale Avenues. Improvements could be funded through fees collected from landowners on a fair share basis into the City of Modesto’s Capital Facilities Fee program.

6. **Landscape and Lighting Improvements**

Landscaping improvements along roadways in the Kiernan Avenue Specific Plan area will focus on lighting and landscaping of roads consistent with City standards.
Landscaping requirements beyond those typically required by City standards would include landscaped buffers between the Business Park and surrounding uses, gateways into the Business Park, and landscaped medians. A special Mello-Roos Community Facilities District could be established to supplement the City’s standard maintenance services.

Policy I-10: Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other benefitting property owners.

Policy I-11: Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra costs of direct benefit to an owner other than the one making the improvements.
### Table VI-2
**IMPROVEMENT COSTS AND FUNDING SUMMARY**

<table>
<thead>
<tr>
<th>Type of Improvement</th>
<th>Total Estimated Cost (1996 $)</th>
<th>Existing Modesto Fees (CPF)</th>
<th>Community Facilities District</th>
<th>Water, Storm, &amp; Sewer District</th>
<th>Private Property Dedications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Water Supply</td>
<td>$3,874,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitary Sewer</td>
<td>$5,250,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$4,594,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site Circulation</td>
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<td>Major Arterials &amp; Connectors</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Chapman (Kiernan to Pelandale)</td>
<td>$4,017,000</td>
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<td>X</td>
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<td>Dale (Kiernan to Pelandale)</td>
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<td>Bangs (Stoddard to Chapman)</td>
<td>$661,000</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Bangs (Dale to American Technology (Stoddard to Chapman)</td>
<td>$1,906,000</td>
<td>X</td>
<td>X</td>
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<tr>
<td>East-West Connector (Chapman to American)</td>
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<td>North-South Connector (Kiernan-Lateral No. 6)</td>
<td>$1,269,000</td>
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<td>American (Kiernan to Pelandale)</td>
<td>$2,089,000</td>
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<tr>
<td>Class I Bike Trail (American to Chapman)</td>
<td>$837,000</td>
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<tr>
<td>Landscape &amp; Lighting Improvements</td>
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Figure VI-1
Phasing Diagram

KIERNAN BUSINESS PARK
### KIERNAN AVENUE BUSINESS PARK SPECIFIC PLAN

#### ROADWAY CONSTRUCTION UNIT COSTS

<table>
<thead>
<tr>
<th>Class</th>
<th>Expressway 4 Lane with Median (Mile Block)</th>
<th>Expressways 6 Lane with Median (at Intersections)</th>
<th>Minor Arterials 4 Lane with Median</th>
<th>Industrial Connectors W/E-Way Left Turn Lane</th>
<th>Minor Connectors W/O Median</th>
<th>Class I Bike Path</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paving</td>
<td>SF $5.00</td>
<td>$40.00</td>
<td>SF $5.00</td>
<td>$30.00</td>
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<td>$20.00</td>
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<tr>
<td>Sidewalk</td>
<td>SF $5.00</td>
<td>$30.00</td>
<td>SF $5.00</td>
<td>$30.00</td>
<td>SF $5.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>Curb and Gutter</td>
<td>LF $12.00</td>
<td>$90.00</td>
<td>LF $12.00</td>
<td>$90.00</td>
<td>LF $12.00</td>
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<tr>
<td>Median</td>
<td>SF $2.00</td>
<td>$15.00</td>
<td>SF $2.00</td>
<td>$15.00</td>
<td>SF $2.00</td>
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<td>LF $83.00</td>
<td>$620.00</td>
<td>LF $83.00</td>
<td>$620.00</td>
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<td>Lighting</td>
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<td>LF $20.00</td>
<td>$160.00</td>
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<tr>
<td>Drainage</td>
<td>LF $20.00</td>
<td>$160.00</td>
<td>LF $20.00</td>
<td>$160.00</td>
<td>LF $20.00</td>
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<td>Signs/Stripes</td>
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<td>$40.00</td>
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<td>Landscaping</td>
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<td>SF $3.00</td>
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</table>

<table>
<thead>
<tr>
<th>Class</th>
<th>Total Cost (Per Mile Cost)</th>
<th>Planning and Design</th>
<th>Program Management</th>
<th>Contingency</th>
<th>Traffic Control</th>
<th>Subtotal (Per Mile Cost)</th>
<th>Full Construction (Per Mile Cost)</th>
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<tr>
<td></td>
<td>$4,150,000</td>
<td>$415,000</td>
<td>$436,129</td>
<td>$338,448</td>
<td>$235,024</td>
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</table>

**NOTE:**

1. Cross-sections on expressways are taken within 300 feet of intersections.
2. Cost of paving includes surveying, excavation, and cleaning & grubbing.
3. Full construction cost rounded to the nearest thousands.

951/78: Kiehn Avenue Business Park

Revised 6/21/96
KIERNAN BUSINESS PARK
ORDER-OF-MAGNITUDE COSTS
STORM DRAINAGE
June 1996

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1. 15&quot; Storm Drain</td>
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<td>LF</td>
<td>40.00</td>
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<tr>
<td>3. 24&quot; Storm Drain</td>
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<td>4. 36&quot; Storm Drain</td>
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<td>5. Catch Basins</td>
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<td>EA</td>
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<tr>
<td>6. Canal Crossings</td>
<td>2</td>
<td>EA</td>
<td>50,000.00</td>
<td>100,000</td>
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<tr>
<td>7. Recharge/Detention Basin</td>
<td>185,000</td>
<td>CY</td>
<td>3.00</td>
<td>555,000</td>
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<td>8. Recharge Rock Wells</td>
<td>25</td>
<td>EA</td>
<td>5,000.00</td>
<td>125,000</td>
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<tr>
<td>9. Pumps</td>
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<td>EA</td>
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<td>50,000</td>
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<tr>
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<td>Contingency @ 25%</td>
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<tr>
<td>Total Storm Drainage Costs</td>
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<td>$4,594,000</td>
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</tbody>
</table>

This estimate based only on a concept layout of the storm drainage system without the benefit of hydraulic studies. The detention/recharge basin size is based on general City guidelines for industrial land uses. The actual size and design features will depend on location, detail hydraulic studies and soil characteristics. Land costs are not included in this estimate.

---

KIERNAN BUSINESS PARK
ORDER-OF-MAGNITUDE COSTS
SANITARY SEWER
June 1996

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1. 8&quot; Sanitary Drain</td>
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<tr>
<td>4. 48&quot; Sanitary Drain</td>
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<td>LF</td>
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<td>5. Manholes</td>
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<td>EA</td>
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<td>Subtotal Construction</td>
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<td>Engineering, Administration &amp; Construction Management @ 25%</td>
<td></td>
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<td></td>
<td>840,000</td>
</tr>
<tr>
<td>Contingency @ 25%</td>
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<td>1,050,000</td>
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<td>Total Sanitary Sewer Costs</td>
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This estimate is based on a conceptual sanitary sewer layout without benefit of detail flow analysis.
KIERNAN BUSINESS PARK
ORDER-OF-MAGNITUDE COSTS
WATER SUPPLY AND DISTRIBUTION
June 1996

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
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</thead>
<tbody>
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<td>2. 12&quot; Water Line</td>
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<td>3. Fire Hydrants</td>
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<tr>
<td>4. Well Station</td>
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<td>EA</td>
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Subtotal Construction  $2,479,000
Engineering, Administration & Construction Management @ 25%  620,000
Contingency @ 25%     775,000

Total Water Costs      $3,874,000

This estimate is based on a conceptual water distribution layout.
Adopted by City Council
Resolution No. 97-159
(April 1, 1997)
Kiernan Business Park Specific Plan
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Chapter I
INTRODUCTION

A. Purpose

The Kiernan Avenue area represents an important economic resource to the City of Modesto. The Specific Plan area consists of approximately 614 acres located adjacent to the City of Modesto's northern border, east of Highway 99, and south of Kiernan Avenue in a portion of unincorporated Stanislaus County.

The intent of the Specific Plan is to provide for the development of new business park and industrial uses in the vicinity of Kiernan Avenue, because of its location adjacent to Highway 99 and North Modesto, a prime industrial location. The Kiernan Business Park Specific Plan will assist in implementing Modesto's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The Kiernan Business Park Specific Plan serves as a tool to guide the orderly development of land within the Plan area. The purpose of the Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 of the State Government Code.

B. Background and Planning Process

The City of Modesto first began considering the Kiernan Avenue area as an opportunity for industrial development in the late 1980s when the City Council identified a need for additional industrial land within Modesto's corporate limits. In 1992, as the City began to update its General Plan, the economic consulting firm of Kreines & Kreines was hired to prepare an Economic Development Strategy for the City. This study also identified the need for more industrial land and identified the area south of Kiernan Avenue as a prime location.

In 1995, the City of Modesto completed and adopted a revised General Plan which designates the Plan area for Business Park development. This Specific Plan was initiated early in the General Plan update process to support the City's efforts in attracting employment-intensive businesses to Modesto and in anticipation of implementing a portion of the updated General Plan.

As first steps in the planning process, an Industrial Development Strategy was prepared to estimate future market demand for development at Kiernan Business Park, and the existing conditions of the area were documented. An initial public meeting regarding the planning process was held on March 16, 1995, at which the public was invited to share their concerns and ideas regarding the Specific Plan.
Numerous private interviews with land owners in the area and business owners from throughout the community were conducted during the planning process by both the consultants and Community Development Department staff. A second public meeting was held on September 20, 1995 to present the findings and recommendations of the Industrial Development Strategy to interested members of the community.

The Specific Plan is based on the goals and policies of the General Plan; findings and recommendations of the Industrial Development Strategy; opportunities and constraints as identified in the existing conditions analysis; and input received from City staff and interested citizens. Goal statements for each element of the Specific Plan were developed with input from the aforementioned sources and approved by City staff. A Focused Environmental Impact Report has also been prepared, pursuant to the California Environmental Quality Act (CEQA), to evaluate the effects of the Specific Plan.

C. Statutory Authority

Under California Law (Government Code 65450) cities may use Specific Plans to communicate development policies, programs, and regulations to implement the jurisdiction’s adopted General Plan. Ideally, the Specific Plan implements the local General Plan by creating a bridge between General Plan policies and the proposals of individual developers. The Specific Plan may direct all facets of development within the Plan area including the distribution of land uses, the location and type of infrastructure, development standards, and financing of public improvements. This Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a Specific Plan include, at a minimum, text and diagrams which describe the following:

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

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

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

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

5. A statement of the relationship of the Specific Plan with the General Plan.
D. Relationship to General Plan

The City of Modesto completed and adopted a revised General Plan and certified the Master Environmental Impact Report (EIR) in August of 1995. The revised General Plan identifies twenty-five Comprehensive Planning Districts (CPDs) and presents policies to manage future growth in these districts. The twenty-five CPDs comprise a 17,600-acre Planned Urbanizing Area identified by the General Plan as the community's major urban growth area. To ensure that growth occurs in a planned manner, the policies associated with each CPD are to be implemented through the adoption of a Comprehensive Plan.

The General Plan recognizes Specific Plans, as defined by section 65450 of the California Government Code, as a form of Comprehensive Plan particularly suited to implement CPD policies. Specific Plans are authorized under section 65450 for "the systematic implementation of the general plan for all or part of the area covered by the general plan."

The Kiernan Business Park Specific Plan implements a portion of the Kiernan/Carver CPD. The study area for the Specific Plan originally coincided with the Kiernan/Carver CPD, but was later refined to reflect the market demand forecasted in the Industrial Development Strategy. The General Plan recognizes that more than one Comprehensive Plan may be processed within a given CPD, as long as the remaining area within the CPD can still comply with the general policies presented in the Community Development Policies chapter.

In the case of the Kiernan/Carver CPD, the General Plan proposes 660 acres of business park and 650 acres of Village Residential use in the eastern portion of the CPD. The Kiernan Business Park Specific Plan establishes 614 acres of business park and industrial uses in the western portion of the CPD and does not address development in the remainder of the CPD. The Kiernan Business Park Specific Plan was developed in accordance with the policies outlined in the revised General Plan for land use, circulation, public facilities and services, and implementation.

E. Specific Plan Adoption & Severability

Adoption of the Specific Plan and certification of the Specific Plan Focused EIR will establish and define the planning criteria and necessary mitigation measures that will guide the subsequent stages of the established planning process including annexation, tentative subdivision map application, and site development plans.

In the event that any regulation, condition, program, or portion of this Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining provisions thereof.
F. Specific Plan Contents

The content of the Specific Plan is consistent with the requirements identified in both the General Plan and Section 65451 of the Government Code and includes the items delineated in Section C, Statutory Authority, of this chapter. The Specific Plan is organized into the following chapters:

Chapter I. Introduction presents an overview of the purpose of the Specific Plan, its relation to the General Plan, its organization and content, and background information on the planning effort.

Chapter II. Description of Study Area provides project setting information including regional location, physical description of the site, existing uses and ownership patterns.

Chapter III. Land Use sets forth the general distribution and extent of land uses within the Plan area, and presents both the Land Use Designations and Land Use Diagram. The chapter specifies allowed uses and identifies standards for development.

Chapter IV. Circulation presents the Circulation Plan, policies, and design criteria including street and right-of-way widths, signalized intersections, and criteria for bicycle and pedestrian circulation.

Chapter V. Public Facilities describes the provision of sanitary sewer, water, and storm drainage service to the Plan area.

Chapter VI. Implementation and Financing establishes development phasing and implementation strategies. The chapter also provides a financing strategy that estimates the cost of on- and off-site infrastructure necessary to support the proposed development pattern.

Each chapter contains a listing of relevant General Plan policies relating to the content of the chapter. The intention is to strengthen the connection between policies identified in the General Plan and their implementation as specified through this Specific Plan.

G. Structure of Policies in this Specific Plan

Throughout this Specific Plan document, a variety of policies are presented, in order to comply with State law requirements for Specific Plans.

All Policies pertinent to this Specific Plan are clearly labeled as such (for example, “Policy LU-1”). Future development and/or public infrastructure construction by the City shall conform to these Policies, where relevant. However, all other narrative in this Specific Plan is descriptive only, and does not form the basis for findings of conformance for subsequent projects.
Chapter II
DESCRIPTION OF SPECIFIC PLAN AREA

A. Regional Setting

The Specific Plan area encompasses 614 acres located adjacent to the northern boundary of Modesto. As shown in Figure II-1, the site is directly east of and in close proximity to Highway 99. North Modesto is approximately 30 miles south of Stockton, 70 miles south of Sacramento and 80 miles east of Oakland. Nearby central valley communities include Salida, Riverbank and Manteca to the north, and Ceres, Turlock and Merced to the south. The Plan area generally forms a rectangular block bound by Kiernan Avenue to the north, a line even with Stoddard Road and parallel to Dale Road to the west, a line even with American Avenue and parallel to Dale Road to the east, and Pelandale Avenue to the south. The Fleur de Ville residential subdivision to the north of Pelandale Avenue is not part of the Plan area.

Although all of the Specific Plan area is within the General Plan Boundary, the area is entirely outside the existing City limits and only the lands east of Dale Road are within the City of Modesto’s existing Sphere of Influence. The Sphere of Influence is defined by Section 56076 of the Government Code as "a plan for the probable physical boundaries and service area of a local agency." The General Plan anticipates the expansion of Modesto’s Sphere of Influence to include the Planned Urbanizing Area boundaries as presented in the General Plan Growth Strategy Diagram. This expansion would include the Specific Plan area in its entirety. Figure II-2 shows the City Limits and Sphere of Influence boundary in the project vicinity, as they exist in March 1997.

As shown in Figure II-3, the Specific Plan area lands, as well as surrounding lands to the north and east, are predominantly in agricultural use and rural in character. The rural portions of Stanislaus County are part of the flat, rich agricultural lands that characterize much of the Central Valley. The vicinity south of the Specific Plan area is predominantly urban and includes low density residential neighborhoods, and regional and neighborhood commercial centers. Immediately to the west and adjacent to the Specific Plan area is Landmark Business Center, generally perceived as a prime industrial location in north Modesto.

The site enjoys a number of amenities and locational advantages including close proximity and excellent road access to local and regional activity centers. Highway 99 connects Modesto and the Specific Plan area with other Central valley cities including Stockton and Sacramento, and to a network of highways leading west to the San Francisco Bay Area. Both Kiernan and Pelandale Avenue extended, which roughly frame the Specific Plan area, are planned future expressways. Additionally, the Specific Plan area’s location in north Modesto, regarded as the prime location for business and light
industry in the City of Modesto, is in close proximity to similar uses and would provide future users of the site with an established and well regarded locational identity.

B. Site Characteristics

1. Existing Land Uses (1997)

The 614 acres comprising the Specific Plan area are divided into approximately 40 parcels, ranging in size from less than one acre to 40 acres. While the majority of the Specific Plan area is used for agricultural purposes, residential and limited commercial and light industrial uses are present, as shown in Figure II-3, Existing Land Use. Among agricultural uses, orchards (over 300 acres) predominate, followed by vineyards (over 100 acres) and pastures (over 35 acres). Row crops are grown on a small number of parcels. Most parcels in the Specific Plan area in agricultural use also include single family homes and/or structures related to agricultural production.

Non-agricultural uses in the Specific Plan area include limited commercial, light industrial and institutional uses. Commercial uses include a winery and produce market located on a 28-acre parcel west of Quinturn Road, a nursery and landscaping service at the northeast corner of the intersection of Bangs Avenue with Dale Road, and a restaurant at the southeast corner of the same intersection. Light industrial uses include a drilling company located in the southeast portion of a 37-acre parcel fronting Pelandale Avenue, and a welding company on a 10-acre parcel fronting Kiernan Avenue near American Avenue. The two parcels fronting Dale Road between Bangs and Pelandale Avenues are developed with churches.

Non-agricultural uses are primarily concentrated to the west and south of the Plan area. Small ranchette single family residences are located along Morrow Road east of the Specific Plan area.

Retail and office development is concentrated around the intersection of Sisk Road, Pelandale Avenue and the Highway 99 access ramps. This development includes a retail center south of Pelandale Avenue opposite the southwest corner of the Specific Plan area. Office and light industrial development is concentrated in Landmark Business Center and Greenleaf Business Park to the west. Residential development occurs south of the Specific Plan area in Fleur de Ville and neighborhoods south of Pelandale Avenue. Unincorporated lands to the north and east are similar in character to the Specific Plan area and are primarily in agricultural use.

2. Ownership Patterns

Lands in the Specific Plan area are currently divided among multiple owners. The 43 recorded parcels in the study area are held by 38 separate land owners. Ownership patterns are shown in Figure A-1, Ownership Map in Appendix A.
3. Physical Description

Lands in the Specific Plan area have been in agricultural production since the early 1900s and are presently characterized by rich soils and flat topography. The California Department of Conservation has developed guidelines for assessing the relative value of farmland in the state. All of the land in the study area has been classified as "Prime Farmland."

The site is traversed from east to west by the Modesto Irrigation District (MID) Lateral No. 6 canal within a 100-foot right-of-way that extends across the southern portion of the site just north of the Fleur de Ville subdivision.
Figure II - 1
Project Location
Figure 11-2
Existing Sphere of Influence and City Limits

Legend:
- Specific Plan Area Boundary
- City Limits
- Sphere of Influence

KIERNAN BUSINESS PARK
CHAPTER III
LAND USE

A. Overview

This chapter presents the land use plan, implementing policies, and development criteria that articulate a vision for the ultimate buildout of the Kiernan Business Park as a high quality business and industrial center. This chapter, in conformance with Section 65451 (a) (1) of the California Government Code, establishes the general distribution and extent of land uses within the Plan area.

The following overall goal has been established to guide the formation of the land use policies and development criteria of this Plan:

1. **Specific Plan Land Use Goal**

   *The Plan should establish policies and standards to direct the logical development of a well-organized and attractive business park in the Kiernan Avenue area near Highway 99 that will promote and accommodate future business park and industrial development consistent with the economic development goals of the City of Modesto.*

   This goal has been developed in response to the following guiding concepts:

   - Provide for development of the Plan area in a manner that is consistent with and furthers the stated goals of the Modesto General Plan and this Specific Plan; and
   - Provide a development framework and setting that is consistent with the needs of, and attractive to, the target industries identified in the previously prepared *Kiernan Business Park Industrial Development Strategy*.

2. **Relevant General Plan Goals and 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 community goals, community growth policies, overall land use policies and Comprehensive Planning District policies. Table III-1, shown below, summarizes the General Plan goals and policies that this plan specifically implements.
Table III-1
RELEVANT GENERAL PLAN GOALS AND POLICIES

- Specific Plans, adopted pursuant to Section 65450 et seq. of the California Government Code, may be used to provide primary policy guidance to future development within their respective geographic areas. Specific Plans may be adopted to implement any of the Land Use Designations presented on the Land Use Diagram, and they may be used with any Growth Strategy Designation: Redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section C, p. III-7)

- All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-25), shall be applied wherever indicated in each individual District’s narrative. (Section D, p. III-13)
  
  (a) Kiernan/Carver Comprehensive Planning District Policies

  The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented in [Chapter III, Community Development Policies] as follows:

  - Overall Land Use Policies (Section III-C(11))
  - Neotraditional Planning Principles (Section III-C(3))

  In addition...[for this particular Comprehensive Planning District, adequate buffering should be provided between the Business Park uses and residential use to the south and east.

- For individual proposed projects that conform to a Comprehensive Plan’s land use designations (for amount and type of land use) a subsequent, Site Access Study may be prepared. Each Site Access Study should, at a minimum, focus on the following issues:

  (a) Impacts to roadway intersections that are adjacent to the project site.
  
  (b) Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.
  
  (c) On-site parking needs.
  
  (d) Other safety-related concerns.

  Conceivably, the Comprehensive Traffic Study may contain sufficient detail to obviate some or all portions of a "Site Access Study. (Section B, p. V-11)

- Newly developing areas should provide a street pattern capable of accommodating transit service on a one-half-mile grid. (Section I, p. V-27)

- The City will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City. (Section D, p. VII-6)

- The City shall support the continuation of agricultural uses on lands designated for urban use until urban development is imminent. (Section D, p. VII-6)

- Where necessary to promote planned City growth, the City shall encourage development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures. (Section D, p. VII-6)

- The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density. (Section D, p. VII-6)

- The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be “used as a guide for establishing a pattern of land uses... that minimizes the exposure of (present and future) community residents to excessive noise.” (Section 65302(1) Government Code). The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p. VII-16)
B. Land Use Policies

Early in the Specific Plan process an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park. Based on forecasted demand and locational opportunities and constraints associated with the Kiernan Avenue area, the *Industrial Development Strategy* identifies a group of target industries for the Kiernan Business Park. Industries in the target group include office-based users interested in the high-end business image provided by north Modesto and more industrial-oriented sectors such as distributing, warehousing, and light manufacturing which favor locations with good access to regional transportation networks.

For these uses, the following issues must be addressed:

- The Business Park will need to accommodate a variety of users including enterprises wishing to combine their office and production activities.
- New uses will require sensitive siting and design to ensure compatibility with adjacent residential development.
- The Business Park could attract large corporate offices at the expense of downtown’s central business district.

The following land use policies respond to these opportunities, constraints and issues and will guide development in the Plan area. The policies were developed on the basis of the *Industrial Development Strategy*, the *Recommended Modesto Economic Development Strategy*, and concerns voiced by citizens during the community meetings.

*Policy LU-1: Lands adjacent to existing Landmark Business Center shall be designated for Business Park uses.*

*Policy LU-2: Development of large corporate offices shall be discouraged in the Kiernan Business Park. These uses should be encouraged to locate downtown.*

*Policy LU-3 Adequate buffers shall be provided between business park uses and neighboring residential uses.*

Additional land use policies are provided throughout the remainder of this chapter as applicable.

C. Land Use Plan Summary

Figure III-1, the Land Use Plan Diagram, identifies three areas, A, B, and C, which are designated for Business Park, Office, and Regional Commercial development, respectively. A summary of these areas is presented in Table III-2.
Table III-2
LAND USE SUMMARY

<table>
<thead>
<tr>
<th>Development Area</th>
<th>Acres (Gross)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A (Business Park)</td>
<td></td>
</tr>
<tr>
<td>Phase I</td>
<td>226.6</td>
</tr>
<tr>
<td>Phase II</td>
<td>313.8</td>
</tr>
<tr>
<td>Subtotal</td>
<td>540.4</td>
</tr>
<tr>
<td>Area B (Office)</td>
<td></td>
</tr>
<tr>
<td>Phase I</td>
<td>18.5</td>
</tr>
<tr>
<td>Phase II</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal</td>
<td>18.5</td>
</tr>
<tr>
<td>Area C (Regional Commercial)</td>
<td></td>
</tr>
<tr>
<td>Phase I</td>
<td>55.4</td>
</tr>
<tr>
<td>Phase II</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal</td>
<td>55.4</td>
</tr>
<tr>
<td>Total</td>
<td>614.3</td>
</tr>
</tbody>
</table>

D. Land Use Designations

Policy LU-4: Development shall be required to be consistent with Figure III-1, the Land Use Plan Diagram, which is hereby adopted into this Specific Plan. All subsequent development shall conform with these designated land uses.

The Specific Plan defines three land use designations for the Plan area: Business Park, Office, and Regional Commercial. Figure III-1, Land Use Plan Diagram, delineates the location and extent of the land use designations in the Plan area. The intent of this Plan is to provide adequate land for both office-oriented, employment-intensive uses and light-industrial uses, and to provide a buffer of non-nuisance uses adjacent to residential areas.

This Plan establishes land use designations for the Plan area that modify existing zones defined in the City of Modesto Zoning Ordinance. The purpose of each land use designation and its allowable uses are described below. Development standards which establish minimum requirements for development activities are contained in Section E, Development Criteria, of this chapter.

1. Area A - Business Park

Policy LU-5: All development in Area A, as shown in Figure III-1 and designated Business Park, shall be required to conform with the uses and regulations of the Business Park (B-P) Zone (Sec. 10-2.1601 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.

a. Purpose. The Business Park designation is intended to accommodate the development of modern, employment-intensive office and non-nuisance light industrial space. The principal development and employment generating uses allowed within this designation are characterized by research, product development, professional office, limited
manufacturing and distribution, and commercial business services intended to support the immediate area. Development within this district should support the creation of a campus-like environment for office, light production, or warehouse uses in high quality single- or multiple-occupant buildings.

b. **Allowable Uses.** The land uses allowed in Area A shall be those allowed in the B-P Zone, except where noted below. Examples include:

- Light industrial uses such as the manufacture of electronic machinery, photographic and optical goods, furniture, apparel, fabricated plastic and rubber products.
- Research and development uses such as laboratories, printing and publishing, and records processing centers.
- Offices.
- Wholesale and retail sale of goods produced on the premises.
- Business services, personal services, retail trade, and restaurants incidental to and serving the needs of industries.

c. **Modifications to Allowable Uses.**

(1) All offices, regardless of the number of employees, will be allowed without the need for a Conditional Use Permit. However, large corporate offices should be encouraged to locate downtown, rather than in the Kiernan Business Park.

(2) Permitted uses shall include any other uses which the Community Development Director may determine to be compatible with and of the same general character as the uses mentioned above. In exercising discretion under this part, the Community Development Director shall be guided by the principle that the Kiernan Business Park is intended to facilitate the development of office/industrial park complexes distinguishable in appearance and purpose from typical office/industrial areas, that the uses will not adversely impact the permitted uses and adjacent residential areas, or generate traffic in excess of the amount predicted in the Kiernan Business Park EIR.

2. **Area B - Office**

*Policy LU-6: Require all development in Area B, as shown in Figure III-1 and designated Office, to conform with the uses and regulations of the Professional Office (P-O) Zone (Sec. 10-2.901 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.*

a. **Purpose.** The office designation provides for business and professional offices, institutions and related services, in areas adjacent to related activity centers. The designation is intended to support nonresidential uses of a less intensive nature than
allowed in commercial zones adjacent to residential areas. Compatibility is ensured through development standards which are noncommercial in nature.

b. Allowable Uses. The land uses allowed in Area B shall be those allowed in the P-O Zone, with the exception that no residential uses shall be allowed. Examples of allowed uses include:
   - Business offices, such as real estate, insurance, and stock broker.
   - Medical and dental offices.
   - Professional offices such as accountants, attorneys, architects and engineers.

3. Area C - Regional Commercial

Policy LU-7: All development in Area C, as shown in Figure III-1, designated Regional Commercial, shall be required to conform with the uses and regulations of the Highway Commercial (C-3) Zone (Sec. 10-2.1201 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.

a. Purpose. The Regional Commercial designation is intended to accommodate limited retail uses that are generally dependent on a regional rather than a local population for their support.

b. Allowable Uses. The land uses allowed in Area C shall be those allowed in the C-3 Zone, except where noted below. Examples include:
   - Department stores
   - Volume discount department stores
   - Home improvement, hardware stores (not stores devoted exclusively to lumber or any other building material)
   - Automobile dealers

   c. Modifications to Allowable Uses.

   (1) No residential uses are allowed in Area C.
   (2) No radio/TV transmitters are allowed in Area C.

E. Development Criteria

This section provides the standards and criteria by which development in the Kiernan Business Park will proceed including performance, development and supplemental development standards in compliance with Section 65451 (a) (3) of the California Government Code. These development standards are intended to create an integrated development pattern and encourage complementary development while allowing flexibility.
Policy LU-8: All Development in this Specific Plan shall conform to all applicable City zoning and other regulations, except where otherwise noted.

1. Development Standards

Policy LU-9: Development shall be required to meet the following development standards, which are hereby adopted into the Specific Plan. All subsequent development shall conform to these standards.

a. Area A. All development in Area A will be subject to the development standards of the B-P Zone, with the following exceptions:

1. There is no minimum lot size.

2. Maximum building height is limited to three stories or 45', whichever is less, for those parcels adjacent to that portion of M.I.D. Lateral No. 6 and the bike trail adjacent to the Fleur de Ville subdivision. All other parcels are not subject to this height limitation.

3. All development on parcels adjacent to the planned bike path along the north side of M.I.D. Lateral No. 6 shall have an eight-foot-high decorative wrought-iron fence on the property line adjacent to the bike path right-of-way and the MID lateral.

4. All development in Area A adjacent to that portion of MID Lateral No. 6 and the planned bike path right-of-way abutting the Fleur de Ville subdivision shall be subject to Plot Plan Review by the Community Development Director. All staff determinations are appealable to the Board of Zoning Adjustment. This development shall be subject to the following additional development standards:
   • A 10-foot-wide screen landscaping buffer on the north side of the fence. The landscaping installed should be fast-growing, evergreen shrubs or trees, designed to achieve a height of 15 feet within five years, with an automatic irrigation system. The landscaping shall be as approved by the Director of Parks and Recreation.
   • Loading docks shall be oriented away from the residential uses to the south.
   • Hours of operation shall be limited to 7 AM to 10 PM, including loading dock operations. Limited exceptions to these hours limitations may be allowed subject to a Conditional Use Permit approved by the Board of Zoning Adjustment.

b. Area B. All development in Area B shall be subject to the development standards of the P-O Zone, with the following exceptions:
1. All development in Area B shall be subject to Plot Plan Review by the Community Development Director. All staff determinations are appealable to the Board of Zoning Adjustment.

2. All development adjacent to the Fleur de Ville subdivision shall include a 10-foot-wide screen landscaping buffer adjacent to the Fleur de Ville subdivision. The landscaping installed should be fast-growing, evergreen shrubs or trees, designed to achieve a height of 15 feet within five years, with an automatic irrigation system. The landscaping shall be as approved by the Director of Parks and Recreation.

3. There is no minimum lot size.

c. Area C. All development in Area C will be subject to the development standards of the C-3 Zone, with the following exception:

1. There is no minimum lot size.

a. Plan Area. The following development standards shall apply to all subsequent development within the Specific Plan area including Areas A, B and C.

(1) **Required Parking and Loading Areas.** All uses in the Plan area shall provide adequate space for parking, loading, outdoor storage and refuse areas on site. These areas shall be screened from view as described below in the Landscaping and Screening subsection. Requirements for off-street parking in the Kiernan Business Park shall be as set forth by Article 20 of the City of Modesto Zoning Ordinance.

(2) **Limited Access.** Vehicular access to individual parcels shall be prohibited along the following street frontages.

- Kiernan Avenue east of Chapman Road
- Pelandale Avenue east of Dale Road

(3) **Landscaping and Screening.** When landscaping is required by this Specific Plan or the Principle Underlying Zoning, it shall be consistent with Section 10-2.2309 Landscape Plans and Maintenance of the Modesto Zoning Ordinance.

(a) **Front Side and Street Side Yards.** All front yards, required side yards, and rear yards abutting a street shall be landscaped and maintained. Street trees will be planted and maintained along street frontage within the street right-of-way and encouraged within front and street side yards. When right-of-way area between the sidewalk and the front or street side property line exists, it shall be incorporated into the adjacent landscaped area and treated and maintained as a unit. The owner, lessee or occupant shall be responsible for maintaining this area.

(b) **Screening and Landscaping of Parking Areas.** Landscaping and screening of parking areas shall be in accordance with the provisions of Sections 10-2.2006 and 10-2.2007 of the City's Zoning Ordinance.
Additionally, street level views of all automobile and truck parking areas shall be screened within the required setback. Such screening shall include, but not be limited to, low hedges, berms, shrub or tree masses, and/or fences with a minimum height of three feet.

(c) **Screening and Landscaping of Outdoor Storage or Loading Areas.** For all uses in the Plan area, outdoor storage of materials and equipment incidental to the primary activity is permitted provided the outside storage area is screened by a view-obscuring wall or fence. Such screening may include landscaping and/or architectural features such as walls compatible with the surrounding buildings and environment.

(d) **Screening of Refuse Areas.** Dumpsters and other refuse receptacles shall be located out of view or screened from the public rights-of-way and adjacent properties. Such screening shall be compatible with the surrounding buildings and environment.

(e) **Street Trees.** Street tree planting and maintenance throughout the Plan area will be in accordance with the provisions and standards set forth by the City of Modesto Street Tree Master Plan and Title 12, Chapter 5 of the Modesto Municipal Code establishing the City’s Street Tree Program. The City will determine tree selection and will be responsible for placement, planting and maintenance for all street trees placed within public rights-of-way or planting easements established between private property owners and the City. Fees shall only be assessed for new street tree plantings.

(f) **Signage.** All signs shall conform to Article 21, Sign Regulations, of the City’s Zoning Ordinance.

2. **Performance Standards**

Performance standards establish standards of operation to control nuisances such as noise and odor, which may be associated with uses that locate in the Kiernan Business Park.

*Policy LU-10: Development shall be required to meet the following performance standards, which are hereby adopted into the Specific Plan and are applicable to Areas A, B and C. All subsequent development shall conform to these standards.*

a. **Nuisance.** All activities and uses in the Plan area shall conform to the provisions set forth in Sec. 10-2.2329 Nuisance. The operation of any land use shall not cause an unreasonable amount of noise, odor, dust, mud, vibration or electrical interference detectable off the premises.

b. **Noise.** For all uses and activities adjacent to an existing residential use or zone outside the Plan area, noise levels shall not exceed 65 Ldn at the property line(s) adjacent to the existing residential use or zone. Within the Plan area, noise levels shall conform to the applicable regulations established by the Modesto Noise Regulations (Title IV, Chapter 9 of the Modesto Municipal Code).
c. **Lighting and Glare.** Lights provided to illuminate a parking area, buildings or yards, shall be arranged so as to reflect the light away from any area upon which a dwelling is located.
Legend:
- Specific Plan Area Boundary
- Area A - Business Park
- Area B - Office
- Area C - Regional Commercial

Figure III-1
Land Use Plan Diagram

KIERNAN BUSINESS PARK

North

0' 1320'
1/4 mile
Chapter IV
CIRCULATION AND ACCESS

A. Overview

This chapter provides for the development of a roadway system and transportation facilities capable of supporting the anticipated growth in the Kiernan Business Park Specific Plan area. The Specific Plan's circulation goal is stated below.

1. Specific Plan Circulation Goal

Provide a safe, efficient transportation system for the Kiernan Business Park that serves a variety of users at an acceptable level of service.

2. Modesto General Plan Goals and 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 transportation and access goals listed on Table IV-1.

Table IV-1
RELEVANT GENERAL PLAN GOALS AND POLICIES

<table>
<thead>
<tr>
<th>• Prior to the adoption of each Comprehensive Plan, a &quot;Comprehensive Traffic Study&quot; shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan. The Comprehensive Traffic Study shall include the following components:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Sufficient analysis and mitigation measures to ensure that the level of Service &quot;D&quot; standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public works and Transportation Director.</td>
</tr>
<tr>
<td>(b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)</td>
</tr>
<tr>
<td>• Data from the General Plan Traffic Analysis, described in the Traffic Appendix of the Master EIR, shall be utilized to evaluate the effectiveness of the Policies presented above. (Section B, p. V-11)</td>
</tr>
<tr>
<td>• Newly developing areas should provide a street pattern capable of accommodating transit service on a one-half-mile grid. (Section I, p. V-27)</td>
</tr>
<tr>
<td>• The City shall strive to safeguard options for future transit and mass transportation development, such as the Union Pacific railroad right-of-way. (Section I, p. V-27)</td>
</tr>
</tbody>
</table>
B. Existing and Planned Areawide Circulation

1. Existing Roads

The Kiernan Business Park area is currently served by the following highway and roadways.

- **State Route 99 (Highway 99):** Highway 99 is a north-south freeway facility providing six travel lanes to the west of the project. Highway 99 provides access throughout the Central Valley connecting Sacramento, to the north; to Merced, Fresno, and Bakersfield, to the south. It also provides access to other routes serving the San Francisco Bay Area.

- **Kiernan Avenue (State Route 219):** Kiernan Avenue is an east-west, rural arterial that provides two travel lanes and is controlled by unsignalized intersections. It connects Highway 99 to McHenry Avenue (State Route 108). This segment of Kiernan Avenue is a designated part of the state highway system.

- **Pelandale Avenue:** Pelandale Avenue is an east-west, two-to-four-lane facility. It runs between Highway 99 and Dale Road. Pelandale Avenue is planned to function as an expressway.

- **Dale Road:** Dale Road is a rural, north-south, two-lane road that connects Kiernan Avenue to Pelandale Avenue and provides local access.

- **Chapman Road:** Chapman Road is a rural, north-south, two-lane road that runs between Kiernan Avenue and the Modesto Irrigation District (MID) Lateral No. 6.

2. Planned Areawide Circulation

As part of development included in the City of Modesto General Plan, the surrounding and internal transportation network for the Specific Plan area would be expanded and modernized. Under ultimate buildout of the City’s General Plan (estimated at the year 2025), both Kiernan Avenue and Pelandale Avenue would be improved to six-lane expressways. In addition, Chapman Road would be extended to the south to intersect with Pelandale Avenue and improved to a four-lane arterial, and Dale Road would be improved to a four-lane arterial. Prescott Road would be extended to Kiernan Avenue and improved to a four-lane arterial east of the Specific Plan area.

Figure IV-1, Circulation Plan Diagram, shows the proposed roadway system in the Specific Plan area. This roadway system was designed using the City of Modesto’s Transportation Model and in coordination with City of Modesto planning and public works staff. It should be noted that this system differs from the network included in the City’s adopted General Plan and shown on Figure V-1, Circulation and Transportation Diagram in the General Plan. The difference is that the previously proposed Dakota Avenue flyover of Highway 99 has been removed, and Dakota Avenue is now expected to tie into the west side of the Pelandale Avenue expressway interchange with Highway 99. Kiernan Avenue is designated a six-lane arterial along its existing alignment, and Chapman Road is designated a minor arterial to provide a link between Kiernan Avenue and Pelandale Avenue.
C. Specific Plan Area Circulation

In order to plan for the future travel demand in the Kiernan Business Park, traffic forecasts were generated for buildout of the Specific Plan land uses as shown on the Land Use Plan Diagram (Figure III-1) in Chapter III. The traffic forecasts used the City of Modesto traffic model which incorporates planned development in the vicinity of the Kiernan Business Park as identified in the Modesto General Plan.

Policy C-1: Roadways shall be developed according to Figure IV-I, Circulation Plan Diagram, which is hereby adopted into this Specific Plan. All subsequent development shall conform with this diagram.

Figure IV-1, Circulation Plan Diagram shows the proposed road classifications, internal street layout, and transit turnout locations for the Kiernan Business Park. Four roadway facility types are included within the Specific Plan area: six-lane principal arterials, four-lane minor arterials, two-lane industrial connectors, and two-lane minor connectors. In addition to these facility types, the Specific Plan area is bounded on the north and south by six-lane expressways.

Access to the Kiernan Business Park would be made primarily from Chapman Road and Dale Road, which are four-lane, signalized, north-south arterials that intersect with the planned Kiernan and Pelandale expressways. Three arterial intersections serve as gateways: Kiernan Avenue at Chapman Road, Pelandale Avenue at Chapman Road, and Kiernan Avenue at Dale Road. Because of their function as gateways, Chapman and Dale Roads have been planned with generous median and sidewalk landscaping.

Internal access to parcels within the Specific Plan area will be provided from a planned east-west, two-lane industrial connector street. The new industrial connector has been planned with generous landscape areas. The Bangs Avenue segment from Dale Road to just west of American Avenue is planned as a two-lane industrial connector terminating in a cul-de-sac. Four two-lane, minor connectors also provide internal access. These include extensions of Bangs Avenue and Technology Drive from Landmark Business Park to Chapman Road, an extension of American Avenue from Kiernan Avenue to Pelandale Avenue, and a new north-south cul-de-sac between Chapman Road and Dale Road to connect with the planned Kiernan Avenue expressway.

The Specific Plan circulation system provides access to most parcels via industrial and minor connector streets. Most of the connectors provide east-west connections to north-south arterials, Chapman Road and Dale Road. A north-south connection between the Kiernan Avenue and Pelandale Avenue expressways is provided via the American Avenue extension east of Dale Road. A connection to Kiernan Avenue is provided via a new north-south cul-de-sac between Chapman Road and Dale Road. These connections would provide right-turn-in/right-turn-out access only, as shown on the Circulation Plan Diagram.

In order to allow some flexibility in the types of uses and sizes of various parcels, local streets have not been included in the Specific Plan network, but are assumed to be a part of future development. Local streets will be designed as part of the tentative subdivision map application. Local street connections
should be made to connectors and arterials, and direct connections to expressways should be prohibited.

Policy C-2: The City shall promote the improvement and development of Kiernan Avenue and Pelandole Avenue and their connection to Highway 99 to accommodate future development in the Kiernan Business Park area.

Policy C-3: Property owners shall be required, through the discretionary permit process, to reserve right-of-way for Kiernan Avenue expressway and Pelandale Avenue expressway.

Policy C-4: Direct connector street, local street or driveway connections to expressways will be allowed only under the following criteria:

a. For connections to Kiernan Avenue and Pelandale Avenue east of Dale Road (Class B Expressway):
   - No driveway connections are permitted.
   - Only connector street connections with right-turn-in/right-turn-out treatment are allowed at a minimum spacing of one-quarter mile.

b. For connections to Pelandale Avenue west of Dale Road (Class C Expressway):
   - Driveway connections with right-turn-in/right-turn-out treatment are allowed at a minimum spacing of 300 feet.
   - Local and connector street connections are allowed with permitted right-turns in, right-turns out and left-turns in (when left-turn pockets are provided in the median) at a minimum spacing of one-quarter mile.

Policy C-5: The City shall promote the development of local road circulation facilities that connect to connector and arterial streets shown in the Circulation Plan Diagram to adequately serve the planned land uses in the Kiernan Business Park.

Policy C-6: Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.250 et seq.), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards:
1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS “D” or better in the year 2025 shall not cause conditions to be worse than LOS “D” at any time prior to year 2025.

2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS “E” in the year 2025 shall not cause conditions on those facilities to exceed LOS “E” at any time prior to year 2025.

3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS “F” shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.

1. Street Sections

Typical street sections for the various facility types (with the exception of Kiernan Avenue) are shown in Figures IV-2, IV-3, and IV-4. The street sections have the following characteristics:

- street sections include generous landscaped areas both in the medians of arterials and at the edges of arterials and connectors;
- arterial street sections include service/bike lanes to reduce congestion associated with vehicle breakdowns and other incidents and to promote bicycle commuting;
- on-street parking will not be provided on arterial or connector streets, but can be included on local streets at the discretion of the City during the subdivision review process; and
- sidewalks are provided within road rights-of-way to encourage pedestrian connections between transit stops and business park uses.

Policy C-7: All roadways shall be developed in accordance with the sections shown in Figure IV-2, IV-3, and IV-4 Cross Sections, which are hereby adopted into this Specific Plan. All subsequent development shall conform to these street sections.
Policy C-8: Public and private road design shall be required to follow all road standards of this Specific Plan and the Modesto General Plan.

2. Primary Gateways. The Kiernan Business Park shall have primary gateways at the following intersections:

- Pelandale Avenue with Chapman Road
- Kiernan Avenue with Chapman Road, and
- Kiernan Avenue with Dale Road.

Buildings at these entry points, shall be oriented toward and reinforce the gateway concept. These buildings will be highly visible and set the tone for future development in the Business Park.

At these three distinct points, consistent design elements and landscape treatment shall be used to articulate the gateway and boundary of Kiernan Business Park. The Kiernan/Chapman and Pelandale/Chapman Gateways shall be framed by Business Park uses to reinforce the Park's identify and capitalize on locational associations with the established Landmark Business Center. The Kiernan/Dale Gateway should be framed by and in proximity to Industrial type uses. This gateway, through its design, location and surrounding land uses, will accommodate the bulk of heavy truck traffic. Each gateway shall be emphasized with planting, special paving treatment and signing.

These gateways will be constructed and maintained through the establishment of a Mello-Roos Community Facility District over the Plan area.

3. Bicycle and Bus Circulation

Policy C-9: The City shall develop Class I Bike Paths along Pelandale and Kiernan expressways and along the north side of MID Lateral No. 6 and Class II Bike Lanes on minor arterial and collector streets as shown on Figure IV-5, Bike Paths, which is hereby adopted into this Specific Plan. All subsequent development shall conform with these planned bike facilities.

As shown on the Bike Path diagram (Figure IV-5), continuous and connective bike facilities have been planned for the Specific Plan area as follows:

- Expressway facilities (Pelandale and Kiernan Avenues) will provide Class I Bike Paths;
- A Class I Bike Path is planned along the north side of the Modesto Irrigation District (MID) Lateral No. 6; and
- Minor arterial and connector streets will provide Class II Bike Lanes.

Local streets should be planned to encourage low speeds and minimize cut-through traffic so that bikes can safely share the road with vehicular traffic.
All streets shown on the Circulation Plan Diagram can accommodate bus routes and the landscape improvements can include locations for bus turnouts. Potential locations and design of turnouts are shown on the Circulation Plan Diagram. Bus turnouts have been provided along the Kiernan and Pelandale expressways, where bus routes are proposed. Additionally, bus stops should be provided within the Kiernan Business Park if a decision is made to extend bus service on to streets within the Kiernan Business Park.

Policy C-10: The City shall provide for development of a bicycle system that will provide a safe and convenient means of transportation for bicyclists that encourages commuting by bicycle.

Policy C-11: Future development shall provide for bicycle parking and related facilities such as lockers and showers, in accordance with Bicycle Master Plan.
Figure IV-1
Circulation Plan Diagram

Legend:

- Primary Gateway
- Secondary Entrance
- Traffic Signal
- Right Turn In/Right Turn Out
- Transit Turnout

- 6 Lane Class B Expressway
- 6 Lane Class C Expressway
- 6 Lane Principal Arterial
- 4 Lane Minor Arterial
- 2 Lane Industrial Connector
- 2 Lane Minor Connector
- Specific Plan Area Boundary

KIERNAN BUSINESS PARK

North
0° 1320'
1/4 mile
Figure IV-2

PELANDALE EXPRESSWAY
Coordinated Landscaping

4 LANE MINOR ARTERIAL

2 LANE INDUSTRIAL CONNECTOR

Figure IV-3
Minor Arterial and Industrial Connector Cross-Sections
MODESTO CITY COUNCIL
RESOLUTION NO. 97-160

CERTIFYING THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE KIERNAN BUSINESS PARK SPECIFIC PLAN, A GENERAL PLAN AMENDMENT, PREZONING, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM

WHEREAS, the City of Modesto ("City"), on August 15, 1995, adopted the Modesto Urban Area General Plan to guide the growth of the City for the next thirty years, and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the City Council certified, on August 15, 1995 a Master Environmental Impact Report entitled "Final Master Environmental Impact Report for the Urban Area General Plan" (MEIR), and

WHEREAS, the MEIR identified the following effects as significant but mitigable, and provided substantial evidence in the record to support the necessary findings on the following effects for projects within the Planned Urbanizing Area such as the Kiernan Business Park Specific Plan:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in MEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased Demand for Sanitary Sewers</td>
<td>IV-6-1</td>
</tr>
<tr>
<td>Loss of Sensitive Wildlife and Plant Habitat</td>
<td>IV-7-1</td>
</tr>
<tr>
<td>Disturbance of Archaeological or Historical Sites</td>
<td>IV-8-1</td>
</tr>
<tr>
<td>Drainage, Flooding, and Water Quality</td>
<td>IV-9-1</td>
</tr>
<tr>
<td>Increased Demand for Storm Drainage</td>
<td>IV-10-1</td>
</tr>
<tr>
<td>Increased Demand for Parks and Open Space</td>
<td>IV-11-1</td>
</tr>
<tr>
<td>Increased Demand for Schools</td>
<td>IV-12-1</td>
</tr>
<tr>
<td>Increased Demand for Police Services</td>
<td>IV-13-1</td>
</tr>
<tr>
<td>Increased Demand for Fire Services</td>
<td>IV-14-1</td>
</tr>
<tr>
<td>Generation of Solid Waste</td>
<td>IV-15-1</td>
</tr>
<tr>
<td>Generation of Hazardous Materials</td>
<td>IV-16-1</td>
</tr>
</tbody>
</table>
Landslides and Seismic Activity
Energy

WHEREAS, the MEIR identified the following effects as Unavoidable Significant Effects:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in MEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Circulation Needs</td>
<td>IV-1-1</td>
</tr>
<tr>
<td>Degradation of Air Quality</td>
<td>IV-2-1</td>
</tr>
<tr>
<td>Generation of Noise</td>
<td>IV-3-1</td>
</tr>
<tr>
<td>Loss of Productive Agricultural Land</td>
<td>IV-4-1</td>
</tr>
<tr>
<td>Increased Demand for Water Supplies</td>
<td>IV-5-1</td>
</tr>
<tr>
<td>Increased Demand for Storm Drainage</td>
<td>IV-9-1</td>
</tr>
</tbody>
</table>

WHEREAS, City Council Resolution No. 95-408 adopted a Statement of Overriding Considerations which made findings for each significant adverse and unavoidable effect identified in the MEIR, and also found that specific economic, social, or other considerations made infeasible certain mitigation measures and project alternatives identified in the MEIR, and

WHEREAS, the Modesto Urban Area General Plan requires a Focused Environmental Impact Report for the Kiernan Business Park Specific Plan as an anticipated subsequent project, and

WHEREAS, a Notice of Preparation of a Focused Environmental Impact Report for the City of Modesto Kiernan Business Park Specific Plan was circulated from August 1, 1994 through September 9, 1994, and

WHEREAS, a Revised Draft Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report (SCH #94082005) was prepared for public review and comment for the required 45-day period from December 13, 1996, through January 27, 1997, and

WHEREAS, a Final Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report ("Final EIR") incorporating all the comments received during the public review period and responses thereto was released for the required 10-day period on February 21, 1997, and
WHEREAS, the Planning Commission held a public hearing on March 3, 1997, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the certification of the Final EIR, and

WHEREAS, the information contained in the Final EIR was reviewed and considered by the Planning Commission prior to taking action on the Kiernan Business Park Specific Plan, General Plan Amendment, and Prezoning, and

WHEREAS, the City Council held a public hearing on April 1, 1997, and considered the adequacy of the Final EIR, the Mitigation Monitoring Program and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the Final EIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the Kiernan Business Park Specific Plan, the General Plan Amendment and Prezoning.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Incorporation of Master EIR by Reference. As required by Section 21158(a) of the Public Resources Code, the Master Environmental Impact Report certified for the Modesto Urban Area General Plan (SCH #92052017) is hereby incorporated by reference, as Exhibit 1, a copy of which is on file in the office of the City Clerk.

3. Effects Not Examined in this Final EIR. As permitted by Section 21158(b) of the Public Resources Code, the Final EIR did not further examine the following effects, since they were sufficiently presented in the Master EIR:

Effects Not Further Examined

(1) Loss of Productive Agricultural Land
(2) Disturbance of Archeological or Historical Sites
(3) Increased Demand for Parks and Open Space
(4) Increased Demand for Schools
(5) Increased Demand for Police Services
(6) Increased Demand for Fire Services
(7) Generation of Solid Waste
(8) Land Slides and Seismic Activity
(9) Energy

With regard to the above effects, the City finds, based on substantial evidence in the record that, pursuant to Section 21158(b) of the Public Resources Code, those effects were examined at a sufficient level of detail in the Master EIR for the General Plan. The City Council resolution certifying the Master EIR included a Statement of Overriding Considerations for those effects which were found Significant and Not Mitigable.

Furthermore, the City makes one of the following findings, as permitted by Section 21158(b), regarding each of the above effects. These effects were either:

(1) Mitigated or avoided pursuant to paragraph(1) of subdivision(a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project, or

(2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project, or

(3) Subject to a finding pursuant to paragraph(2) of subdivision(a) of Section 21081.

4. Effects Examined in the Final EIR.

It was determined through the scoping process that the following effects should be addressed in the Final EIR as potential project-specific effects on the environment:

(1) Traffic and Circulation Needs
(2) Degradation of Air Quality
(3) Generation of Noise
(4) Increased Demand for Water Supplies
(5) Increased Demand for Sanitary Sewer Services
(6) Loss of Sensitive Wildlife and Plan Habitat
(7) Drainage, Flooding, and Water Quality
(8) Increased Demand for Storm Drainage
(9) Generation of Hazardous Materials
Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the Final EIR:

(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, making feasible the mitigation measures or alternatives identified in the Environmental Impact Report.

With respect to significant effects which were subject to a finding under paragraph (3), the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

A. The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment:

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road
(2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

B. The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(1) The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public schools. It is estimated that approximately 320 elementary students, 80 new junior high-school students, and 160 new high school students would be generated by development proposed with the Carver-Bangs Specific Plan.

C. The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the following significant effects on the environment.

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

Pelandale and SB SR 99
Pelandale and NB SR 99

(2) Future Build-Out (year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

(3) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99. This segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

(4) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps. This segment would deteriorate from LOS D (V/C = 0.91) under the General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with Kiernan Business Park Specific Plan.

(5) The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from V/C = 1.15 to V/C = 1.35 with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

D. The City finds, based on substantial evidence in the record, that the following additional effects on the environment by the Project are not significant or do not substantially
increase severity of significant effects previously identified in the Master EIR.

(1) Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections A. and C., above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendment.

(2) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

(3) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.

(4) Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NOₓ) and dust in the project area.

(5) Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.

(6) Light industrial uses permitted under the Kiernan Business Park Plan area would create stationary sources of emissions. The proposed General Plan Amendment to change approximately 120 acres, including 40 acres within the Carver-Bangs Specific Plan area, from Business Park to Village Residential would reduce the potential for stationary sources within the amendment area.

(7) Existing residences within the Kiernan Business Park and Carver-Bangs Specific Plan areas would be affected by noise related to construction, traffic and operational noise associated with the proposed developments.

Adjacent land uses, including residential areas, would be affected by operational and traffic noise generated by the Kiernan Business Park and Carver-Bangs residential developments.
The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.

No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and siltation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.

Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.

No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.

The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space.

a. With regard to the effects that are significant but mitigable, the City of Modesto adopts new and additional mitigation measures, and as permitted by Section 21158(a) of the
Public Resources Code. These Mitigation Measures are presented in the Executive Summary, attached hereto as Exhibit 3 and incorporated by reference herein, and are presented in Exhibit 2, the Final EIR, a copy of which is on file in the office of the City Clerk.

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project the City must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City adopts the Statement of Overriding Considerations, attached hereto as Exhibit "4" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse, and unavoidable impact identified in the Final EIR, and by finding that specific economic, social or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the Final EIR.

5. Cumulative Impacts, Growth inducing Impacts, and Irreversible Significant Effects on the Environment. The City hereby finds, as required by Section 21158(a), that the analysis presented in the Master EIR, regarding cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment, is adequate for the Final EIR. This analysis is presented throughout the Master EIR, and summarized in Section V of that document.

6. Alternatives Evaluated. The Final EIR contains no new or additional analysis of alternatives beyond the analysis presented in the Master EIR for the Modesto Urban Area General Plan. Four Land Use Alternatives were developed and considered by the City, which were then analyzed in the Draft MEIR; after considering public comment on the Draft General Plan, a Preferred Alternative, which combined the features of several of the Land Use Alternatives, was recommended by the Planning Commission. Subsequently, the City further modified the Planning Commission Proposal, and approved the "Adopted General Plan" on August 15, 1995. The Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Four other alternatives presented in the Final MEIR were developed to provide a "reasonable range of alternatives" as required by Section
15126(d) of the CEQA Guidelines. As Kiernan Business Park Specific Plan is an element of the "Adopted General Plan" as adopted by the City Council on August 15, 1995, after considering the full range of alternatives, no further analysis of alternatives is necessary in this Final EIR for Kiernan Business Park Specific Plan.

7. Proposed Modifications to the Master EIR. Section 21157.6(b) of the Public Resources Code permits the Final EIR to modify the General Plan Master EIR, by including updated information. Chapter V (p. V-1) of the Final EIR presents this information, in the form of a Modification, as follows:

(1) The following change has been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

Section VI-14 (III)(A)(5), first sentence, has been revised to read as follows:

"Minimum road widths and clearances around structures shall conform to Section 902 of the Uniform Fire Code."

This Modification, set forth in Exhibit 5 attached hereto, is hereby adopted and incorporated into the Master Environmental Impact Report for the Modesto Urban Area General Plan.

8. Mitigation Monitoring. Section 21081.6(b) of the Public Resources Code provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary and the Final EIR into the Kiernan Business Park Specific Plan. Therefore, said mitigation monitoring program is hereby adopted.

9. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final EIR for the Kiernan Business Park Specific Plan, General Plan Amendment and Prezoning as accurate and adequate. The City Council further certifies that the Final EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.
10. **Location and Custodian of Documents.** The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
II. EXECUTIVE SUMMARY

A. OVERVIEW

This Focused Environmental Impact Report (EIR) examines the environmental impacts of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments. The Kiernan Business Park Specific Plan implements the western portion of the Kiernan/Carver Comprehensive Planning District, which was analyzed within the scope of the City's General Plan Master EIR. The Carver-Bangs Specific Plan implements part of the southeast section of the Kiernan/Carver CPD identified in the General Plan and analyzed in the General Plan Master EIR. As provided in Section 21158 of the California Environmental Quality Act, this Focused EIR analyzes only those effects on the environment specific to the development of the Kiernan Business Park and Carver-Bangs Specific Plans that were not addressed as significant effects in the General Plan Master EIR. Table II-1 provides a summary of the environmental impacts and mitigation measures identified in this report. The table is organized by topical sections consistent with the format of Chapter IV of this EIR. Detailed discussions are provided within each applicable section.

B. ALTERNATIVES EVALUATED

This Focused EIR contains no new or additional analysis of alternatives beyond the analysis presented in the General Plan Master EIR. A full range of land use alternatives was developed and considered by the City through the General Plan and General Plan Master EIR planning process. The General Plan Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Because the Kiernan Business Park and Carver-Bangs Specific Plans are elements of the "Adopted General Plan" and that document considered a full range of alternatives, no further analysis of alternatives is necessary in this Focused EIR.

C. PROJECT DESCRIPTION

The Kiernan Business Park Specific Plan provides for development of 614 acres, including 540 acres of Business Park, 55 acres of Business Park/Commercial and 19 acres of Office; and additional transportation improvements including those proposed along Kiernan, Pelandale and Chapman Avenues, as shown in Figure IV-A-5, which require an amendment to the Circulation Element of the General Plan. The project site is located along the northern boundary of the City of Modesto in Stanislaus County and is bounded by Pelandale Avenue to the south, a line even with Stoddard Road to the west, Kiernan Avenue to the north, and a line even with American Avenue to the east. The Fleur de Ville residential subdivision, which is located north of Pelandale Avenue, is not included in the Plan area. The proposed acreages could accommodate approximately 9.4 million square feet of Business Park uses, 1 million square feet of Business Park/Commercial uses, and 282,000 square feet of Office uses.
The Kiernan Business Park Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the western portion of the Kiernan/Carver Comprehensive Planning District as authorized by Section 65450 of the Government Code and the Modesto Urban Area General Plan. Although the entire Kiernan Business Park Specific Plan area is included within the City of Modesto's Planned Urbanizing area, lands west of Dale Road lie outside the City's existing Sphere of Influence. Phase I development is planned for lands east of Dale Road and approximately 74 acres of land immediately west of the Fleur de Ville subdivision and north of Pelandale Avenue. The City anticipates the future extension of its Sphere of Influence to include the entire Kiernan Business Park Specific Plan area.

The Carver-Bangs Specific Plan provides for development of 160 acres of residential development. An amendment to the General Plan Land Use Element associated with the Kiernan Business Park Specific Plan would change approximately 120 acres, including approximately 40 acres within the western quarter of the Carver Bangs Specific Plan area, from Business Park Land Use Designation to Village Residential Land Use Designation. The Carver-Bangs Specific Plan encompasses part of the southeast portion of the Kiernan/Carver CPD. The Plan area is bounded by Bangs Avenue to the north, a line parallel to and even with American Avenue to the west (and bordering the Kiernan Business Park Specific Plan area), Carver Road to the east, and a line parallel to and even with Pelandale Avenue to the south. The Carver-Bangs Specific Plan designates approximately 160 acres for Village Residential which will include a maximum of 800 dwelling units.

The Carver-Bangs Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the part of the southeast portion of the Kiernan/Carver Comprehensive Planning District. The entire Carver-Bangs Specific Plan area is included within the City of Modesto's Planned Urbanizing area and the City's existing Sphere of Influence.

**D. SUMMARY OF IMPACTS AND PROPOSED MITIGATION MEASURES**

Table II-1 provides a summary of the impacts associated with the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments, mitigation measures to reduce impacts, and a designation of the level of significance of each impact after implementation of the specified mitigation measure(s). This summary table only includes mitigation measures identified in the EIR that are determined to be feasible (either environmentally, technically, legally, or economically) to be implemented, and specific enough (in some instances, tied to specific performance standards) to allow successful monitoring of their implementation.
II. EXECUTIVE SUMMARY

TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES

1. IMPACTS THAT ARE SIGNIFICANT BUT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate.

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<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION</th>
<th>MITIGATION MONITORING</th>
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<tbody>
<tr>
<td>TRAFFIC AND CIRCULATION NEEDS</td>
<td>I-A. Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-1.2203 et seq), and/or any other &quot;development&quot; as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.</td>
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<td>a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.</td>
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<td>b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards:</td>
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<td>I. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS &quot;D&quot; or better in the year 2025 shall not cause conditions to be worse than LOS &quot;D&quot; at any time prior to year 2025.</td>
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<td>This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.</td>
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<tr>
<td>I-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:</td>
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<td></td>
<td>SR 219 and Dale Road</td>
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<td></td>
<td>SR 219 and Carver Road</td>
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<td></td>
<td>SR 219 and Tully Road</td>
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<tr>
<td></td>
<td>Pelandale Avenue and Dale Road</td>
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<td></td>
<td>Pelandale Avenue and Prescott Avenue</td>
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<tr>
<td></td>
<td>Pelandale Avenue and Carver Road</td>
<td></td>
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<tr>
<td></td>
<td>Pelandale Avenue and Tully Road</td>
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<tr>
<td></td>
<td>Pelandale Avenue and SR 108</td>
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<tr>
<td></td>
<td>Kiernan Avenue and Chapman Road</td>
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<td>Pelandale Avenue and Chapman Road</td>
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<td>Pelandale Avenue and Sisk Road</td>
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### TABLE II-1: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
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<tr>
<td>TRAFFIC AND CIRCULATION NEEDS continued</td>
<td>2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS &quot;E&quot; in the year 2025 shall not cause conditions on those facilities to exceed LOS &quot;E&quot; at any time prior to year 2025.</td>
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<td>3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS &quot;F&quot; shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.</td>
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<td>In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(II)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.</td>
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<td></td>
<td>Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Melle-Roos District is established.</td>
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TABLE II-1: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
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<tr>
<td>GENERATION OF NOISE</td>
<td>I-B. The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 $L_{eq}$ for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g., back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Pelandale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.</td>
<td>This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.</td>
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</table>
II IMPACTS THAT ARE SIGNIFICANT BUT WHOSE MITIGATION FALLS OUTSIDE THE JURISDICTION OF THE CITY OF MODESTO

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed as described in Section I of this table or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible.

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</table>
| INCREASED DEMAND FOR SCHOOLS | II-A. A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or development plan approval. | II-A. This mitigation measure is incorporated into the Carver-Bangs Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

Kierman Business Park and Carver-Bangs Specific Plans Focused EIR

II-6

Environmental Science Associates
### III IMPACTS THAT ARE SIGNIFICANT AND NOT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical, or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level.

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<tbody>
<tr>
<td><strong>TRAFFIC AND CIRCULATION NEEDS</strong></td>
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<td></td>
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<tr>
<td><strong>III-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:</strong></td>
<td><strong>III-A. Potential measures to improve conditions at the intersections to acceptable levels are identified in Section IV-A(II)(D)(2), items 8 and 9 of the EIR. However, only partial funding is currently available in the City's CFF program for these improvements. This impact would remain significant until full funding becomes available.</strong></td>
<td><strong>III-A. Not applicable.</strong></td>
</tr>
<tr>
<td>Pelandale and SB SR 99</td>
<td><strong>III-B. No feasible mitigation measures are available; the impact would remain significant.</strong></td>
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<tr>
<td>Pelandale and NB SR 99</td>
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<tr>
<td><strong>III-B. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.</strong></td>
<td><strong>III-B. Not applicable.</strong></td>
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TABLE II-1: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION</th>
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<tr>
<td>III-C. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sink Road and SR 99. This segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.</td>
<td>III-C. No feasible mitigation measures are available; the impact would remain significant.</td>
<td>III-C. Not applicable.</td>
</tr>
<tr>
<td>III-D. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps. This segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.</td>
<td>III-D. No feasible mitigation measures are available; the impact would remain significant.</td>
<td>III-D. Not applicable.</td>
</tr>
<tr>
<td>III-E. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from V/C=1.15 to V/C=1.33 with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.</td>
<td>III-E. No feasible mitigation measures are available; the impact would remain significant.</td>
<td>III-E. Not applicable.</td>
</tr>
</tbody>
</table>
TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES continued

IV. IMPACTS THAT ARE FOUND NOT TO BE SIGNIFICANT, OR FOUND TO NOT SUBSTANTIALLY INCREASE SEVERITY OF SIGNIFICANT IMPACTS PREVIOUSLY IDENTIFIED IN THE GENERAL PLAN MASTER EIR

The following section of this table presents the issues identified by the General Plan Master EIR for analysis in this Focused EIR that are found not to be significant, or would not result in a substantial increase in the severity of significant effects previously identified in the Master EIR.

<table>
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<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>RATIONALE</th>
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<tbody>
<tr>
<td>TRAFFIC AND CIRCULATION NEEDS</td>
<td></td>
</tr>
<tr>
<td>IV-A. Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections I and III of this table, above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments.</td>
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<tr>
<td>IV-B. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.</td>
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<td>IV-C. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.</td>
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<tr>
<td>DEGRADATION OF AIR QUALITY</td>
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<tr>
<td>IV-D. Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NOx) and dust in the project area.</td>
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<tr>
<td>IV-E. Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic-related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.</td>
<td></td>
</tr>
<tr>
<td>IV-A. As shown in Tables IV-A-4 and IV-A-6 of this EIR, all internal and external study intersections and roadway segments, other than those identified in Sections I and II of this table, above, would not be significantly impacted by implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments under 2025 build-out conditions, pursuant to the significance standards set forth in the General Plan Master EIR.</td>
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<tr>
<td>IV-B. As described in Section IV-A of this EIR, the Kiernan Business Park and Carver-Bangs Specific Plans would use the current accepted standards, policies, and principles to ensure safe and adequate access between internal and off-site vehicular circulation and linkage to bicycle/pedestrian circulation systems and transit services.</td>
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<tr>
<td>IV-C. The Kiernan Business Park and Carver-Bangs Specific Plan developments would be required to comply with the City of Modesto Zoning Ordinance parking requirements, which would ensure adequate parking facilities would be provided to accommodate the projected parking demand.</td>
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<tr>
<td>IV-D. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.</td>
<td></td>
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<tr>
<td>IV-E. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.</td>
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### TABLE II-1: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
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<tbody>
<tr>
<td><strong>DEGRADATION OF AIR QUALITY continued</strong></td>
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<tr>
<td>IV-F. Light industrial uses permitted under the Kiernan Business Park Specific Plan area would create stationary sources of emissions. The proposed General Plan Amendment to change approximately 120 acres, including 40 acres within the Carver-Bangs Specific Plan area, from Business Park to Village Residential would reduce the potential for stationary sources within the amendment area.</td>
<td>IV-F. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.</td>
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| **GENERATION OF NOISE** | |  
| IV-G. Existing residences within the Kiernan Business Park and Carver-Bangs Specific Plan areas would be affected by noise related to construction, traffic and operational noise associated with the proposed developments. Adjacent land uses, including residential areas, would be affected by operational and traffic noise generated by the Kiernan Business Park and Carver-Bangs residential developments. | IV-G. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including Kiernan Business Park and Carver-Bangs Specific Plan areas, and associated General Plan Amendment areas, as appropriate. Applicable measures are listed in Section IV-L in this EIR. The additional Kiernan Business Park Specific Plan policies and/or additional mitigation listed below, in conjunction with the certified mitigation measures identified in the General Plan Master EIR, would mitigate noise impacts to a less than significant level in most instances. |

**IV-G1. Kiernan Business Park Specific Plan:**

Construction impacts on residential neighborhoods to the south and localized impacts to interiior sensitive receptors within the Specific Plan area would remain significant as discussed above. Applicable Kiernan Business Park Specific Plan policies related to noise are as follows:

- **Policy LU-6:** Facilitate isolation of industrial traffic away from existing residential areas through land use and circulation design. Locate industrial users needing truck access away from residential areas and in proximity to a major entrance point to the Kiernan Business Park.

- **Policy LU-9:** Provide adequate buffers between business park uses and neighboring residential uses.

- **Policy LU-15:** Require development to meet... development standards [detailed in the Specific Plan on page 26]... All subsequent development shall conform to these standards.

- **Policy LU-16:** Require development to meet... supplemental development standards [detailed in the Specific Plan page 29]... are applicable to Areas A, B and C.

Development standards referenced by Policies LU-15 and LU-16 require a 10-foot wide screen landscaping buffer for parcels adjacent to the western boundary of the Fleur de Ville subdivision. For parcels adjacent to the Modesto Irrigation District Lateral No. 6 along the northern boundary of Fleur de Ville, the Specific Plan requires an 8-foot high decorative wrought iron fence, a 10 foot wide screen landscaping buffer, loading docks to be orientated away from the residential uses, and hours of operation to be limited to between 7 AM and 10 PM.
### TABLE II-1: SUMMARY OF IMPACTS continued

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<tr>
<th>ENVIRONMENTAL IMPACT</th>
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<tr>
<td><strong>INCREASED DEMAND FOR WATER SUPPLIES</strong></td>
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<td>IV-H. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.</td>
<td>IV-H. There are no specific features unique to Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment which require new specific mitigation for water supply. All certified mitigation measures identified in the General Plan Master EIR for the General Plan will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
</tr>
<tr>
<td><strong>INCREASED DEMAND FOR SANITARY SEWER SERVICES</strong></td>
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<tr>
<td>IV-I. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.</td>
<td>IV-I. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require new specific mitigation measures for sanitary sewer service. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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<tr>
<td><strong>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</strong></td>
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<td>IV-J. Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.</td>
<td>IV-J. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for the loss of sensitive wildlife and plant habitat. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
</tr>
<tr>
<td><strong>DRAINAGE, FLOODING AND WATER QUALITY</strong></td>
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<tr>
<td>IV-K. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and sitiation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.</td>
<td>IV-K. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for drainage, flooding and water quality impacts. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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<tr>
<td><strong>INCREASED DEMAND FOR STORM DRAINAGE</strong></td>
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<tr>
<td>IV-L. Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.</td>
<td>IV-L. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation to address an increased demand for storm drainage. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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### TABLE II-1: SUMMARY OF IMPACTS continued

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<tr>
<td><strong>GENERATION OF HAZARDOUS MATERIALS</strong></td>
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<tr>
<td>IV-M. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.</td>
<td>IV-M. There are no specific features unique to the Specific Plan which require mitigation for hazardous materials impacts. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
</tr>
<tr>
<td><strong>IMPACTS TO PARKS AND OPEN SPACE</strong></td>
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<tr>
<td>IV-N. The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space.</td>
<td>IV-N. The developers of projects within the plan area will be required to pay Capital Facilities fees to the City, prior to the issuance of building permits. This requirement is intended to provide funding for land acquisition and park construction by the City. This mitigation measure would be incorporated into the Carver-Bangs Specific Plan as a policy statement. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan, the City Council has determined that the Kiernan Business Park and Carver-Bangs Specific Plans should be approved and that any remaining unmitigated environmental impacts attributable to the Specific Plans are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources Code requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are the Issue Areas, identified in the Final Focused EIR, in which the mitigation measures have been judged to be infeasible. In other words, the Kiernan Business Park and Carver-Bangs Specific Plans will cause significant and unavoidable impacts on the following areas:

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

- Pelandale and SB SR 99
- Pelandale and NB SR 99

a) Finding 1-1

The intersection of Pelandale Avenue and SB SR 99 would deteriorate from LOS C (average delay = 19.5 seconds) under the Existing Conditions to LOS F (average delay = 145 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

b) Finding 1-2

The intersection of Pelandale Avenue and NB SR 99 would deteriorate from LOS B (average delay = 10.0 seconds) under the Existing Conditions to LOS E (average delay = 58.1 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.
c) Conclusions

Project-specific impacts would remain significant when compared to the conditions which would occur under the Existing + Project conditions for the Pelandale and SB SR 99 intersection and the Pelandale and NB SR 99 intersection. Measures available to mitigate the project impact at these intersections are as follows:

1. Pelandale and SB SR 99 - Add a second southbound left-turn lane. Add a second westbound left-turn lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS F (average delay = 145 seconds) to LOS C (average delay = 17.9 seconds).

2. Pelandale and NB SR 99 - Add a second eastbound through lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS E (average delay = 58.1 seconds) to LOS C (average delay = 16.5 seconds).

Full funding for these measures is not available. The City estimates that as of 1989, the projected costs for these improvement (which includes widening of the overpass) was estimated at $7.8 million; there is currently only approximately $5 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

Substantial Evidence


2. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions.

a) Finding 2-1

This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:
In order to mitigate the conditions at this location, conversion of the westbound right-turn lane to a shared right/through lane would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other strategies could be pursued to mitigate the impacts identified for the build-out scenario. The primary requirement is to provide additional capacity to carry the future traffic which is projected to cross from one side of SR 99 to the other. Possible approaches for investigation include:

1. Widening the existing overcrossings and the roadways connecting to them. The four measures discussed above fall into this category.

2. Provide another freeway overcrossing. The General Plan's expressway connector between the SR 219 expressway and the future westside expressway (which the Kiernan Business Park Specific Plan would remove) falls into this category.

3. Add auxiliary lanes to SR 99 between the SR 219 and Pelandale interchanges to accommodate traffic traveling from one side of the freeway to the other via the freeway and two interchanges.

4. Some combination of the measures listed above, which provide the required total capacity to accommodate the projected traffic volumes levels.

**Substantial Evidence**


3. **Future Build-Out (Year 2025):** The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99.

a) **Finding 3-1**

This roadway segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.
b) Conclusions:

In order to mitigate the conditions at this location, upgrading SR 219 from a six-lane arterial to a six-lane expressway between Chapman Road and SR 99 would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence


4. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps.

a) Finding 4-1

This roadway segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions, upgrading Standiford Avenue from a future eight-lane arterial to a ten-lane arterial would be needed to improve the operations of the segment between SR 99 Northbound Ramps and Dale Road. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence

5. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps.

a) Finding 5-1

This roadway segment would degrade within LOS F, from V/C=1.15 to V/C=1.35 with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions at this location, widening of the overcrossing to 10 lanes plus left-turn lanes would be needed. The City does identify the widening of Standiford over SR 99 in its CFF program. As of 1989, the projected costs for this improvement was estimated at $7.8 million; there is currently $5.9 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence


B. Findings Regarding Significant But Mitigable Impacts

Section 21081 of the Public Resources Code requires the City to make findings that the project has changed (including the adoption of mitigation measures) to avoid, or substantially less the magnitude of, the impact. Following are the Issue Areas, identified in the Final Focused EIR, in which the impacts of the project are mitigable to a less-than-significant level.

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan
Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road
Pelandale Avenue and Chapman Road
Pelandale Avenue and Sisk Road

a) Finding 1-1

The intersection of SR 219 and Dale Road would deteriorate from LOS B (average delay = 7.9 seconds) under the Existing Conditions to LOS F (average delay = 398 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

b) Finding 1-2

The intersection of SR 219 and Carver Road would deteriorate from LOS B (average delay = 5.8 seconds) under the Existing Conditions to LOS F (average delay = 70.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

c) Finding 1-3

The intersection of SR 219 and Tully Road would deteriorate from LOS B (average delay = 7.8 seconds) under the Existing Conditions to LOS F (average delay = 91.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

d) Finding 1-4

The intersection of Pelandale Avenue and Dale Road would operate at LOS F (average delay = 964 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

e) Finding 1-5

The intersection of Pelandale Avenue and Prescott Avenue would have some minor street movements that would operate at LOS F under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.
f) Finding 1-6

The intersection of Pelandale Avenue and Carver Road would operate at LOS F (average delay = 66.3 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

g) Finding 1-7

The intersection of Pelandale Avenue and Tully Road would operate at LOS E (average delay = 41.6 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

h) Finding 1-8

The intersection of Pelandale Avenue and SR 108 would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

i) Finding 1-9

The intersection of Kiernan Avenue and Chapman Road would operate at LOS F (average delay = 498 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

j) Finding 1-10

The intersection of Pelandale Avenue and Chapman Road would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

k) Finding 1-11

The intersection of Pelandale Avenue and Sisk Road would deteriorate from LOS C (average delay = 18.4 seconds) under the Existing Conditions to LOS F (average delay = 105 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

l) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct
the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards:

   1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.

   2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025.

   3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.
This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.

Substantial Evidence


2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

a) Finding 2-1:

The Carver-Bangs Specific Plan area would border (future) Pelandale Expressway on the south, Bangs Avenue on the north, American Avenue on the west, and Carver Road on the east. Prescott Road would be extended through the middle of the Plan area. Circulation plan diagrams for the Carver-Bangs Specific Plan area (Exhibit 4-1 of the Carver-Bangs Specific Plan and Figure V-1 of the Urban Area General Plan) show (future) Pelandale Expressway as a six-lane Class B expressway in the vicinity of the Carver-Bangs Specific Plan area, and (extended) Prescott Road as a four-lane minor arterial. American Avenue, Bangs Avenue and Carver Road would be two-lane collector streets.

Based on the traffic forecasts developed for the Focused EIR, traffic noise levels have been estimated along the borders of the Carver-Bangs Specific Plan area and along Prescott Road to evaluate the compatibility of proposed residential uses within the Specific Plan area with their future noise environment. As shown in Table IV-C-2 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 $L_{dn}$ or less) for the residential uses proposed under the Carver-Bangs Specific Plan. ROW noise levels would be highest along Pelandale Expressway and Prescott Road where they would be "normally or clearly unacceptable" (i.e. 70 $L_{dn}$ more) for residential land use development.

b) Finding 2-2

The northern portion of the GPA area would border Kiernan Avenue on the north, Bangs Avenue on the south, American Avenue on the west, and existing rural residential (future Village Residential) uses to the east. Figure V-1 of the Urban
Area General Plan indicate that Kiernan Avenue would be widened in the future to become a six-lane, Class B expressway in the vicinity of the GPA area. (Extended) American Avenue and Bangs Avenue would be two-lane collector streets. Based on the traffic forecasts developed for this Focused EIR, traffic noise levels have been estimated along the borders of the northern portion of the GPA area to evaluate the compatibility of proposed residential uses within the GPA area with their future noise environment. (Noise / land use compatibility would not have been an issue of concern for the business park uses contemplated under the current General Plan). As shown in Table IV-C-3 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 Ldn or less) for the residential uses proposed under the GPA. ROW noise levels would be highest along Kiernan Avenue where they would be "normally or clearly unacceptable" (i.e. 70 Ldn more) for residential land use development.

c) Finding 2-3

The General Plan Master EIR anticipates that future residential development could be introduced into areas where the future noise environment would likely be "unacceptable" for such uses and identifies the associated impact as significant. The General Plan Master EIR also identifies mitigation measures to address the issue of noise / land use compatibility for future residences and indicates that these measures would reduce significant impacts to a less-than-significant level in most instances.

d) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 Ldn for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Pel andale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.

This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.
Substantial Evidence

Pages IV-C-6 to IV-C-9, and IV-C-12 to IV-C-13 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.
B. General Overriding Considerations

1. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

   a) Finding No. 1

   In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of employment opportunities within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area and made the requisite overriding consideration findings.

   Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Kiernan Business Park Specific Plan is in an area which contains five additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to traffic and circulation needs.

   The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. The Kiernan Business Park Specific Plan specifically recognizes the development of this project area is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of employment opportunities, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City
Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and thriving community and find that the need to implement the General Plan and its supporting goals and policies are benefits associated with this project.

Substantial Evidence


2. Social Considerations: Demographic Trends in the Stanislaus County Region will greatly influence the potential for employment growth in the Region.

1) Finding No. 1

There are three facets of population change in Stanislaus County that are particularly noteworthy since they are likely to affect the makeup of the future workforce, the demand for goods and services, the potential for employment growth in particular industrial sectors, and the feasibility of new economic development initiatives. The first of these is the fast paced and urban directed population growth. The second is the on-going shift in the racial and ethnic composition of the population. The third is the aging of the population.

i) Pace and Direction of Growth

During the 1980's Stanislaus County's 39.3% growth rate exceeded the rates of every reference area covered in a study prepared in 1996 for SCEDCO. A key factor driving this population growth was migration, especially from the Bay Area. The catalysts for this movement were affordable housing, available housing, open space, and the preference for an alternative lifestyle caused by the state's deep recession. This was reflected in the sharp decline of migration ratios. However, like a number of other inland counties in the state, Stanislaus continued to experience more rapid growth and immigration than coastal metropolitan areas and the state as a whole.

Population projections published by the Department of Finance underscore the growth potential of Stanislaus County and other inland areas. While the projections may be optimistic, especially
in light of the recent economic slow-down, they are indicative of prevailing demographic trends. According to the Department of Finance, Stanislaus County will have the fastest growth rate among reference areas (see Figure 1) and by 2010 will have a population of approximately 670,000.

Within Stanislaus County, city population growth rates have varied, especially in the 1990's. Among the factors impacting these growth rates have been local land use policies, the available inventory of residential land, and housing costs.

ii) Racial and Ethnic Composition

Like most other urban and suburban counties in the state, Stanislaus has become more racially and ethnically diverse. However, even with these changes the county is less diverse than most other reference areas within California, including the state as a whole. And for Stanislaus County, Hispanic residents constitute a principal source of diversity. In 1990, they represented 21.8% of the Stanislaus total (compared to 15% in 1980), which was greater than the Hispanic share of the population in Sacramento, Alameda, and Santa Clara Counties. By 1994, the proportion of Hispanics in the County increased to 24.8%.

During the past decade, school enrollment has grown faster than the residential population and labor force. This faster rate of student growth, viewed in light of migration patterns and the distribution of births, points to an increasingly diverse student population and, by extension, future entry level workforce.

Department of Finance population and school enrollment projections for the state, Stanislaus County, and reference areas underscore three important points: (1) the racial and ethnic diversity of both the state and urban/suburban counties (including Stanislaus) will increase in the future; (2) by 2010, the diversity gap between Stanislaus County and most other reference areas is not expected to change significantly; and (3) Hispanics will represent a growing share of both the Stanislaus County population and school enrollment. In fact, by 2010, the projected Hispanic share of the Stanislaus County population will be slightly lower than the state but above all reference counties except Merced.

iii) Aging of the Population
While Stanislaus County did not have the lowest median age in the state in 1990 (that distinction belonged to Merced), it did rank 12th among all counties, up from the 20th position in 1980. Department of Finance population projections suggest that by 2010 the present gap between Stanislaus and the state will widen further — i.e., this county’s median age is expected to inch up to 30.9 while the state’s will climb to 35. Based on these data, it is reasonable to conclude that while the population of California is not growing older as fast as the nation’s population, the population of Stanislaus County is not aging as fast as the state’s population.

In the decades between 1970 and 1990, both the rate of growth and share of the population under 15 years of age were greater in Stanislaus County than in the state. By 1990, more than 1 of 4 Stanislaus County residents (26.3%) were under the age of 15 compared to 22.2% in the state as a whole. The gap has not narrowed during the 1990's. These statistics provide evidence for the county’s high “dependency ratio.” This widely used demographic measure is based on the number of persons younger than 18 (youth dependent) and 65 years and older (elderly dependent) per 100 persons of prime working age (18-64). During the early 1990's, there were close to 71 dependent persons for every 100 working age persons in Stanislaus County, the second highest level among reference areas. This is significant because (a) dependent populations tend to be consumers of local public services, and (b) areas with higher concentrations of these groups have fewer workers to help underwrite the services through local revenues.

Substantial Evidence

“Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County,” prepared by the Stanislaus County Economic Development Corporation, published in 1996.
3. Economic Considerations: The Stanislaus County Region, of which Modesto is an integral part, needs more numerous and more diversified employment opportunities.

a. Finding No. 1

Substantial evidence is included in the record demonstrating the economic benefits which the City would derive from the implementation of the Modesto Urban Area General Plan. Historically, in the past two decades, it is well documented in numerous reports that there has been very substantial population growth and economic development throughout the Stanislaus County region.

Substantial Evidence


“Projected Total Population of California Counties: 1990 to 2040, Report 93 P-3,” published by the California Department of Finance.

“Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County,” prepared by the Stanislaus County Economic Development Corporation, published in 1996.

b. Finding No. 2

Statistical analysis and data prepared by the State of California and the Stanislaus County Economic Development Corporation indicate that diversion of employment-generating opportunities and economic growth away from the County substantially contributes to the comparatively high unemployment rates consistently burdening the County. The County has consistently had employment rates that are among the highest in the State, well above the unemployment rates of the State average. Regional seasonal unemployment rates have varied from 12.1% to 18.3% in the years 1983 to 1991.

Substantial Evidence

“Demographic and Economic Profile of Stanislaus County,” prepared by the Stanislaus County Economic Development Corporation, dated 1993. (Page 66)
“Projected Total Population of California Counties: 1990 to 2040, Report 93 P-3,” published by the California Department of Finance.

c. Finding No. 3

Stanislaus County is primarily dependent on agriculture and related services. There is a need for land suitable for industry and manufacturing. The Modesto Urban Area is ideally suited for such opportunities, located at State Highways 99 and 132.

Substantial Evidence


“A Strategic Planning Approach for a County in Change.” (Stanislaus County’s economic development strategy, prepared by Kreines and Kreines, 1988).

d. Finding No. 4

The Modesto Urban Area General Plan and environmental documentation indicate that employment opportunities would be substantially increased by the implementation of the Modesto Urban Area General Plan, which will lead to economic diversification and job generation. Increased employment opportunities arising from the implementation of the Modesto Urban Area General Plan will become an increasingly beneficial impact with the passage of time.

Substantial Evidence


“Modesto Urban Area General Plan”: Exhibit III-1.

e. Finding No. 5

The projections of the California Department of Finance indicate that the population of the region will grow faster than the State average in percentage terms. In absolute terms, Stanislaus County is projected to be one of the fastest growing counties in the State.
Substantial Evidence


f. Finding No. 6

The Modesto Urban Area General Plan sets the stage for and emphasizes the need for job creation and economic diversification for the Modesto Urban Area. The objectives of the City are to generate a community with a very favorable jobs/housing balance, to promote economic diversification throughout the Area.

Substantial Evidence

“Modesto Urban Area General Plan”: pages 1-5, 1-6.

“Recommended Modesto Economic Development Strategy”, prepared by Kreines & Kreines.

g. Finding No. 7

The City of Modesto supports Strategic Goal No. 1 of the Stanislaus County Economic Development Corporation, which reads as follows:

“Target industry groups and industries that represent sources of existing employment strength and that offer opportunities based on local and regional assets.”

Further explanation is provided as follows:

The targeted industry groups and industries are part of the industry clusters that enable local products and services to be exported from the county. These businesses also benefit from the local agricultural resource base, the county’s location, and the access available to rail and highway transportation. Since they already are here for the same reasons they are targets, retention of these industry groups and industries should be a primary element of an economic development strategy.

There are three industry groups with high location quotients that deserve attention. The first of these is nondurable goods wholesale trade. This group is becoming a more significant factor in the local economy due, in part, to the increasing importance of distribution. Industries in this group
with high location quotients include confectionery, farm supplies, farm and garden machinery, fresh fruits and vegetables, wine and distilled beverages, and poultry and poultry products.

The second is amusement and recreation services which, in 1993, had the fifteenth highest location quotient and was the second fastest growing industry group between 1988 and 1993. Selected industries in this group have location quotients above 1.2, including membership sports clubs, physical fitness facilities, and amusement and recreation, "not elsewhere classified" (which includes, most notably, golf courses and driving ranges). Given the growing importance of recreation and tourism in the California economy, the county’s open space, the rich agricultural tradition, and the potential for tourism based on location, the benefits of this industry should be explored further.

The third industry group that could offer opportunities is special trades contractors. Although construction employment overall has dropped as a result of the recession, special trades contractors still is the fourth largest industry group employer and has the fourth highest location quotient.

Substantial Evidence


h. Finding No. 8

The City of Modesto supports Strategic Goal No. 2 of the Stanislaus County Economic Development Corporation, which reads as follows:

"Pursue targeting options that enable Stanislaus County to diversify into areas that are consistent with business development and employment needs."

Further explanation is provided as follows:

Economic and workforce trends provide Stanislaus County with new opportunities.

Health services appear to be an emerging cluster. There are areas of specialization that may be developing in Stanislaus County that could serve medical needs beyond county boundaries. Two of these appear to be
medical laboratories and specialized medical facilities. Combined with dental and testing laboratories, laboratories could emerge as sources of local employment strength.

Innovative production techniques - especially just-in-time manufacturing - offer a special economic development challenge and opportunity. Given the advantages of the relationship between local subassembly plants and Bay Area production facilities, focused efforts in this area should be explored.

A prominent economic opportunity in California may be the export market. While Stanislaus County may not be a leader currently, it does have advantages that could be pursued. Among these are the existing and potential exports of raw and processed agricultural products, ready access to the port of Oakland for containerized shipments, excellent rail access, and the I-5 corridor that could be the basis for a business partnership with the Port. Another matter that should be considered is the designation of this area as a free trade zone. This would serve as a catalyst for export-related business activities.

Industries linked to the information and technology revolution have located in Stanislaus County within the past two years. These include the Postal Encoding Center, MCI, AmericDisc, and smaller production facilities. While the first two employ information clerical workers, all could serve as this county’s gateway to high technology.

Substantial Evidence

“Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County,” prepared by the Stanislaus County Economic Development Corporation, published in 1996.

i. Finding No. 9

The City of Modesto supports Strategic Goal No. 3 of the Stanislaus County Economic Development Corporation, which reads as follows:

“Develop plans and public policies that meet current and emerging economic development needs.”

Further explanation is provided as follows:

Long term economic development goals will require plans and policies
that match capacity with expectations. Some of these will require action by the County, cities, SCEDCO and educational institutions while others will be based on the decisions of the voting public.

Public investment represents a key economic development tool. This includes investment in capital resources including transportation and telecommunications initiatives and the planning of larger industrial tracts and business parks with some speculative building and installation of infrastructure.

Economic development projects should be directed where urban services can be provided. This will help avoid scattered industrial and commercial projects and limit land use conflicts with production agriculture.

Public officials should continue their on-going efforts to have a user-friendly government that still maintains its commitment to high quality safety and health standards. One item that should be considered is permit streamlining.

Substantial Evidence

“Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County,” prepared by the Stanislaus County Economic Development Corporation, published in 1996.
4. **Land Use Considerations:** The Kiernan Business Park Specific Plan presents substantial opportunities to respond to the Social Considerations and Economic Considerations stated above.

a) **Finding No. 1**

The City of Modesto first began considering the Kiernan Avenue area as an opportunity for industrial development in the late 1980's when the City Council identified a need for additional industrial land within Modesto's corporate limits. In 1992, as the City began to update its General Plan, the economic consulting firm of Kreines & Kreines was hired to prepare an *Economic Development Strategy* for the City. This study also identified the need for more industrial land and identified the area south of Kiernan Avenue as a prime location.

In 1995, the City of Modesto completed and adopted a revised General Plan which designates the Plan area for Business Park development. This Specific Plan was initiated early in the General Plan update process to support the City's efforts in attracting employment-intensive businesses to Modesto and in anticipation of implementing a portion of the updated General Plan.

As first steps in the planning process, an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park, and the existing conditions of the area were documented. An initial public meeting regarding the planning process was held on March 16, 1995, at which the public was invited to share their concerns and ideas regarding the Specific Plan.

Numerous private interviews with land owners in the area and business owners from throughout the community were conducted during the planning process by both the consultants and Community Development Department staff. A second public meeting was held on September 20, 1995 to present the findings and recommendations of the *Industrial Development Strategy* to interested members of the community.

The Specific Plan is based on the goals and policies of the General Plan; findings and recommendations of the *Industrial Development Strategy*; opportunities and constraints as identified in the existing conditions analysis; and input received from City staff and interested citizens. Goal statements for each element of the Specific Plan were developed with input from the aforementioned sources and approved by City staff. A Focused Environmental Impact Report has also been prepared, pursuant to
the California Environmental Quality Act (CEQA), to evaluate the effects of the Specific Plan.

**Substantial Evidence**


b) **Finding No. 2**

The Kiernan Avenue area represents an important economic resource to the City of Modesto. The Specific Plan area consists of approximately 614 acres located adjacent to the City of Modesto's northern border, east of Highway 99, and south of Kiernan Avenue in a portion of unincorporated Stanislaus County.

The intent of the Specific Plan is to provide for the development of new business park and industrial uses in the vicinity of Kiernan Avenue, because of its location adjacent to Highway 99 and North Modesto, a prime industrial location. The Kiernan Business Park Specific Plan will assist in implementing Modesto's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The Kiernan Business Park Specific Plan serves as a tool to guide the orderly development of land within the Plan area. The purpose of the Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 of the State Government Code.

**Substantial Evidence**


c) **Finding No. 3**

The Kiernan Business Park is designated “Business Park” by the Modesto Urban Area General Plan. This designation allows a land use intensity of up to 35 employees per acre. Therefore, this 614-acre business park has a potential for accommodating more than 20,000 new jobs.

**Substantial Evidence**

1. 614 acres x 35 employees/acre = 21,490 employees.

d) Finding No. 4

The site enjoys a number of amenities and locational advantages including close proximity and excellent road access to local and regional activity centers. Highway 99 connects Modesto and the Specific Plan area with other Central valley cities including Stockton and Sacramento, and to a network of highways leading west to the San Francisco Bay Area. Both Kiernan and Pelandale Avenue extended, which roughly frame the Specific Plan area, are planned future expressways. Additionally, the Specific Plan area’s location in north Modesto, regarded as the prime location for business and light industry in the City of Modesto, is in close proximity to similar uses, and would provide future users of the site with an established and well-regarded locational identity.

Substantial Evidence

Kiernan Business Park Specific Plan, page 5. City of Modesto.

e) Finding No. 5

The stated goals of the proposed Kiernan Business Park Specific Plan include the following:

- **Land Use.** The Plan should establish policies and standards to direct the logical development of a well-organized and attractive business park in the Kiernan Avenue area near Highway 99 that will promote and accommodate future business park and industrial development consistent with the economic development goals of the City of Modesto.

- **Circulation.** Provide a safe, efficient transportation system for the Kiernan Business Park that serves a variety of users at an acceptable level of service.

- **Public Facilities.** 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.

- **Implementation and Financing.** Provide adequate public facilities
at the time of need to serve the Kiernan Business Park in a planned, logical fashion, phased in response to market demand, financed through the equitable participation of benefiting property owners and developers, and implemented through public-private partnership arrangements.

**Substantial Evidence**


f) **Finding No. 6**

For the Modesto Urban Area to actively compete for economic development opportunities, it must develop an infrastructure network which will attract new industry to the area. Such an objective can only be accomplished through long-range planning. The long-range planning included in the Kiernan Business Park Specific Plan and its supporting documentation is the best method available to enable the City to participate in this economic development and diversification. All these factors will, taken together, help the City realize the very substantial job creation, opportunities and economic development potential of the Modesto Urban Area.

**Substantial Evidence**


V. ADDITIONS, DELETIONS, AND OTHER PROPOSED MODIFICATIONS

PROPOSED MODIFICATIONS TO THE CERTIFIED GENERAL PLAN

MASTER EIR

A. OVERVIEW

Pursuant to Section 21157.6(b) of the Public Resources Code, this Focused Environmental Impact Report (EIR) includes the following modifications to the previously certified Master EIR for Modesto Urban Area General Plan. Additions to the specific text in the Master EIR are identified with italics.

A. PROPOSED MODIFICATIONS

I. The following change have been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

Section VI-14(III)(A)(5), first sentence, has been revised to read as follows:

"Minimum road widths and clearances around structures shall conform to Section 902 of the Uniform Fire Code."

EXHIBIT 5
MODESTO CITY COUNCIL
RESOLUTION NO. 97-161

A RESOLUTION ADOPTING THE CARVER-BANGS
SPECIFIC PLAN.

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

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

WHEREAS, a proposal for the Carver-Bangs Specific Plan has been prepared to meet the City's General Plan requirements for Comprehensive Plans, Chapter III, Section D, and State Government Code Section 65450, and

WHEREAS, the Specific Plan is for the purpose of developing up to 800 residential units on approximately 160 acres and proposes mainly single-family residential uses, and the proposal does not provide for multi-family residential uses nor non-residential uses, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 3, 1997, to receive evidence both
oral and documentary to consider making a recommendation to the City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, by Resolution No. 97-20 adopted on March 3, 1997, the Planning Commission recommended to the City Council the denial of the Carver-Bangs Specific Plan for the reason set forth in said resolution, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on April 1, 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 held and evidence both oral and documentary was received and considered,

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

1. That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the proposed Specific Plan is consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Carver-Bangs Specific Plan dated April 1, 1997, a copy of which is attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this resolution shall become effective 30 days from the date it was passed.
BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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, Friedman, Mayor Lang

NOES:  Councilmembers:  Fisher, McClanahan, Serpa

ABSENT:  Councilmembers:  None

ATTEST:  Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
City of Modesto

Carver-Bangs
Specific Plan
Adopted by Modesto City Council
Resolution No. 97-161
April 1, 1997
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I. Introduction

Forward
The Carver-Bangs Specific Plan is a proposed 160-acre residential project along the northwestern edge of the City of Modesto. The plan area is bounded on the east by Carver Road, on the north by Bangs Avenue, on the south by the Pelandale Snyder Specific Plan area, and the eastern boundary of the Kiernan Business Park area on the west. The plan was designed to integrate the residential-oriented plan with adjacent specific plan areas and the City of Modesto’s General Plan. Development in the planning area will include a mixture of public and private residential developments totaling approximately 800 units. The Environmental Impact Report that is being prepared for the Kiernan Business Park will include this area and address impacts and propose mitigation measures associated with future development within the Carver-Bangs Specific Plan area.
NOT TO SCALE

PROJECT SITE

SISK ROAD
DALE ROAD

KIERNAN AVENUE

CARVER ROAD
TULLY ROAD
McHENRY AVENUE

STANDIFORD AVENUE

BANGS AVENUE

Snyder AVENUE

VICTORY MAP

CARVER-BANGS SPECIFIC PLAN

Exhibit 1 - 1
Legend

- Carver - Bangs Specific Plan Boundary
- Existing Specific Plan Boundary

CARVER-BANGS SPECIFIC PLAN

Project Site

Exhibit 1 - 3
NOTE:
PROPOSED LAND USES BASED UPON EXISTING DRAFT AND APPROVED SPECIFIC PLAN DOCUMENTS AND THE GENERAL PLAN.

CARVER-BANGS SPECIFIC PLAN
Proposed Area Land Use

Exhibit 1 - 4
CARVER - BANGS
SPECIFIC PLAN AREA

Legend

- Agriculture
- Light Industrial
- Rural Residential
- Institutional
- Commercial

CARVER-BANGS
SPECIFIC PLAN
Existing Area Land Use

Exhibit 1 - 5
A. Purpose of Specific Plan
The Carver-Bangs Specific Plan will serve to help direct the orderly development of the planning area. The purpose of the plan is to help implement the City of Modesto’s General Plan as authorized under State Law (Section 65450 et. seq. of State Government Code). The plan has been prepared by Lew-Garcia-Davis however, the City of Modesto assumes full responsibility for the plan’s implementation and interpretation.

B. Background and Planning Process
In 1995, the City of Modesto completed and adopted a revised General Plan which designates the Plan area for Village Residential and Business Park Development. This Specific Plan was initiated to support the City’s efforts in developing a portion of north Modesto. The addition of this planning area was seen as an opportunity by the city to encourage the eventual extension and construction of the Pelandale Avenue Expressway as well as a chance to plan for some nearby housing to supplement the extensive Kiernan Business Park Area.

The Specific Plan is based on the goals and policies of the General Plan; opportunities and constraints as identified in the existing condition analysis; and input received from City staff and interested citizens. A Focused Environmental Impact Report has been prepared, pursuant to the California Environmental Quality Act (CEQA), to evaluate the effect of the Specific Plan on the area.

C. Statutory Authority
Under California Law (Government Code 65450) cities may use Specific Plans to communicate development policies, programs, and regulations to implement the jurisdiction’s adopted General Plan. Ideally, the Specific Plan implements the local General Plan by creating a bridge between General Plan policies and the proposals of individual developers. The Specific Plan may direct all facets of development within the Plan area including the distribution of land uses, the location and type of infrastructure, development standards, and financing of public improvements. This Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a Specific Plan include, at a minimum, text and diagrams which describe the following:

1. The distribution, location and extent of land uses including open space, within the area covered by the plan.
Carver-Bangs Specific Plan

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

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

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

5. A statement of the relationship of the Specific Plan with the General Plan.

D. Relationship to General Plan

The City of Modesto completed and adopted a revised General Plan and certified the Master Environmental Impact Report (EIR) in August of 1995. The revised General Plan identifies twenty-five Comprehensive Planning Districts (CPDs) and presents policies to manage future growth in these districts. The twenty-five CPDs comprise a 17,600-acre Planned Urbanizing Area identified by the General Plan as the community's major urban growth area. To ensure that growth occurs in a planned manner, the policies associated with each CPD are to be implemented through the adoption of Comprehensive Plan.

The General Plan recognizes Specific Plans, as defined by section 65450 of the California Government Code, as a form of Comprehensive Plan particularly suited to implement CPD policies. Specific Plans are authorized under section 65450 for "systematic implementation of the general plan for all or part of the area covered by the General Plan.

This Specific Plan implements a portion of the Kiernan/Carver CPD. The General Plan recognizes that more than one Comprehensive Plan may be processed within a given CPD, as long as the remaining area within the CPD can still comply with the general policies presented in the Community Development Policies chapter.

In the case of the Kiernan/Carver CPD, the General Plan proposes 660 acres of business park, 75 acres of Regional Commercial use, along with 650 acres of Village Residential use in the eastern portion of the CPD. The Kiernan Business Park Specific Plan establishes 614 acres of business park and industrial uses in the western portion of the CPD. This does not include the +/- 40 acres upon...
which a General Plan Amendment is being processed to concurrently redesignate a portion of the CPD located within the western quarter of the Carver-Bangs Specific Plan Area from a Business Park Land Use Designation to a Village Residential Land Use Designation.

The Carver-Bangs Specific Plan addresses an additional 160 acres of residential land which includes the area to be covered by the above mentioned General Plan Amendment. For the purpose of this document it is assumed that the General Plan Amendment will be in place prior to adoption of this Specific Plan. The Carver-Bangs Specific Plan was developed in accordance with the policies outlined in the revised General Plan for land use, circulation, public facilities and services, as well as implementation.

E. Specific Plan Adoption & Severability

Adoption of this Specific Plan and certification of the Kiernan Business Park Specific Plan Focused EIR will establish and define the planning criteria and necessary mitigation measures that will guide the subsequent stages of the established planning process including annexation, tentative subdivision map application, and site development plans.

In the event that any regulation, condition, program, or portion of the Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining provisions thereof.

F. Specific Plan Contents

The content of this Specific Plan is consistent with the requirements identified in both the General Plan and Section 65451 of the Government Code and includes the items delineated in Section C, Statutory Authority, of this chapter. The Specific Plan is organized into the following chapters:

Chapter I. Introduction. presents an overview of the purpose, location, and description of the Specific Plan, its relation to the General Plan, its organization and content, and background on the planning effort.

Chapter II. Land Use Designations. provides project setting information including regional location, physical description, existing uses of the site, and General Plan policy information.
Chapter III. Standards and Criteria by Which Development Will Proceed. Sets forth the performance criteria and development standards for complying with city codes and ordinances.

Chapter IV. Public Facilities. Presents the community services and facilities policies of the City's General Plan and describes how these policies will be followed within the planning area.

Chapter V. Implementation and Financing. Presents environmental resource policies of the City's General Plan and describes how these policies will be followed in subsequent actions and development of Specific Plan uses.

Chapter VI. List of Preparers. Identifies individuals involved in preparation of the report.

Each chapter contains a listing of relevant General Plan policies relating to the content of the chapter. The intention is to strengthen the connection between policies identified in the General Plan and their implementation as specified through this Specific Plan.
II. Land Use Designations

A. OVERVIEW

The City's General Plan land use designations for Carver-Bangs Specific Plan are Village Residential and Business Park. This Specific Plan implements the Village Residential land use designation. This chapter presents the City's General Plan Community Development Policies that will guide the general distribution and extent of uses within the residentially designated portion of the plan area.

The Carver-Bangs Specific Plan has an underlying zone of Village Residential. The planning area is slated for single family residential development in conformance with the Village Residential Designation. One of the challenges of the plan is to develop enough flexibility in the plan to allow for individual developments in conjunction with future market and economic conditions without sacrificing the plan's overall intent. The area will develop under the City of Modesto's Village Residential guidelines which will result in a yield of approximately 800 single family units.

1. Specific Plan Goals

The City's General Plan contains a hierarchy of policies to guide development of residential and open space uses within the Plan area. City community development policies identify the use of Comprehensive Planning Districts (CPD) to implement development in planned urbanizing areas. CPD policies provide the next level of guidance, by using CPDs as planning units for unified direction and encouraging cooperation among affected property owners. The policies for the Kieman / Carver CPD offer more focused guidance on issues specific to the Plan area. The City's General Plan also contains applicable policies concerning community services and facilities, public safety, environmental resources, and open space, which are presented in subsequent chapters.

The goals of the Specific Plan are to facilitate development of Village Residential uses in the Carver-Bangs Specific Plan, consistent with policies and standards of the City of Modesto.

2. Relevant General Plan Policies

The Carver-Bangs Specific Plan will be developed in compliance with applicable City General Plan, community development, CPD, and related policies. City General Plan policies regarding land uses implemented through the Specific Plan are identified in Table 2-1. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.
Table 2-1. Relevant General Plan Policies Relating to Land Use

Specific Plans, adopted pursuant to Section 65450 et seq. of the California Government Code, may be used to provide primary policy guidance to future development with their respective geographic areas. Specific plans may be adopted to implement any of the Land Use Designations presented on the land Use Diagram, and they may be used within any growth strategy Designation: redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section B, p.V-7.)

Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners. (Section B, p.V-7.)

Comprehensive Plans, as defined in Chapter VIII, shall be used for the implementation of the Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in Section 65450 et seq. of the California Government Code, are particularly suited for this purpose. Other options are available, provided that they present sufficient guidance for future development. (Section D, p.III-12)

More than one Comprehensive Plan may be processed within a given Comprehensive Planning District, as long as the remaining area within the CPD can still comply with the General Plan policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement more than one Comprehensive Planning District. (Section D, p.III-12)

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

No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available. (Section 21157.6(a) of Public Resources Code.) (Section D, p.III-12)

All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District’s narrative. (Section D, p.III-12)

The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, VI, and VII. (Section D, p.III-13)

B. LAND USE POLICIES

The Carver-Bangs Specific Plan will provide additional residential units to house Modesto’s growing population. These units will be developed consistent with density requirements and other characteristics of the Village Residential General Plan designation. Village Residential uses are intended to be predominantly single family, with provisions for multi-family and senior housing, commercial uses, schools, and parks. The Plan area is not expected to accommodate all these uses; however, development of this area is not expected to preclude development of any of these uses in the overall Kiernan / Carver CPD.

The policy requirements presented in the Kiernan / Carver CPD are incorporated into this Specific Plan, as well as growth strategies for the planned urbanizing area. The City General Plan includes the following language relating to consistency of comprehensive plan policy with General Plan policy:
Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with general plan policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.

C. LAND USE PLAN SUMMARY

As detailed on Exhibit 2-1 The Carver-Bangs Specific Plan designates a total of approximately 160 acres for Village Residential uses which will include a maximum of 800 dwelling units. This is gross acreage of the area computed to the centerline of existing streets and includes the M.I.D. Lateral No. 6 Right of Way.

D. LAND USE PLAN DESIGNATIONS

The following sections describe the applicable City General Plan policies for Village Residential uses that guide development in the planning area.

1. Village Residential

The City’s General Plan intends that areas designated Village Residential be developed as compact pedestrian and transit-oriented villages that are comprehensively planned. Villages are described as areas that are predominantly single-family residential but can include multi-family and senior housing, commercial uses, schools, and parks.

The Village residential designation typically includes neo-traditional planning principles in project design. One of the main neo-traditional concepts is a gridded street pattern with areas designated for pedestrian activity. The majority of residential units in the Plan area will be single-family dwelling units conforming with Article 5, Low Density Residential Zone (R-1), of the City’s Planning and Zoning Code.

2. Specific Plan Overlay Zone

The City General Plan contains policies that generally guide development of residential uses and more specific standards and criteria that address the unique aspects of the Specific Plan area. To incorporate these specific criteria into the project design, the Specific Plan applies a Specific Plan-Overlay (SP-O) Zone to the plan area.
CARVER-BANGS SPECIFIC PLAN

Land Use Plan

Exhibit 2 - 1
III. Standards and Criteria by Which Development Will Proceed

This chapter provides standards and criteria to be followed in the development of the Carver-Bangs Specific Plan, including supplemental development standards in compliance with Section 65451(a)(3) of the California Government Code. This includes development standards for residential uses (i.e., minimum lot sizes, setbacks and height requirements), performance standards for noise attenuation, flood hazard, public safety and natural resource (biological and archeological or historical) protection to address the unique features of the Plan area. Relevant General Plan policies addressing flood hazard, noise, and public safety and natural resource issues that affect the Plan area are presented in this chapter (Table 3-1), followed by standards and criteria for residential development, use of open space, and supporting community facilities and service in the Carver-Bangs Specific Plan Area.

Table 3-1 Relevant General Plan Policies Relating to Noise, Biology, and Archaeology

| The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be “used as a guide for establishing a pattern of land uses... that minimize the exposure of [present and future] community residents to excessive noise.” (Section 65302(f), Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p VII-16) |
| For all lands within the Planned Urbanizing Area, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area, as delineated on Figure 7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram). Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City’s existing biological resources map for future planning purposes. (Section E, p. VII-8) |
| All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signs, and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend. (Section E, p. VII-8) |
| Where formally listed species are determined present, consultation shall be carried out with the DFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated. (Section E, p. VII-9) |
Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report (Section E, p VII-9)

For all proposed development within an archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.

Where proposed development could affect the resources, the City shall consult Table 8-1 in the Master Environmental Impact Report for the steps to be implemented. (Section F, p. VII-10)

If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of CEQA Guidelines. (Section F, p. VII-11)
A. IMPLEMENTATION OF LAND USE AND DEVELOPMENT STANDARDS

This section describes how the Specific Plan meets Government Code Section 65451(a)(3), specifically related to Development Regulations. This section also describes how the Specific Plan assists in the implementation of the SP-O Zone (Article 19, Sections 10-2.1901 through 10-2.1905 of the Modesto Municipal Code).

1. Purpose and Intent of the Specific Plan Overlay Zone

The purpose of the SP-O Zone is to permit residential development within the Carver-Bangs Specific Plan Area.

2. Application of the SP-O Zone

The City Zoning map as allowed by Section 10-2.305 of the Modesto Municipal Code "The Zoning Map", shall indicate SP-O zoning for the area of the Carver-Bangs Specific Plan designated for Village Residential Uses.

3. Effect of the SP-O Overlay Zone/Relationship to the Principal Underlying Zoning

Principal underlying zoning is not "zoning" in the strict sense as defined in Chapter 4 of the Government Code (Section 65800 et seq.). Rather, principal underlying zoning shall be considered "Development Regulations" for the future development of the Carver-Bangs Specific Plan area.

Development regulations within the Carver-Bangs Specific Plan shall correspond exactly to those regulations specified in Title X of the Modesto Municipal Code for the Low-Density Residential Zone (R-1), Article 5. These development regulations include permitted uses, plot plan uses, conditional uses, home businesses, garage sales, animals and fowl, height, front side and rear yards, street frontage, area, and lot width and lot coverage requirements.

4. Subsequent Exceptions to Development Regulations

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

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

1. To encourage creative and efficient land uses.
2. To encourage mixed or multiple-use projects.
3. To permit variation from the density, height, setback, and other standards in the various zones.
b) Exception Examples. Examples of such exceptions may include, but are not limited to, the following proposals:

1. Lot sizes smaller than 5,000 square feet
2. Condominiums/community apartment projects/stock cooperatives.
3. Subdivisions with private streets, including gated subdivisions.
4. Senior housing facilities.
5. Residential care facilities.

c) Submittal Requirements. An application to the Planning Commission to adopt further exceptions to development standards shall include the following submittals:

1. A development plan and any elevations, perspectives, or floor plans necessary for project evaluation as determined by the Director.
2. A development schedule.
3. A tentative subdivision map, if the project contains residential units.

d) Conditions. In granting any exceptions, the Planning Commission may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health safety or welfare. Examples of conditions are height, size, lot coverage, yards, density, and parking requirements.

B. MITIGATION MEASURES

A focused EIR prepared for the Carver-Bangs Specific Plan contains mitigation measures that are identified as policies in this Specific Plan. Mitigation measures ensure that onsite uses are protected from impacts (e.g., noise from adjacent uses and public safety hazards) and that development of the Plan area does not result in significant impacts (e.g., biological and cultural or historical resources). Mitigation measures derived from the focused EIR ensure that environmental impacts are offset to the maximum extent feasible.

IV. Noise

The Carver-Bangs Specific Plan hereby adopts an outdoor noise performance standard of 60 L_dn for new single family residential development. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. The key locations requiring the noise barrier would include the future Pelandale Expressway and Prescott Road (extended).
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.

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), 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)
Carver-Bangs Specific Plan

City of Modesto General Plan Traffic Model:

Prescott Avenue / Bangs Avenue
Prescott Avenue / Pelandale Expressway
American Avenue / Bangs Avenue
American Avenue / Pelandale Expressway
Carver Road / Pelandale Expressway

Bicycle System

The Carver-Bangs Specific Plan will help to implement the bicycle system established by the General Plan and surrounding specific plans. Exhibit 4-2 illustrates the Proposed Bikeway Plan to be implemented for the area. The plan includes for the provision of Class I bike paths on the north side of M.I.D. Lateral No. 6 as well as one way and two way bike paths along the north side of the Pelandale Avenue Expressway. Class II bikeways will be incorporated into the street improvements along Prescott Road, Bangs Avenue, and Carver Road. The linking of these paths will allow for the convenient use of non-motorized modes of transportation throughout the planning area. Cross sections of the Class I bike path is detailed on Exhibits 4-7.

Specific Plan Transportation and Circulation Policies

The following Specific Plan Policies shall be followed to provide safe and adequate transportation facilities for those residing in the development and effected by it.

1. Access for the residential areas will be from surrounding local streets.
2. Improvements and access points for the project shall be coordinated with the facilities and plans of the California Department of Transportation, Stanislaus County, and any other relevant jurisdiction.
3. Specific Plan public street rights-of-way, necessary to implement the circulation and transportation policies of the City's General Plan, shall be dedicated to the City.
4. Specific Plan streets shall be designed with adequate widths and corner radii to allow fire equipment and school buses to negotiate the streets.
5. Residential areas shall include safe and convenient pedestrian facilities to encourage walking as an alternative mode of transportation.
6. An adequate and safe bicycle system shall be provided to connect the Specific Plan area with shopping and employment areas adjacent to the site, including rights-of-way on new public streets.

7. Neighborhood street networks shall allow for local trips to be completed as much as possible without the use of collector or arterial streets.

8. The development shall follow City Standards for private property access to arterial and collector street systems.

9. The impacted streets and intersections identified in the Traffic Impact Analysis located within the planning area should be improved per City Standards, policies, and plans.

10. Subdivision design should be public transit compatible.

**Traffic Mitigation Plan**

Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq.), and/or any other development as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

A. All access to the existing street network shall be through the dedication of right of way and improvements of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

B. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR SCH# 94082005) meet the following standards:

1. Individual development projects that could affect conditions of traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS “D” or better in the year 2025 shall not cause conditions to be worse than LOS “D” at any time prior to year 2025.

2. Individual development projects that could affect conditions of traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS “E” in the year 2025 shall not cause conditions on those facilities to exceed LOS “E” at any time prior to year 2025.

3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS “F” shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity...
Carver-Bangs Specific Plan

(VIC) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR SCH# 94082005) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR SCH# 94082005) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plan could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.

C. WASTEWATER COLLECTION AND TREATMENT

Wastewater collection and treatment is a community service essential to protect the public health and environment. The objective of the City's wastewater system is to meet increasingly strict wastewater regulations in a cost-effective manner. As water continues to become scarce in California, reclaiming wastewater will create opportunities to optimize the region's water resources. (City of Modesto 1995.) The following Carver-Bangs Specific Plan policies shall be followed to provide for the needs of future residents and those residing in the surrounding area and ensure the longevity of the wastewater system and available resources.

Specific Plan Wastewater Policies

1. Residential uses shall be served by public sanitary sewers and will be connected to the service system developed for the Specific Plan area. The system includes the extension of the 48" diameter North Sanitary Sewer Trunk north along American Avenue from Snyder Avenue to a Lift Station at Bangs Avenue. A 42" diameter Sanitary Sewer Trunk would be placed in Bangs Avenue from the Lift Station easterly to Carver Road. Project level infrastructure then will connect to the trunk in Bangs Avenue or North Trunk in American Avenue when development occurs.

2. Only such wastes that can be treated by the wastewater system, without upsetting or interfering with the system, or threatening to do so, shall be discharged to sanitary sewers.

D. WATER DELIVERY

The City and Modesto Irrigation District have developed a new surface water supply, currently supplying 30 million-gallons-per-day with ultimately a 60 million-gallon-per-day water treatment plant. This will be used to stabilized the
City's historical groundwater overdraft. This conjunctive groundwater-surface water management plan will allow Modesto to continue to serve current customers and plan for future expansion. (City of Modesto 1995.) The following Carver-Bangs Specific Plan policies shall be followed to meet the needs of residents while placing as small a demand on the municipal water supply as possible.

**Specific Plan Water Delivery Policies**

1. Measures approved by the City to reduce potable water demand shall be included in the water system design.

2. The specific Plan shall incorporate additional water conservation measures continued in City policies and consider water conservation programs considered necessary and appropriate by the City.

3. The City shall supply all required municipal water to the Specific Plan Area.

**E. STORMWATER DRAINAGE**

Storm Water Drainage Facilities will be installed as development occurs in accordance with the General Plan Storm Water Drainage Policies. The following policies shall be followed to limit drainage, flooding, and water quality effects.

**Specific Plan Stormwater Drainage Policies**

1. The Specific Plan Area will be served by a main line for storm drainage to be located within the Pelandale Expressway and Prescott Road as per the City of Modesto Storm Water Master Plan Figure No. 5B. Pipe sizes will range from 54" to 66" in diameter. A centrally located recharge/detention basin will be located within the project site adjacent to M.I.D. Lateral No. 6.

2. The Specific Plan drainage includes positive storm drainage systems, which may include catch basins, pipe lines, channels, recharge/detention basins, and pumping facilities which discharge stormwater through Modesto Irrigation District facilities to surface waters of the state. These drainage facilities shall comply with the drainage facility requirements presented in Table 9-1 of the City's Master EIR.

3. Storm drainage facilities shall recharge 80% of average annual stormwater runoff, using recharge/detention basins designed to comply with federal and state surface water and groundwater quality regulations.

4. Stormwater runoff that does not recharge the groundwater shall be discharged to waters of the state. This discharge will not cause the receiving waters to exceed the undeveloped storm hydrograph.

5. Water pollution from urban storm runoff will be prevented (as established by the Central Valley Regional Water Quality Control Board for surface
discharges and the U. S. Environmental Protection Agency for underground injection)

F. SOLID WASTE DISPOSAL
Section 41780, Division 30, of the Public Resources Code, requires that 25% of solid waste be diverted away from landfills by 1995, and 50% by 2000. While it is up to each municipality to determine how to accomplish this, suggested methods of waste reduction include source reduction, recycling, composting, and transformation. These methods can take a variety of forms, including composting at the waste generation site, education, curbside recycling, and multi-media campaigns. The following Carver-Bangs Specific Plan policies will not only meet the needs of the residents, but also will help the City meet the solid waste reduction goals of the Public Resources Code.

Specific Plan Solid Waste Disposal Policies

1. The City will provide collection and disposal services for all solid waste.
2. Solid waste reduction measures shall be incorporated into residential development design.
3. Residential design shall incorporate additional solid waste reduction measures contained in City policies and will comply with other solid waste reduction programs that are considered necessary and appropriate by the City.

G. ENERGY
The California Environmental Quality Act (CEQA) identifies energy conservation as a goal in community development (City of Modesto 1995). The following Carver-Bangs Specific Plan policies will meet the needs of the residents and help to conserve energy.

Specific Plan Energy Policies

1. Electricity will be provide by Modesto Irrigation District.
2. Natural gas will be purchased from Pacific Gas and Electric Company.
3. The shade trees included in the residential area landscape plans will be planted in accordance with city policies.
4. Extension or reconstruction of existing utilities will be specifically addressed when improvement plans are submitted for individual development proposals within the Specific Plan.
H. OPEN SPACE AND PARKS

In Modesto, open space is provided through a comprehensive network of regional, community, and neighborhood parks. The neighborhood park needs of future residents of the plan area are discussed below.

1. Neighborhood Park Needs

The City of Modesto Parks Department has indicated a need for a neighborhood park within the overall area encompassed by the Kiernan Carver Comprehensive Planning District. The exact size and location will be determined by future development plans. Based upon the existing City of Modesto Neighborhood Park Standard the entire 470 acres of land designated Village Residential contained within the Kiernan Carver Comprehensive Planning District will generate the need for additional parkland.

The city will endeavor to provide at least one neighborhood park within each residential neighborhood. The park should be centrally located within the neighborhood and have a service radius of one half to three quarters of a mile.

The park should have one connector street frontage and the remaining sides should front on residential streets.

The minimum size for a neighborhood park shall be seven acres or the total acreage based on one acre of park land per one thousand population within the neighborhood, whichever is greater.

In addition to the parks the Kiernan / Carver Comprehensive Planning District also needs to provide for a pedestrian bridge over M.I.D. Lateral No. 6 that will allow access to developments on each side of the canal in accordance with the neo traditional planning principals. The Carver-Bangs Specific Plan will provide funding for the area parks and the pedestrian bridge through the collection of Capital Facility Fees.

I. SCHOOLS

As stated in the City's General Plan (Policy VH.3.i, page V-25), the City considers impacts on public school capital facilities fully mitigated when it receives a letter stating that the school district and the project proponent have resolved school impacts and the means by which they are resolved.

The policies listed below will be followed to offset school impacts.

Specific Plan School Policies
A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to the submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or final development plan approval.

J. FIRE, POLICE, AND OTHER SERVICES

Fire and police services will be provided by the City, as well as service and maintenance for parks, water, sewer, public streets, and general city government services.

Table 4-1. Relevant General Plan Policies Relating to Community Services and Facilities

<table>
<thead>
<tr>
<th>Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V. (Section D, p. III-13)</th>
</tr>
</thead>
<tbody>
<tr>
<td>During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5-1 in the Final Master Environmental Impact Report for potential techniques to reduce potable water demand. (Section C, p. V-12)</td>
</tr>
<tr>
<td>The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities. General Plan Figure V-3 presents a diagram that indicates the sanitary sewer trunks necessary to serve each Comprehensive Planning District listed in Chapter III. (Section D, p. V-15)</td>
</tr>
<tr>
<td>All the Storm Water Drainage Policies for the Baseline Developed Area apply within the Planned Urbanizing Area. (Section E, p. V-16)</td>
</tr>
<tr>
<td>The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state. The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Section E, p. V-17)</td>
</tr>
<tr>
<td>The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80% of the average annual runoff. Recharge shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Section E, p. V-17)</td>
</tr>
<tr>
<td>New areas shall be designed so that runoff in excess of groundwater recharge in Policy 3.c shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph. (Section E, p. V-17)</td>
</tr>
</tbody>
</table>
The policies and standards for the development of the park system within the Planned Urbanizing Area differ in several respects from those in the Baseline Developed Area. These policies and standards will be implemented through each "Comprehensive Plan", in conjunction with the relevant "Comprehensive Planning District" policies presented in Chapter III. (Section G, p. V-021)

The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area. (Section K, p. V-29)

Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities. (Section K, p. V-29)

The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards:

(a) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95% of all cases.

   (1) The first fire emergency response unit arrives within 6 minutes of dispatch.

   (2) A full alarm assignment arrives within 10 minutes of dispatch.

   (3) A second alarm assignment arrives within 15 minutes of dispatch.

(b) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2. (Section K, p. V-30)

In conjunction with the processing of a Comprehensive Plan within the Planned Urbanizing Area, the City shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project. (Section L, p. V-32)

New development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards. (Section D, p. VI-4)

Within the Planned Urbanizing Area, development of new parkland and open space shall be accomplished through the application of specified performance standards presented in Section V-G(3). (Section B, p. VII-2)

Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.

The Comprehensive Traffic Study shall include the following components:

(a) Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director.

(b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)
Developers of residential projects that are subject to the following policies (39 through 43, below) should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc., will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant affects on school facilities. (Section H, p. V-24)

Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the preparation of the required Focused Environmental Impact Report. (Section H, p. V-24)

Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on the district’s facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City’s responsibilities under CEQA. (Section H, p. V-25)

If it is determined that a proposed residential project may have a significant effect on a school district’s facilities, the Focused EIR shall analyze this impact. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc. (Section H, p. V-25)

The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district (s) and project applicant have resolved school impacts and by what means.

If the City does not receive said written notification prior to a deadline set by the City, the city Council will review the final mitigation proposals by school district(s) and project applicant. This review will be done in light of the EIR (Focused or otherwise) completed for the project. The City Council may determine whether (a) the project impact on school capital facilities is fully mitigated based on any or all of the proposals, or (b) if specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (Focused or otherwise), addressing the impact on public school capital facilities.

Policies 39 and 43 shall apply when:

(a) A residential project seeks the approval of a General Plan Amendment, rezoning, Prezoning, annexation, Comprehensive Plan, or other legislative act;

(b) The project is located on property classified as Planned Urbanizing Area on the Growth Strategy Diagram;

(c) A School district has imposed school mitigation fees pursuant to Government Code Section 53080; and

(d) A school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30 days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding. (Section H, p. V-25)
Note:
Pedestrian Access Bridge Needs to be located over M.I.D. Lateral No. 6 between Bangs Avenue and Pelandale Expressway.
Section at Mid-block

PELANDALE EXPRESSWAY

LEGEND

LA = Landscaped Area
B = Class I Bikepath
P = Parkway
T = Travel Lanes
TL = Turning Lanes
M = Median
S = Shoulder

CARVER-BANGS
SPECIFIC PLAN

Exhibit 4 - 3
Minor Arterial
PRESCOTT ROAD

LEGEND

LA - Landscaped Area
B - Class II Bike Lane
P - Parkway
T - Travel Lanes
TL - Turning Lanes
M - Median
S - Shoulder

CARVER-BANGS
SPECIFIC PLAN

Exhibit 4 - 4
Collector Street

BANGS AVENUE
CARVER ROAD

LEGEND

LA - Landscaped Area
B - Class II Bike Lane
P - Parkway
PK - Parking
T - Travel Lanes
TL - Turning Lanes
M - Median
S - Shoulder

CARVER-BANGS
SPECIFIC PLAN

Exhibit 4 - 6
LEGEND

<table>
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<th>LA</th>
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<tr>
<td>Landscaped Area</td>
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<td>Class I Bikepath</td>
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</tbody>
</table>

Class I Bike Path
North of M.I.D. Lateral No. 6

NOTE:
IF ABUTTING PRIVATE BACK YARDS, FENCING HIGH ENOUGH FOR PRIVACY.

CARVER-BANGS
SPECIFIC PLAN

Exhibit 4 - 7
CARVER-BANGS
SPECIFIC PLAN
Sewer Trunk Master Plan
Exhibit 4 - 8
CARVER-BANGS
SPECIFIC PLAN
Storm Drainage Master Plan
Exhibit 4 - 10

Scale in Feet
400 200 0 400 800
I. Implementation and Financing

A. PLAN IMPLEMENTATION

As shown in Table 5-1, the Carver-Bangs Specific Plan defines the implementation measures that will guide development within the Plan area.

1. Action Required for Implementation of the Carver-Bangs Specific Plan

The following actions are required prior to development of land uses proposed in the Specific plan:

(a) Adoption of Prezoning prior to annexation.

(b) Annexation of Specific Plan area to the City, simultaneously detaching this property from other applicable districts.

(c) Approval of tentative and final subdivision maps.

2. Tentative and Final Subdivision Map Approvals

Implementation of residential uses in the Plan area will require processing of a tentative map. The tentative map process is governed by the City’s Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et seq.). Tentative and final subdivision map approval requires conformance to the requirements of the Specific Plan and must be consistent with the mitigation measures of the final focused EIR. Residential development projects may be submitted for development plan review following final subdivision map approval.

3. Implementation of Land Use and Development Standards

Residential land use and development standards for the Carver-Bangs Specific Plan will be regulated through the City Planning and Zoning Ordinance R-1 classification, as modified by the SP-O Zone. R-1 will be the Principal Underlying Zone for designated residential areas, in accordance with Article 19, Sections 10-2.1901-05 of the City Planning and Zoning Ordinance. The SP-O Zone is applied concurrently, to supplement principal underlying zone regulations with certain uses and standards adopted through the specific plan process (Section 10-2.1902, City Planning and Zoning Ordinance).

4. Specific Plan Amendment Process

The City requires the following steps be completed to amend specific plans:
1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.

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

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

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

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

B. FINANCING

The major backbone infrastructure improvements necessary for development of the planning area are a sewer trunk line extension, water mainline extensions, as well as Storm Drainage Facility development. Street improvements are limited primarily to the extension of Prescott Road, American Avenue, and the Pelandale Expressway through the planning area as well as improvement to perimeter streets such as Bangs Avenue and Carver Road. Funding for these improvements will be through a combination of developer and city funding mechanisms. A portion of the improvements are expected to be built in conjunction with the City through the use of CIP funding along with collection of CFF Fees. In addition a Mello-Roos District will need to be formed to pay for the major backbone storm drainage improvements as well as to maintain the proposed landscaping along the Pelandale Avenue Expressway and Prescott Road. The properties will also need to annex to the School Financing Mello-Roos District prior to development to help mitigate impact on school facilities. In
most cases the development and financing of typical subdivision improvements and major backbone infrastructure required to implement development in the plan area will be provided concurrently with individual parcel development on a pay-as-you-go basis. In cases where additional infrastructure is required for development to occur, fee offsets, credits, and reimbursements will be utilized.

1. Purpose of Financing Strategy

The Modesto Urban Area General Plan contains the following policy statement:

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

The financing strategy addresses this policy, focusing on the specific needs of Carver-Bangs Specific Plan.

2. Characteristics of the Carver-Bangs Specific Plan that Simplify the Financing Strategy

The Carver-Bangs Specific Plan has several characteristics that simplify public facility funding issues. They are as follows:

a. **Size.** Due to the small size of the planning area (approximately 160 acres), there are no significant public facility deficiencies that cannot be remedied through the typical subdivision process.

b. **Few Property Owners and Independent Facility Requirements.** There are only seven individual property owners with developable area in the planning area. Each of the properties will be able to provide facilities and develop independent of one another once the main facilities are available, pertinent easements granted, and necessary right of way dedicated. For this reason, only a small degree of cooperation among property owners will be necessary to ensure adequate facilities in the project area. When seeking development approvals, each property owner, upon adoption of the Specific Plan, will be bound to the following set of agreements.
1. Infrastructure improvements shall be built according to the location, size, capacity, and design described in the Specific Plan.

2. Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other property owners benefiting from such improvements.

3. Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra cost of direct benefit to an owner other than the one making the improvements.

4. Each property owner shall be responsible for the costs of all improvements actually shown on a Tentative Subdivision Map Application.

c. Adjacent to Existing Urban Development. The Carver-Bangs Specific Plan directly fronts on Carver Road and Bangs Avenue. Development will require half street improvements along these streets, but generally speaking, no significant road widening will be necessary. Similarly all other urban facilities are available to the Site. Therefore, the normal subdivision process of the City of Modesto will ensure the timely provision of urban services to each development project.

d. Minimal Offsite Requirements. The following offsite requirements are required for the buildout of the Carver-Bangs Specific Plan:

Sanitary Sewer - Extension of Trunk Line from Snyder Avenue, construction of lift station and extension of trunk along Bangs Avenue east to the site.

Water - Installation of water main grid system from the developed area to the south.

Streets - Extension of American Avenue, Prescott Road, and the Pelandale Expressway will be required in addition to the frontages of Bangs Avenue and Carver Road.

Traffic Signals - Traffic Signals will be installed on an as needed basis in conjunction with the Final EIR Traffic Study.

Storm Drainage - Positive storm drain systems will be installed in accordance with city standards.

Schools - No offsite school improvements are required.
3. Public Facility Funding Sources are Sufficient

The Carver-Bangs Specific Plan provides a sufficient level of direction for public improvement and community facility requirements. Infrastructure improvements and their specifications are presented in the Specific Plan.

The following financing measures will be used to provide infrastructure to the Carver-Bangs Specific Plan:

<table>
<thead>
<tr>
<th>FACILITY</th>
<th>FUNDING SOURCE</th>
<th>NET COST TO CITY</th>
<th>SPECIFICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets: Neighborhood &amp; Collector</td>
<td>Developer dedication and improvement of all in tract streets, unless they are private</td>
<td>Not applicable, as the developers will provide 100% financing for these improvements</td>
<td>See Chapter 4, section B and Figure 4-1</td>
</tr>
<tr>
<td>Streets: Expressway &amp; Arterial</td>
<td>Capital Facility fees (CFF) &amp; Developer Requirements</td>
<td>None; City staff believes CFF is sufficient to pay project's fair share of major street costs with developer contribution.</td>
<td>See Chapter 4, Section B</td>
</tr>
<tr>
<td>Sanitary Sewer Trunks &amp; Sub Trunks</td>
<td>Existing City CFF &amp; CIP Funding</td>
<td>None; because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed sewer facility. Unknown Cost</td>
<td>See Chapter 4, section C</td>
</tr>
<tr>
<td>Sanitary Sewer Laterals and Mains</td>
<td>Developer required improvements</td>
<td>None developers to provide 100% financing.</td>
<td>See Chapter 4 Section D</td>
</tr>
<tr>
<td>Water</td>
<td>Existing City fees, developer requirements</td>
<td>None; because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed water facilities</td>
<td>See Chapter 4 Section D</td>
</tr>
<tr>
<td>Storm water Drainage</td>
<td>Existing City fees, developer requirements Mello-Roos District</td>
<td>None; because development will provide 100% financing for these improvements</td>
<td>See Chapter 4, section E</td>
</tr>
<tr>
<td>Schools</td>
<td>Developer agreement with school districts</td>
<td>None; because proponent has reached agreement with districts to mitigate school impacts</td>
<td>See Chapter 4, section I</td>
</tr>
</tbody>
</table>

5-5
Carver-Bangs Specific Plan

<table>
<thead>
<tr>
<th>Parks</th>
<th>Developer agreement, CFF</th>
<th>None; because developer payment of CFF will cover costs.</th>
<th>See Chapter 4, H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape Maintenance, Class I Bike Trails</td>
<td>Developer requirements, landscape district, homeowners association, or Mello-Roos District</td>
<td>None; because district or association would pay for all necessary maintenance</td>
<td>No specifications in this Specific Plan</td>
</tr>
</tbody>
</table>

4. Miscellaneous Administrative Policies

The following policies will be used to implement this long-range financing strategy.

a. Property Owner Financing and Construction of Improvements. Unless specifically excepted, each property owner will finance and construct improvements presented in the Specific Plan that are directly on or fronting the property; including frontage improvements, utilities, sewer, and water.

b. Sizing and Timing of Facilities. The above-referenced facilities will be sized by each property owner in accordance with the Specific Plan for the benefit of the downstream users. In the event that properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owner. Each property will reimburse the other for their oversize expense at the time of filing a final subdivision map.

c. Citywide Fees. The existing Citywide fees for new construction will prevail for development within the Specific Plan area and are intended to pay for all off-site community facilities unless otherwise excepted.

d. Citywide Fee Credits. Property owners may receive credits to the payment of Citywide fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.

e. Repayment for Oversizing. Accounting for facility oversizing will be handled by the property owners in accordance with standard accounting practices. Repayment will be enforced by the City at the signing of the aforementioned final subdivision map.
Chapter VI. List of Preparers

This Administrative Draft Specific Plan has been prepared by Lew-Garcia-Davis in conjunction with the City of Modesto Community Development Department. The individuals who contributed to this report are listed below.

CITY OF MODESTO

Bill Nichols       Strategic Planning Manager
Brian Smith       Principal Planner
Steve Mitchell    Associate Planner
Ed Van Borstel    Deputy of Public Works/Transportation Director
Helen Wang        Transportation Planner
Fred Allen         Parks Planning and Development Manager
David Cervantes   Senior Deputy Attorney

LEW-GARCIA DAVIS

Project Team

Max M. Garcia       Principal-in-Charge
David W. Butz       Specific Plan Project Manager
Richard L. Ringler  Infrastructure Engineer
Sean Harp           Draftsman
1.0. Strategic Time - 3:00, 3:30
Steve Mitchell - 2
Board of Super. Dist.
A. OVERVIEW

Pursuant to Section 21157.6(b) of the Public Resources Code, this Focused Environmental Impact Report (EIR) includes the following modifications to the previously certified Master EIR for Modesto Urban Area General Plan. Additions to the specific text in the Master EIR are identified with italics.

A. PROPOSED MODIFICATIONS

I. The following changes have been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

   Section VI-14(III)(A)(5), first sentence, has been revised to read as follows:

   "Minimum road widths and clearances around structures shall conform to Section 902 of the Uniform Fire Code."

EXHIBIT 5
MODESTO CITY COUNCIL
RESOLUTION NO. 97-162

CERTIFYING THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE CARVER-BANGS SPECIFIC PLAN, PREZONING, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM

WHEREAS, the City of Modesto ("City"), on August 15, 1995, adopted the Modesto Urban Area General Plan to guide the growth of the City for the next thirty years, and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the City Council certified, on August 15, 1995 a Master Environmental Impact Report entitled "Final Master Environmental Impact Report for the Urban Area General Plan" (MEIR), and

WHEREAS, the MEIR identified the following effects as significant but mitigable, and provided substantial evidence in the record to support the necessary findings on the following effects for projects within the Planned Urbanizing Area such as the Carver-Bangs Specific Plan:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in MEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased Demand for Sanitary Sewers</td>
<td>IV-6-1</td>
</tr>
<tr>
<td>Loss of Sensitive Wildlife and Plant Habitat</td>
<td>IV-7-1</td>
</tr>
<tr>
<td>Disturbance of Archaeological or Historical Sites</td>
<td>IV-8-1</td>
</tr>
<tr>
<td>Drainage, Flooding, and Water Quality</td>
<td>IV-9-1</td>
</tr>
<tr>
<td>Increased Demand for Storm Drainage</td>
<td>IV-10-1</td>
</tr>
<tr>
<td>Increased Demand for Parks and Open Space</td>
<td>IV-11-1</td>
</tr>
<tr>
<td>Increased Demand for Schools</td>
<td>IV-12-1</td>
</tr>
<tr>
<td>Increased Demand for Police Services</td>
<td>IV-13-1</td>
</tr>
<tr>
<td>Increased Demand for Fire Services</td>
<td>IV-14-1</td>
</tr>
<tr>
<td>Generation of Solid Waste</td>
<td>IV-15-1</td>
</tr>
<tr>
<td>Generation of Hazardous Materials</td>
<td>IV-16-1</td>
</tr>
</tbody>
</table>
Landslides and Seismic Activity
Energy

WHEREAS, the MEIR identified the following effects as Unavoidable Significant Effects:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in MEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Circulation Needs</td>
<td>IV-1-1</td>
</tr>
<tr>
<td>Degradation of Air Quality</td>
<td>IV-2-1</td>
</tr>
<tr>
<td>Generation of Noise</td>
<td>IV-3-1</td>
</tr>
<tr>
<td>Loss of Productive Agricultural Land</td>
<td>IV-4-1</td>
</tr>
<tr>
<td>Increased Demand for Water Supplies</td>
<td>IV-5-1</td>
</tr>
<tr>
<td>Increased Demand for Storm Drainage</td>
<td>IV-9-1</td>
</tr>
</tbody>
</table>

WHEREAS, City Council Resolution No. 95-408 adopted a Statement of Overriding Considerations which made findings for each significant adverse and unavoidable effect identified in the MEIR, and also found that specific economic, social, or other considerations made infeasible certain mitigation measures and project alternatives identified in the MEIR, and

WHEREAS, the Modesto Urban Area General Plan requires a Focused Environmental Impact Report for the Carver-Bangs Specific Plan as an anticipated subsequent project, and

WHEREAS, a Revised Draft Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report (Revised Draft EIR SCH #94082005) was prepared for public review and comment for the required 45-day period from December 13, 1996, through January 27, 1997, and

WHEREAS, a Final Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report ("Final EIR") incorporating all the comments received during the public review period and responses thereto was released for the required 10-day period on February 21, 1997, and

WHEREAS, the Planning Commission held a public hearing on March 3, 1997, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the certification of the Final EIR, and
WHEREAS, the information contained in the Final EIR was reviewed and considered by the Planning Commission prior to taking action on the Carver-Bangs Specific Plan and Prezoning, and

WHEREAS, the City Council held a public hearing on April 1, 1997, and considered the adequacy of the Final EIR, the Mitigation Monitoring Program and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the Final EIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the Carver-Bangs Specific Plan and Prezoning.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Incorporation of Master EIR by Reference. As required by Section 21158(a) of the Public Resources Code, the Master Environmental Impact Report certified for the Modesto Urban Area General Plan (SCH #92052017) is hereby incorporated by reference, as Exhibit 1, a copy of which is on file in the office of the City Clerk.

3. Effects Not Examined in this Final EIR. As permitted by Section 21158(b) of the Public Resources Code, the Final EIR did not further examine the following effects, since they were sufficiently presented in the Master EIR:

Effects Not Further Examined

(1) Loss of Productive Agricultural Land
(2) Disturbance of Archeological or Historical Sites
(3) Increased Demand for Parks and Open Space
(4) Increased Demand for Schools
(5) Increased Demand for Police Services
(6) Increased Demand for Fire Services
(7) Generation of Solid Waste
(8) Land Slides and Seismic Activity
(9) Energy
With regard to the above effects, the City finds, based on substantial evidence in the record that, pursuant to Section 21158(b) of the Public Resources Code, those effects were examined at a sufficient level of detail in the Master EIR for the General Plan. The City Council resolution certifying the Master EIR included a Statement of Overriding Considerations for those effects which were found Significant and Not Mitigable.

Furthermore, the City makes one of the following findings, as permitted by Section 21158(b), regarding each of the above effects. These effects were either:

(1) Mitigated or avoided pursuant to paragraph(1) of subdivision(a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project, or

(2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project, or

(3) Subject to a finding pursuant to paragraph(2) of subdivision(a) of Section 21081.

4. Effects Examined in the Final EIR.

It was determined through the scoping process that the following effects should be addressed in the Final EIR as potential project-specific effects on the environment:

(1) Traffic and Circulation Needs
(2) Degradation of Air Quality
(3) Generation of Noise
(4) Increased Demand for Water Supplies
(5) Increased Demand for Sanitary Sewer Services
(6) Loss of Sensitive Wildlife and Plan Habitat
(7) Drainage, Flooding, and Water Quality
(8) Increased Demand for Storm Drainage
(9) Generation of Hazardous Materials

Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the Final EIR:
(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, making feasible the mitigation measures or alternatives identified in the Environmental Impact Report.

With respect to significant effects which were subject to a finding under paragraph (3), the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

A. The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment:

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road
Pelandale Avenue and Chapman Road
Pelandale Avenue and Sisk Road
(2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Carver-Bangs Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

B. The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(1) The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public schools. It is estimated that approximately 320 elementary students, 80 new junior high-school students, and 160 new high school students would be generated by development proposed with the Carver-Bangs Specific Plan.

C. The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the following significant effects on the environment.

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

- Pelandale and SB SR 99
- Pelandale and NB SR 99
(2) Future Build-Out (year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E ($V/C = 0.93$) under the original General Plan to LOS F ($V/C = 1.02$) with the General Plan Amendment associated with the Carver-Bangs Specific Plan.

(3) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and Sr 99. This segment would deteriorate from LOS A ($V/C = 0.75$) under the original General Plan to LOS F ($V/C = 1.13$) with the General Plan Amendment associated with the Carver-Bangs Specific Plan.

(4) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps. This segment would deteriorate from LOS D ($V/C = 0.91$) under the General Plan to LOS F ($V/C = 1.11$) with the General Plan Amendment associated with Carver-Bangs Specific Plan.

(5) The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from $V/C = 1.15$ to $V/C = 1.35$ with the General Plan Amendment associated with the Carver-Bangs Specific Plan.

D. The City finds, based on substantial evidence in the record, that the following additional effects on the environment by the Project are not significant or do not substantially increase severity of significant effects previously identified in the Master EIR.
(1) Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections A. and C., above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendment.

(2) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

(3) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.

(4) Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NOₓ) and dust in the project area.

(5) Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.

(6) Light industrial uses permitted under the Carver-Bangs Plan area would create stationary sources of emissions. The proposed General Plan Amendment to change approximately 120 acres, including 40 acres within the Carver-Bangs Specific Plan area, from Business Park to Village Residential would reduce the potential for stationary sources within the amendment area.

(7) Existing residences within the Kiernan Business Park and Carver-Bangs Specific Plan areas would be affected by noise related to construction, traffic and operational noise associated with the proposed developments. Adjacent land uses, including residential areas, would be affected by operational and traffic noise generated by the Kiernan Business Park and Carver-Bangs residential developments.

(8) The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for
these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

(9) The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

(10) Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.

(11) No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and siltation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.

(12) Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.

(13) No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.

(14) The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space.

a. With regard to the effects that are significant but mitigable, the City of Modesto adopts new and additional mitigation measures, and as permitted by Section 21158(a) of the Public Resources Code. These Mitigation Measures are presented in the Executive Summary, attached hereto as Exhibit 3 and incorporated by reference herein, and are presented in Exhibit 2,
the Final EIR, a copy of which is on file in the office of the City Clerk.

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project the City must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City adopts the Statement of Overriding Considerations, attached hereto as Exhibit "4" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse, and unavoidable impact identified in the Final EIR, and by finding that specific economic, social or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the Final EIR.

5. Cumulative Impacts, Growth inducing Impacts, and Irreversible Significant Effects on the Environment. The City hereby finds, as required by Section 21158(a), that the analysis presented in the Master EIR, regarding cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment, is adequate for the Final EIR. This analysis is presented throughout the Master EIR, and summarized in Section V of that document.

6. Alternatives Evaluated. The Final EIR contains no new or additional analysis of alternatives beyond the analysis presented in the Master EIR for the Modesto Urban Area General Plan. Four Land Use Alternatives were developed and considered by the City, which were then analyzed in the Draft MEIR; after considering public comment on the Draft General Plan, a Preferred Alternative, which combined the features of several of the Land Use Alternatives, was recommended by the Planning Commission. Subsequently, the City further modified the Planning Commission Proposal, and approved the "Adopted General Plan" on August 15, 1995. The Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Four other alternatives presented in the Final MEIR were developed to provide a "reasonable range of alternatives" as required by Section 15126(d) of the CEQA Guidelines. As Carver-Bangs Specific Plan is an element of the "Adopted General Plan" as adopted by the City Council on August 15, 1995, after considering the full range
of alternatives, no further analysis of alternatives is necessary in this Final EIR for Carver-Bangs Specific Plan.

7. Proposed Modifications to the Master EIR. Section 21157.6(b) of the Public Resources Code permits the Final EIR for Carver-Bangs to modify the General Plan Master EIR, by including updated information. Chapter V (p. V-1) of the Final Focused EIR presents this information, in the form of a Modification, as follows:

(1) The following change has been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

Section VI-14 (III)(A)(5), first sentence, has been revised to read as follows:

"Minimum road widths and clearances around structures shall conform to Section 902 of the Uniform Fire Code."

This Modification, set forth in Exhibit 5 attached hereto, is hereby adopted and incorporated into the Master Environmental Impact Report for the Modesto Urban Area General Plan.

8. Mitigation Monitoring. Section 21081.6(b) of the Public Resources Code provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary and the Final EIR into the Carver-Bangs Specific Plan. Therefore, said mitigation monitoring program is hereby adopted.

9. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final EIR for the Carver-Bangs Specific Plan and Prezoning as accurate and adequate. The City Council further certifies that the Final EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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, Friedman, Mayor Lang

NOES: Councilmembers: Fisher, McClanahan, Serpa,

ABSENT: Councilmembers: None

ATTEST: Jean Adams

JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
II. EXECUTIVE SUMMARY

A. OVERVIEW

This Focused Environmental Impact Report (EIR) examines the environmental impacts of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments. The Kiernan Business Park Specific Plan implements the western portion of the Kiernan/Carver Comprehensive Planning District, which was analyzed within the scope of the City's General Plan Master EIR. The Carver-Bangs Specific Plan implements part of the southeast section of the Kiernan/Carver CPD identified in the General Plan and analyzed in the General Plan Master EIR. As provided in Section 21158 of the California Environmental Quality Act, this Focused EIR analyzes only those effects on the environment specific to the development of the Kiernan Business Park and Carver-Bangs Specific Plans that were not addressed as significant effects in the General Plan Master EIR. Table II-1 provides a summary of the environmental impacts and mitigation measures identified in this report. The table is organized by topical sections consistent with the format of Chapter IV of this EIR. Detailed discussions are provided within each applicable section.

B. ALTERNATIVES EVALUATED

This Focused EIR contains no new or additional analysis of alternatives beyond the analysis presented in the General Plan Master EIR. A full range of land use alternatives was developed and considered by the City through the General Plan and General Plan Master EIR planning process. The General Plan Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Because the Kiernan Business Park and Carver-Bangs Specific Plans are elements of the "Adopted General Plan" and that document considered a full range of alternatives, no further analysis of alternatives is necessary in this Focused EIR.

C. PROJECT DESCRIPTION

The Kiernan Business Park Specific Plan provides for development of 614 acres, including 540 acres of Business Park, 55 acres of Business Park/Commercial and 19 acres of Office; and additional transportation improvements including those proposed along Kiernan, Pelandale and Chapman Avenues, as shown in Figure IV-A-5, which require an amendment to the Circulation Element of the General Plan. The project site is located along the northern boundary of the City of Modesto in Stanislaus County and is bounded by Pelandale Avenue to the south, a line even with Stoddard Road to the west, Kiernan Avenue to the north, and a line even with American Avenue to the east. The Fleur de Ville residential subdivision, which is located north of Pelandale Avenue, is not included in the Plan area. The proposed acreages could accommodate approximately 9.4 million square feet of Business Park uses, 1 million square feet of Business Park/Commercial uses, and 282,000 square feet of Office uses.
The Kiernan Business Park Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the western portion of the Kiernan/Carver Comprehensive Planning District as authorized by Section 65450 of the Government Code and the Modesto Urban Area General Plan. Although the entire Kiernan Business Park Specific Plan area is included within the City of Modesto’s Planned Urbanizing area, lands west of Dale Road lie outside the City's existing Sphere of Influence. Phase I development is planned for lands east of Dale Road and approximately 74 acres of land immediately west of the Fleur de Ville subdivision and north of Pelandale Avenue. The City anticipates the future extension of its Sphere of Influence to include the entire Kiernan Business Park Specific Plan area.

The Carver-Bangs Specific Plan provides for development of 160 acres of residential development. An amendment to the General Plan Land Use Element associated with the Kiernan Business Park Specific Plan would change approximately 120 acres, including approximately 40 acres within the western quarter of the Carver Bangs Specific Plan area, from Business Park Land Use Designation to Village Residential Land Use Designation. The Carver-Bangs Specific Plan encompasses part of the southeast portion of the Kiernan/Carver CPD. The Plan area is bounded by Bangs Avenue to the north, a line parallel to and even with American Avenue to the west (and bordering the Kiernan Business Park Specific Plan area), Carver Road to the east, and a line parallel to and even with Pelandale Avenue to the south. The Carver-Bangs Specific Plan designates approximately 160 acres for Village Residential which will include a maximum of 800 dwelling units.

The Carver-Bangs Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the part of the southeast portion of the Kiernan/Carver Comprehensive Planning District. The entire Carver-Bangs Specific Plan area is included within the City of Modesto’s Planned Urbanizing area and the City’s existing Sphere of Influence.

D. SUMMARY OF IMPACTS AND PROPOSED MITIGATION MEASURES

Table II-1 provides a summary of the impacts associated with the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments, mitigation measures to reduce impacts, and a designation of the level of significance of each impact after implementation of the specified mitigation measure(s). This summary table only includes mitigation measures identified in the EIR that are determined to be feasible (either environmentally, technically, legally, or economically) to be implemented, and specific enough (in some instances, tied to specific performance standards) to allow successful monitoring of their implementation.
TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES

I. IMPACTS THAT ARE SIGNIFICANT BUT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate.

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<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION</th>
<th>MITIGATION MONITORING</th>
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<tr>
<td>TRAFFIC AND CIRCULATION NEEDS</td>
<td>I-A. Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10.2.2503 et seq), and/or any other &quot;development&quot; as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.</td>
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   a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code. 

   b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(II)(B) of the Final EIR) meet the following standards:

   1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025. 

This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.

I-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

- SR 219 and Dale Road
- SR 219 and Carver Road
- SR 219 and Tully Road
- Pelandale Avenue and Dale Road
- Pelandale Avenue and Prescott Avenue
- Pelandale Avenue and Carver Road
- Pelandale Avenue and Tully Road
- Pelandale Avenue and SR 108
- Kiernan Avenue and Chapman Road
- Pelandale Avenue and Chapman Road
- Pelandale Avenue and Sisk Road

Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR

Environmental Science Associates
TABLE II-1: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION</th>
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<tr>
<td>TRAFFIC AND CIRCULATION NEEDS continued</td>
<td>2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS &quot;E&quot; in the year 2025 shall not cause conditions on those facilities to exceed LOS &quot;E&quot; at any time prior to year 2025.</td>
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<td>3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS &quot;F&quot; shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.</td>
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<td>In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.</td>
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<td>Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.</td>
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TABLE II-I: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
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<tr>
<td>GENERATION OF NOISE</td>
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I-B. Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

I-B. The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 L,eq for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g., back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Palmdale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.

This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.
II IMPACTS THAT ARE SIGNIFICANT BUT WHOSE MITIGATION FALLS OUTSIDE THE JURISDICTION OF THE CITY OF MODESTO

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed as described in Section I of this table or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible.

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<th>ENVIRONMENTAL IMPACT</th>
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<tr>
<td>INCREASED DEMAND FOR SCHOOLS</td>
<td>II-A. A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or development plan approval.</td>
<td>II-A. This mitigation measure is incorporated into the Carver-Bangs Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.</td>
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</table>
II. Executive Summary

III. IMPACTS THAT ARE SIGNIFICANT AND NOT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical, or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level.

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<th>ENVIRONMENTAL IMPACT</th>
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</table>
| III-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:  
  - Pelandale and SB SR 99  
  - Pelandale and NB SR 99  
   | III-A. Potential measures to improve conditions at the intersections to acceptable levels are identified in Section IV-A(II)(D)(2), items 8 and 9 of the EIR. However, only partial funding is currently available in the City's CFF program for these improvements. This impact would remain significant until full funding becomes available.  
   | III-A. Not applicable.  |
| III-B. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.  
   | III-B. No feasible mitigation measures are available; the impact would remain significant.  
<p>| III-B. Not applicable.  |</p>
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<th>ENVIRONMENTAL IMPACT</th>
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<td>III-C. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99. This segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.</td>
<td>III-C. No feasible mitigation measures are available; the impact would remain significant.</td>
<td>III-C. Not applicable.</td>
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<tr>
<td>III-D. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound ramps. This segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.</td>
<td>III-D. No feasible mitigation measures are available; the impact would remain significant.</td>
<td>III-D. Not applicable.</td>
</tr>
<tr>
<td>III-E. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from V/C=1.15 to V/C=1.35 with the the General Plan Amendment associated with the Kiernan Business Park Specific Plan.</td>
<td>III-E. No feasible mitigation measures are available; the impact would remain significant.</td>
<td>III-E. Not applicable.</td>
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</table>
TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES continued

IV. IMPACTS THAT ARE FOUND NOT TO BE SIGNIFICANT, OR FOUND TO NOT SUBSTANTIALLY INCREASE SEVERITY OF SIGNIFICANT IMPACTS PREVIOUSLY IDENTIFIED IN THE GENERAL PLAN MASTER EIR

The following section of this table presents the issues identified by the General Plan Master EIR for analysis in this Focused EIR that are found not to be significant, or would not result in a substantial increase in the severity of significant effects previously identified in the Master EIR.

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<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>RATIONALE</th>
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<tbody>
<tr>
<td>TRAFFIC AND CIRCULATION NEEDS</td>
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<tr>
<td>IV-A. Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections I and II of this table, above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments.</td>
<td>IV-A. As shown in Tables IV-A-4 and IV-A-6 of this EIR, all internal and external study intersections and roadway segments, other than those identified in Sections I and II of this table, above, would not be significantly impacted by implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments under 2025 build-out conditions, pursuant to the significance standards set forth in the General Plan Master EIR.</td>
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<tr>
<td>IV-B. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.</td>
<td>IV-B. As described in Section IV-A of this EIR, the Kiernan Business Park and Carver-Bangs Specific Plans would use the current accepted standards, policies, and principles to ensure safe and adequate access between internal and off-site vehicular circulation and linkage to bicycle/pedestrian circulation systems and transit services.</td>
</tr>
<tr>
<td>IV-C. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.</td>
<td>IV-C. The Kiernan Business Park and Carver-Bangs Specific Plan developments would be required to comply with the City of Modesto Zoning Ordinance parking requirements, which would ensure adequate parking facilities would be provided to accommodate the projected parking demand.</td>
</tr>
<tr>
<td>DEGRADATION OF AIR QUALITY</td>
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<tr>
<td>IV-D. Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NOx) and dust in the project area.</td>
<td>IV-D. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.</td>
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<tr>
<td>IV-E. Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic-related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.</td>
<td>IV-E. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.</td>
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### TABLE II-1: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
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<tr>
<td><strong>DEGRADATION OF AIR QUALITY continued</strong></td>
<td><strong>IV-F.</strong> There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.</td>
</tr>
<tr>
<td><strong>GENERATION OF NOISE</strong></td>
<td><strong>IV-G.</strong> All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including Kiernan Business Park and Carver-Bangs Specific Plan areas, and associated General Plan Amendment area, as appropriate. Applicable measures are listed in Section IV-L in this EIR. The additional Kiernan Business Park Specific Plan policies and/or additional mitigation listed below, in conjunction with the certified mitigation measures identified in the General Plan Master EIR, would mitigate noise impacts to a less than significant level in most instances.</td>
</tr>
<tr>
<td><strong>IV-G1. Kiernan Business Park Specific Plan:</strong></td>
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<tr>
<td>Construction impacts on residential neighborhoods to the south and localized impacts to interim sensitive receptors within the Specific Plan area would remain significant as discussed above. Applicable Kiernan Business Park Specific Plan policies related to noise are as follows:</td>
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<tr>
<td>Policy LU-6: Facilitate isolation of industrial traffic away from existing residential areas through land use and circulation design. Locate industrial users needing truck access away from residential areas and in proximity to a major entrance point to the Kiernan Business Park.</td>
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<tr>
<td>Policy LU-9: Provide adequate buffers between business park uses and neighboring residential uses.</td>
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<td>Policy LU-15: Require development to meet... development standards [detailed in the Specific Plan on page 26]... All subsequent developments shall conform to these standards.</td>
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<tr>
<td>Policy LU-16: Require development to meet... supplemental development standards [detailed in the Specific Plan page 29]... are applicable to Areas A, B and C.</td>
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<tr>
<td>Development standards referenced by Policies LU-15 and LU-16 require a 10-foot wide screen landscaping buffer for parcels adjacent to the western boundary of the Fleur de Ville subdivision. For parcels adjacent to the Modesto Irrigation District Lateral No. 6 along the northern boundary of Fleur de Ville, the Specific Plan requires an 8-foot high decorative wrought iron fence, a 10 foot wide screen landscaping buffer, loading docks to be orientated away from the residential uses, and hours of operation to be limited to between 7 AM and 10 PM.</td>
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### TABLE II-1: SUMMARY OF IMPACTS continued

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<th>ENVIRONMENTAL IMPACT</th>
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<tr>
<td><strong>INCREASED DEMAND FOR WATER SUPPLIES</strong></td>
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<td>IV-H. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.</td>
<td>IV-H. There are no specific features unique to Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment which require new specific mitigation for water supply. All certified mitigation measures identified in the General Plan Master EIR for the General Plan will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
</tr>
<tr>
<td><strong>INCREASED DEMAND FOR SANITARY SEWER SERVICES</strong></td>
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<tr>
<td>IV-I. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.</td>
<td>IV-I. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require new specific mitigation measures for sanitary sewer service. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are in listed in Section IV-L in this EIR.</td>
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<tr>
<td><strong>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</strong></td>
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<td>IV-J. Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.</td>
<td>IV-J. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for the loss of sensitive wildlife and plant habitat. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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<tr>
<td><strong>DRAINAGE, FLOODING AND WATER QUALITY</strong></td>
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<tr>
<td>IV-K. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and sedimentation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.</td>
<td>IV-K. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for drainage, flooding and water quality impacts. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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<tr>
<td><strong>INCREASED DEMAND FOR STORM DRAINAGE</strong></td>
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<tr>
<td>IV-L. Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.</td>
<td>IV-L. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation to address an increased demand for storm drainage. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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### TABLE II-1: SUMMARY OF IMPACTS continued

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<td><strong>GENERATION OF HAZARDOUS MATERIALS</strong></td>
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<td>IV-M. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.</td>
<td>IV-M. There are no specific features unique to the Specific Plan which require mitigation for hazardous materials impacts. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.</td>
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| IMPACTS TO PARKS AND OPEN SPACE | | |
| IV-N. The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space. | IV-N. The developers of projects within the plan area will be required to pay Capital Facilities fees to the City, prior to the issuance of building permits. This requirement is intended to provide funding for land acquisition and park construction by the City. This mitigation measure would be incorporated into the Carver-Bangs Specific Plan as a policy statement. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR. |
STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND
OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan, the City
Council has determined that the Kiernan Business Park and Carver-Bangs Specific Plans
should be approved and that any remaining unmitigated environmental impacts
attributable to the Specific Plans are outweighed by the following specific economic,
fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources Code requires the City to determine if any
mitigation measures or project alternatives are infeasible, due to overriding
considerations. Following are the Issue Areas, identified in the Final Focused EIR, in
which the mitigation measures have been judged to be infeasible. In other words, the
Kiernan Business Park and Carver-Bangs Specific Plans will cause significant and
unavoidable impacts on the following areas:

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific
   Plans may occur prior to implementation of roadway system improvements assumed
   under the General Plan. Roadway system improvements assumed under the General
   Plan would be expected to occur incrementally. Until all assumed roadway system
   improvements in the project area are in place, or other feasible mitigation is
   provided, the impact of traffic generated by development enabled under the Kiernan
   Business Park and Carver-Bangs Specific Plans would remain significant at the
   following intersections:

   Pelandale and SB SR 99
   Pelandale and NB SR 99

   a) Finding 1-1

   The intersection of Pelandale Avenue and SB SR 99 would deteriorate from LOS C
   (average delay = 19.5 seconds) under the Existing Conditions to LOS F (average
delay = 145 seconds) under Existing + Kiernan Business Park and Carver-Bangs
   Specific Plans.

   b) Finding 1-2

   The intersection of Pelandale Avenue and NB SR 99 would deteriorate from LOS B
   (average delay = 10.0 seconds) under the Existing Conditions to LOS E (average
delay = 58.1 seconds) under Existing + Kiernan Business Park and Carver-Bangs
   Specific Plans.
c) Conclusions

Project-specific impacts would remain significant when compared to the conditions which would occur under the Existing + Project conditions for the Pelandale and SB SR 99 intersection and the Pelandale and NB SR 99 intersection. Measures available to mitigate the project impact at these intersections are as follows:

1. Pelandale and SB SR 99 - Add a second southbound left-turn lane. Add a second westbound left-turn lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS F (average delay = 145 seconds) to LOS C (average delay = 17.9 seconds).

2. Pelandale and NB SR 99 - Add a second eastbound through lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS E (average delay = 58.1 seconds) to LOS C (average delay = 16.5 seconds).

Full funding for these measures is not available. The City estimates that as of 1989, the projected costs for these improvement (which includes widening of the overpass) was estimated at $7.8 million; there is currently only approximately $5 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

Substantial Evidence


2. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions.

a) Finding 2-1

This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.
b) Conclusions:

In order to mitigate the conditions at this location, conversion of the westbound right-turn lane to a shared right/through lane would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other strategies could be pursued to mitigate the impacts identified for the build-out scenario. The primary requirement is to provide additional capacity to carry the future traffic which is projected to cross from one side of SR 99 to the other. Possible approaches for investigation include:

1. Widening the existing overcrossings and the roadways connecting to them. The four measures discussed above fall into this category.

2. Provide another freeway overcrossing. The General Plan's expressway connector between the SR 219 expressway and the future westside expressway (which the Kiernan Business Park Specific Plan would remove) falls into this category.

3. Add auxiliary lanes to SR 99 between the SR 219 and Pelandale interchanges to accommodate traffic traveling from one side of the freeway to the other via the freeway and two interchanges.

4. Some combination of the measures listed above, which provide the required total capacity to accommodate the projected traffic volumes levels.

**Substantial Evidence**


3. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99.

a) Finding 3-1

This roadway segment would deteriorate from LOS A \((V/C = 0.75)\) under the original General Plan to LOS F \((V/C = 1.13)\) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.
b) Conclusions:

In order to mitigate the conditions at this location, upgrading SR 219 from a six-lane arterial to a six-lane expressway between Chapman Road and SR 99 would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence


4. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps.

a) Finding 4-1

This roadway segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions, upgrading Standiford Avenue from a future eight-lane arterial to a ten-lane arterial would be needed to improve the operations of the segment between SR 99 Northbound Ramps and Dale Road. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence

5. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps.

a) Finding 5-1

This roadway segment would degrade within LOS F, from V/C=1.15 to V/C=1.35 with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions at this location, widening of the overcrossing to 10 lanes plus left-turn lanes would be needed. The City does identify the widening of Standiford over SR 99 in its CFF program. As of 1989, the projected costs for this improvement was estimated at $7.8 million; there is currently $5.9 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence


B. Findings Regarding Significant But Mitigable Impacts

Section 21081 of the Public Resources Code requires the City to make findings that the project has changed (including the adoption of mitigation measures) to avoid, or substantially less the magnitude of, the impact. Following are the Issue Areas, identified in the Final Focused EIR, in which the impacts of the project are mitigable to a less-than-significant level.

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan
Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road
Pelandale Avenue and Chapman Road
Pelandale Avenue and Sisk Road

a) Finding 1-1

The intersection of SR 219 and Dale Road would deteriorate from LOS B (average delay = 7.9 seconds) under the Existing Conditions to LOS F (average delay = 398 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

b) Finding 1-2

The intersection of SR 219 and Carver Road would deteriorate from LOS B (average delay = 5.8 seconds) under the Existing Conditions to LOS F (average delay = 70.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

c) Finding 1-3

The intersection of SR 219 and Tully Road would deteriorate from LOS B (average delay = 7.8 seconds) under the Existing Conditions to LOS F (average delay = 91.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

d) Finding 1-4

The intersection of Pelandale Avenue and Dale Road would operate at LOS F (average delay = 964 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

e) Finding 1-5

The intersection of Pelandale Avenue and Prescott Avenue would have some minor street movements that would operate at LOS F under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.
f) Finding 1-6

The intersection of Pelandale Avenue and Carver Road would operate at LOS F (average delay = 66.3 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

g) Finding 1-7

The intersection of Pelandale Avenue and Tully Road would operate at LOS E (average delay = 41.6 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

h) Finding 1-8

The intersection of Pelandale Avenue and SR 108 would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

i) Finding 1-9

The intersection of Kiernan Avenue and Chapman Road would operate at LOS F (average delay = 498 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

j) Finding 1-10

The intersection of Pelandale Avenue and Chapman Road would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

k) Finding 1-11

The intersection of Pelandale Avenue and Sisk Road would deteriorate from LOS C (average delay = 18.4 seconds) under the Existing Conditions to LOS F (average delay = 105 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

l) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct
the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards:

1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.

2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025.

3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.
This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.

Substantial Evidence


2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

a) Finding 2-1:

The Carver-Bangs Specific Plan area would border (future) Pelandale Expressway on the south, Bangs Avenue on the north, American Avenue on the west, and Carver Road on the east. Prescott Road would be extended through the middle of the Plan area. Circulation plan diagrams for the Carver-Bangs Specific Plan area (Exhibit 4-1 of the Carver-Bangs Specific Plan and Figure V-I of the Urban Area General Plan) show (future) Pelandale Expressway as a six-lane Class B expressway in the vicinity of the Carver-Bangs Specific Plan area, and (extended) Prescott Road as a four-lane minor arterial. American Avenue, Bangs Avenue and Carver Road would be two-lane collector streets.

Based on the traffic forecasts developed for the Focused EIR, traffic noise levels have been estimated along the borders of the Carver-Bangs Specific Plan area and along Prescott Road to evaluate the compatibility of proposed residential uses within the Specific Plan area with their future noise environment. As shown in Table IV-C-2 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 L_{dn} or less) for the residential uses proposed under the Carver-Bangs Specific Plan. ROW noise levels would be highest along Pelandale Expressway and Prescott Road where they would be "normally or clearly unacceptable" (i.e. 70 L_{dn}, more) for residential land use development.

b) Finding 2-2

The northern portion of the GPA area would border Kiernan Avenue on the north, Bangs Avenue on the south, American Avenue on the west, and existing rural residential (future Village Residential) uses to the east. Figure V-1 of the Urban...
Area General Plan indicate that Kiernan Avenue would be widened in the future to become a six-lane, Class B expressway in the vicinity of the GPA area. (Extended) American Avenue and Bangs Avenue would be two-lane collector streets. Based on the traffic forecasts developed for this Focused EIR, traffic noise levels have been estimated along the borders of the northern portion of the GPA area to evaluate the compatibility of proposed residential uses within the GPA area with their future noise environment. (Noise/land use compatibility would not have been an issue of concern for the business park uses contemplated under the current General Plan). As shown in Table IV-C-3 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 L_{dn} or less) for the residential uses proposed under the GPA. ROW noise levels would be highest along Kiernan Avenue where they would be "normally or clearly unacceptable" (i.e. 70 L_{dn} more) for residential land use development.

c) Finding 2-3

The General Plan Master EIR anticipates that future residential development could be introduced into areas where the future noise environment would likely be "unacceptable" for such uses and identifies the associated impact as significant. The General Plan Master EIR also identifies mitigation measures to address the issue of noise/land use compatibility for future residences and indicates that these measures would reduce significant impacts to a less-than-significant level in most instances.

d) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 L_{dn} for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Pelandale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.

This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.
Substantial Evidence

Pages IV-C-6 to IV-C-9, and IV-C-12 to IV-C-13 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.
B. General Overriding Considerations

4. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

a) Finding No. 1

In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of housing types opportunities within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area and made the requisite overriding consideration findings.

Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Carver-Bangs Specific Plan is in an area which contains five additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to traffic and circulation needs.

The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. The Carver-Bangs Specific Plan specifically recognizes that development of this project area is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of housing, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and
thriving community and find that the need to implement the General Plan and its supporting goals and policies are benefits associated with this project.

Substantial Evidence


5. Social Considerations

1) If additional residential areas are not developed in the Carver-Bangs Specific Plan, opportunities to implement the following General Plan goals and policies would be hindered:

- The Modesto community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- Work to supply entry level housing as well as “step-up” housing.
- Promote equal opportunity for all residents to reside in the housing of their choice.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.

Substantial Evidence


m) Finding No. 2

The General Plan Housing Element, which was approved by the State Department of Housing and Community Development, calls for a commitment for substantial new housing in the Modesto Urban Area.

Substantial Evidence

1992 Housing Element to Modesto Urban Area General Plan.

Letter dated April 7, 1995, from the California Department of Housing and Community Development which authorizes incorporation of the 1992 Housing Element into the 1995 General Plan.
Section IV-E in 1995 General Plan.

6. Economic Considerations

The projections of the California Department of Finance indicate that the population of the region will grow faster than the State average in percentage terms. In absolute terms, Stanislaus County is projected to be one of the fastest growing counties in the State.

Substantial Evidence

Projected Total Population of California Counties: 1990-2040, published by the California Department of Finance (page 9).

b) Finding No. 2

In view of increasing traffic constraints and air quality constraints in the region and the need to promote a fully integrated community in which jobs and housing are carefully balanced, it is critical to strive for new housing opportunities as well substantial employment opportunities. These strategies support the goal of the San Joaquin Valley Unified Air Pollution Control District to reduce long commutes to assist in meeting air quality standards.

Substantial Evidence

Air Quality Guidelines for General Plans, published by the San Joaquin Valley Unified Air Pollution Control District, Goal 7, page A-7.

Modesto Urban Area General Plan: Figure III-1.

7. Land Use Considerations

a) Finding No. 1

The Carver-Bangs Specific Plan will serve to help direct the orderly development of the planning area. The purpose of the plan is to help implement the City of Modesto’s General Plan as authorized under State Law (Section 65450 et. seq. of State Government Code).

Substantial Evidence


b) Finding No. 2
This Specific Plan was initiated to support the City's efforts in developing a portion of north Modesto. The addition of this planning area was seen as an opportunity by the City to encourage the eventual extension and construction of the Pelandale Avenue Expressway as well as a chance to plan for some nearby housing to supplement the extensive Kiernan Business Park Area.

Substantial Evidence


c) Finding No. 3

The goals of the Specific Plan are to facilitate development of Village Residential uses in the Carver-Bangs Specific Plan, consistent with policies and standards of the City of Modesto.

The Carver-Bangs Specific Plan will provide additional residential units to house Modesto's growing population. These units will be developed consistent with density requirements and other characteristics of the Village Residential General Plan designation. Village Residential uses are intended to be predominantly single family, with provisions for multi-family and senior housing, commercial uses, schools, and parks. The Plan area is not expected to accommodate all these uses; however, development of this area is not expected to preclude development of any of these uses in the overall Kiernan/Carver CPD.

The policy requirements presented in the Kiernan/Carver CPD are incorporated into this Specific Plan, as well as growth strategies for the planned urbanizing area.

Substantial Evidence

Carver-Bangs Specific Plan, page 2-1 and 2-2.

8. Conclusion

Based on all of the foregoing, the City Council of the City of Modesto hereby finds and declares that the benefits associated with this project, as set forth in Items 1 through above, outweigh the significant and unavoidable environmental consequences associated with the project and approves the project subject to the mitigation measures contained in the final Environmental Impact Report certified for this project.

15
99-163
not used
A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE KIERNAN BUSINESS PARK REORGANIZATION (WITHIN THE KIERNAN BUSINESS PARK SPECIFIC PLAN AREA) TO THE CITY OF MODESTO. (COUNCIL INITIATED - UNINHABITED)

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Kiernan Business Park Reorganization to the City of Modesto, which is immediately adjacent to the Modesto city limits, and

WHEREAS, notice of intent to adopt this resolution of application has not been given to each interested and each subject agency, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit "A", attached hereto and by this reference incorporated herein, and

WHEREAS, the area proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto;
(b) The detachment of said territory from the Salida Fire Protection District; and

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Kiernan Business Park Reorganization to the City of Modesto is as follows:

1. The proposed reorganization is required by public convenience or necessity because the Kiernan-Carver Comprehensive Planning District and the Kiernan Business Park Specific Plan are consistent with the City of Modesto Urban Area General Plan.

2. The proposed reorganization will result in an orderly planned use of land resources because the Kiernan Business Park Specific Plan will implement a Community Growth Policy of the General Plan to provide sufficient land supply; namely, it promotes the expansion of the Modesto Urban Area toward the north to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the north side of Modesto.

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "B" attached hereto and by this reference incorporated herein, and

WHEREAS, the Modesto Community Development Department, Development Services Division, shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Kiernan Business Park Specific Plan, adopted by the Council of the City of Modesto on April 1, 1997.

2. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the
reorganization of the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that the City suggests that the Stanislaus County Local Agency Formation Commission, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Focused Environmental Impact Report in LAFCO’s deliberations on this Reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the executive officer of the Local Agency Formation Commission of Stanislaus County, and that pursuant to Government Code Section 56700 the Council hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with Kiernan Business Park Reorganization.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Dept.
Exhibit "A"

Description
KIERNAN AVENUE BUSINESS PARK
PHASE 1, SUB AREA "A"
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property in portions of Sections 35 and 36, Township 2 South, Range 8 East and Sections 1 and 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the southeast corner of the northeast quarter of the southeast quarter of said Section 2, being also the northeast corner of the Pelandale No. 1 Addition to the City of Modesto and the northwest corner of the Pelandale - Snyder Reorganization to the City of Modesto; thence North 89° 18' 15" E on the north line of the said Pelandale-Snyder Reorganization, 50.00 feet to the TRUE POINT OF BEGINNING of this description, said point also being the southeast corner of the Fleur De Ville Reorganization to the City of Modesto; thence continue on the north line of the aforementioned Pelandale - Snyder Reorganization, North 89° 18' 15" East, 2598.02 feet to the east line of the west half of said Section 1; thence North 0° 24' 19" West, on said east line, 2654.66 feet to the south line of Parcel C as shown on the map recorded in Volume 10 of Surveys, at page 75, Stanislaus County Records; thence South 89° 28' 03" West on the south line of said Parcel C, 329.35 feet to the west line of said Parcel C; thence North 0° 07' 11" West on the west line of said Parcel C and its northerly extension, 1352.83 feet to the north line of 50.00 foot wide Kiernan Avenue; thence South 89° 44' 52" West on said north line, 1838.49 feet to an angle point in said north line; thence North 86° 52' 07" West on said north line 409.97 feet to another angle point in said north line; thence North 38° 04' 25" West on said north line, 56.96 feet to the east line of 50.00 foot wide Dale Road; thence leaving said east line, South 89° 35' 51" West, 50.00 feet to the west line of said Dale Road; thence South 0° 26' 39" E on the southerly extension of the west line of said Dale Road, 95.00 feet to the centerline of aforementioned Kiernan Avenue; thence South 0° 08' 23" East on the northerly extension of the west line and the west line of said Dale Road, 2676.35 feet to the south line of the northeast quarter of said Section 1; thence continuing on the west line of Dale Road, South 0° 08' 34" East, 90.16 feet to the north line of the Fleur De Ville Reorganization; thence on said north line, North 89° 39' 08" East, 25.00 feet to the centerline of Dale Road; thence continue on said north line North 89° 19' 05" East, 50.00 feet to the northeast corner of the Fleur De Ville Reorganization; thence South 0° 08' 34" East, on the east line of said Fleur De Ville Reorganization and the east line of Dale Road, 1233.93 feet to the point of beginning.

Containing 233.58 Acres, more or less.
KIERNAN BUSINESS PARK
PHASE 1, SUB AREA "A"
REORGANIZATION TO THE CITY OF MODESTO

Basis of Bearings:
Bearings are based on the California State Plane Coordinate System, Zone 3.

CITY OF MODESTO
Exhibit "B"

Plan for Providing Services

1. Fire Protection - Upon reorganization, the property will be withdrawn from the Salida Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 6.

2. Police Protection - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. Garbage and Garden Refuse Pickup - Weekly pickup would be extended to the area upon effective date of annexation.

4. Sanitary Sewer Service - Service would be extended upon development of the area, at no cost to the city as existing city fees and developer financing will be sufficient to cover the cost.

5. Water Service - Service would be provided by the City of Modesto upon annexation.

6. Streets - Streets will be the responsibility of the developer and be integrated into the development of the project.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-165

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO TRANSFER $3,000 FOR PAYMENT OF LAFCO FILING FEES TO ANNEX THE EASTERN PORTION OF THE KIERNAN BUSINESS PARK

WHEREAS, currently the Kiernan Business Park lies outside, but immediately adjacent to, the city limits of Modesto; and

WHEREAS, to annex the eastern portion of the Kiernan Business Park, the City needs to make application to LAFCO with their filing fees being $3,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to transfer $3,000 for payment of LAFCO filing fees to annex the eastern portion of the Kiernan Business Park.

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 1st day of April, 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 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, Budget Officer
A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL COMMUNICATIONS SALES, INC. FOR ONE DIGITAL 800 MHZ RADIO SYSTEM FOR A TOTAL PRICE OF $49,936.61

WHEREAS, Resolution No. 97-106, adopted by the Council of the City of Modesto on February 27, 1997, authorized bids to be opened for furnishing one digital 800 MHZ radio system; and

WHEREAS, the sole bid received for furnishing one digital 800 MHZ radio system, was opened at 11:00 a.m. on March 18, 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 Industrial Communications Sales, Inc. for the total amount of $49,936.61 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Industrial Communications Sales, Inc. for furnishing one digital 800 MHZ radio 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 1st day of April, 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. 97-167

A RESOLUTION ACCEPTING THE BID OF S K PAINTING COMPANY FOR REPAINTING STREET LIGHT STANDARDS, FOR UP TO FIVE YEARS, FOR A TOTAL FIRST YEAR PRICE OF $19,900.00

WHEREAS, Resolution No. 97-105, adopted by the Council of the City of Modesto on February 27, 1997, authorized bids to be opened for repainting street light standards; and

WHEREAS, the bids received for repainting street light standards, were opened at 11:00 a.m. on March 18, 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 S K Painting Company for up to five years, for the total first year amount of $19,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of S K Painting Company for repainting street light standards 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 1st day of April, 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. 97-168

A RESOLUTION ACCEPTING THE HELD AVENUE/MID LATERAL NO. 3 CANAL CROSSING PROJECT 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 Held Avenue/MID Lateral No. 3 canal crossing project has been completed by Cunningham and Sons, Inc., in accordance with the contract agreement dated October 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Held Avenue/MID Later No. 3 canal crossing project be accepted from said contractor, Cunningham and Sons, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $318,890.20, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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. 97-169

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH EIP ASSOCIATES FOR THE PREPARATION OF A REVISED DRAFT ENVIRONMENTAL IMPACT REPORT AND A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BIOSOLIDS LAND APPLICATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with EIP Associates for the preparation of a revised draft environmental impact report and a final environmental impact report be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by 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 1996-97 ANNUAL BUDGET TO APPROPRIATE $20,000 FROM ACCOUNT #010-800-8000-8003, GENERAL FUND CONTINGENCY RESERVE TO ACCOUNT #010-370-3715-1060, YOUTH/SENIOR FINANCIAL ASSISTANCE

WHEREAS, the Youth/Senior Financial Assistance Program was implemented in fiscal year 1993-94, with the purpose of providing a 90% subsidy to low income, qualifying youth; and

WHEREAS, expenditures have steadily increased as more people learn of this program and of the $40,000 budgeted for the current fiscal year, $38,944 has been spent as of March 6th; and

WHEREAS, staff anticipates a total of $60,000 is needed to meet the requests for assistance and staff is recommending that the allocation for this program be increased by $20,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate $20,000 from Account #010-800-8000-8003, General Fund Contingency Reserve to Account #010-370-3715-1060, Youth/Senior Financial Assistance Program.

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 1st day of April, 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

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-171

A RESOLUTION APPROVING REVISION TO THE YOUTH/SENIOR FINANCIAL ASSISTANCE PROGRAM TO REVISE THE QUALIFYING CRITERIA, TO INCREASE FROM $500 TO $1,000 THE LOW INCOME FACILITY USAGE FEE FOR GROUPS USING THE MODESTO CENTRE PLAZA.

WHEREAS, the Youth/Senior Financial Assistance Program was implemented in FY 1993-94, for the purpose of providing a 90% subsidy to low income, qualifying youth and seniors, through the issuance of "leisure bucks" cards, and

WHEREAS, low income groups wishing to use the Facility Rental Fee Assistance Program must show financial need, file an application with the Parks and Recreation Department, have 51% of their participants from low-income target neighborhoods within the City limits of Modesto, and qualifying participants must be 18 years of age or under, or 62 years of age or older, and

WHEREAS, City staff is recommending that the maximum allowable rental subsidy be increased from $500 to $1,000 for qualifying organizations using the Modesto Centre Plaza, and

WHEREAS, the maximum subsidy will remain at $500 for all other locations, and

WHEREAS, the Financial Policy Committee met on March 25, 1997, and supported staff's recommendations, and

WHEREAS, increasing the amount of subsidy for rental of the Modesto Centre Plaza from $500 to $1,000 will better provide qualifying organizations the opportunity to use this facility,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revision to the Youth/Senior Financial Assistance Program's qualifying criteria for the Low Income Facility Usage Fee as set forth above, and as recommended by the Financial Policy Committee and City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___ day of ___ April __, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-172

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $11,817 TO COVER THE COST OF THE EXTENDED SCOPE OF WORK OF MINAGAR & ASSOCIATES FOR THE PETROLEUM VIOLATION ESCROW ACCOUNT TRAFFIC SIGNAL RE-TIMING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: 070-160-H042 $11,817
Traffic Signal Modifications - Various New Locations

TO: 070-160-H042 $11,817
PVEA Traffic Signal Retiming and Upgrade

Funds are needed to cover the cost of the extended scope of work of Minager & Associates for the PVEA Traffic Signal Retiming Project.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 1st day of April, 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 IMPROVEMENTS IN SYMPHONY PLACE NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF PERFORMANCE BONDS AND IRREVOCABLE STANDBY LETTER OF CREDIT

WHEREAS, Sarjak Enterprises, Inc. subdividers of Symphony Place No. 2 subdivision, have caused to be filed a performance bond in the amount of $263,872.00, and an Irrevocable Standby Letter of Credit for labor and materials in the amount of $131,396.00 to guarantee improvements in Symphony Place No. subdivision and;

Whereas, the Director of Community Development, in a memorandum dated March 18, 1997, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Department; and

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

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

1. The improvements in Symphony Place No. 2 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $263,872.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for labor and materials in the amount of $131,936.00 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-174

A RESOLUTION DIRECTING STAFF TO PROCESS AN AMENDMENT TO THE VILLAGE ONE MELLO-ROOS COMMUNITY FACILITIES DISTRICT TO ADD FACILITIES (COMMUNITY SIGNAGE AND ROSELLE AVENUE IMPROVEMENTS) TO THE DISTRICT'S COMMUNITY FACILITIES INVENTORY AND TO ANNEX THREE SUBDIVISIONS (NOTTINGHAM PLACE, VILLAGE HIGHLANDS AND OLYMPIC VILLAGE) TO THE DISTRICT.

WHEREAS, on October 8, 1996, by Resolution No. 96-544, the City Council approved the formation and establishment of the Village One Mello-Roos Community Facilities District No. 1996-1 ("CFD"), and

WHEREAS, Exhibit "B" of said resolution entitled "Description Of Facilities" described facilities which were presented in the Village One Facilities Master Plan adopted in June, 1996, and which were to be funded within the Village One Mello-Roos CFD, and

WHEREAS, subsequent to the establishment of the Village One Mello-Roos CFD, staff identified additional facilities to be added to the District's Community Facilities inventory, and

WHEREAS, the balance of development occurring in Village One will be required to fund the additional facilities to be added to the District's Community Facilities inventory as follows:

1. A Comprehensive Signage Program to identify Village One as a master planned project and to provide brief information regarding the subdivisions currently under construction within it. Amendment of the Village One
Community Facilities District is needed to absorb $500,000 in capital costs for said community signage.

2. **Roselle Avenue Improvements** consisting of 1,400 lineal feet. Due to an ambiguity in the Village One Public Facilities Master Plan adopted in June, 1996, which formed the basis of the Village One CFD, it was assumed that approximately 1,400 lineal feet of street improvements on Roselle Avenue, currently constructed by the Charleston Place project, would be the ultimate responsibility of the Charleston Place developer. Instead, however, the Roselle Avenue improvements will be paid for by the Charleston Place developer and future developers in Village One. Amendment of the Village One CFD is needed to absorb the cost of these improvements in the approximate sum of $400,000, and

WHEREAS, three approved subdivisions, Nottingham Place, Village Highlands, and Olympic Village, have requested annexation to the CFD, and

WHEREAS, the City Council has determined that amendment of the Village One CFD is necessary to add additional facilities to the District's Community Facilities inventory and to annex the three subdivisions, Nottingham Place, Village Highlands, and Olympic Village, to the CFD,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby directed to process an amendment to the Village One Mello-Roos Community Facilities District, formerly adopted on October 9, 1996, by Resolution No. 96-544, to add facilities, a Comprehensive Signage Program in the sum of $500,000, and Roselle Avenue Improvements in the sum of
approximately $400,000, and to annex the Nottingham Place, Village Highlands, Olympic Village, and such other subdivisions to the Village One Mello-Roos Community Facilities District as may be appropriate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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

APPROVED AS TO FORM:

(SEAL)

By

MICHAEL D. MILICH, City Attorney

ATTEST: JEAN Adams

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-175

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH VAIL ENGINEERING CORPORATION TO PROVIDE CONSULTANT SERVICES FOR THE PREPARATION OF AMENDMENTS TO THE VILLAGE ONE MELLO-ROOS COMMUNITY FACILITIES DISTRICT AND THREE ANNEXATIONS TO THE COMMUNITY FACILITIES DISTRICT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Vail Engineering Corporation for the preparation of amendments to the Village One Mello-Roos Community Facilities District and three annexations to the Community Facilities District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by 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. 97-177


WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association (MCFFA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by MCFFA for the Fiscal Years 1996-97 to 2000-01, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association for the Fiscal Years 1996-97 to 2000-01 is hereby approved and shall become effective on April 1, 1997, a copy of said MOU is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.

BE IT FURTHER RESOLVED that the implementation of salary rates and step advances are as set forth on pages 2 and 3 of said MOU.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 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: 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:

MICHAEL D. MILICH, City Attorney

06/20/97
MODESTO CITY COUNCIL
RESOLUTION NO. 97-178

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING FLOOD DAMAGE RESTORATION WORK AT LEGION HALL

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 flood damage restoration work at Legion Hall, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 25, 1997, at 11:00 a.m., and 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 8th day of April, 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, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-179

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION, NEGOTIATION, 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 thirty-three (33) vehicles and miscellaneous pieces of automotive equipment, three (3) motorcycles, and five (5) pallets of miscellaneous automotive parts which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, 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 through negotiations, and

WHEREAS, if the sealed bid process, the public auction or the negotiation process does not bring the desired results, then City staff proposes that the property should be sold for scrap, and
WHEREAS, a list of those items to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the thirty-three (33) vehicles and miscellaneous pieces of automotive equipment, three (3) motorcycles, and five (5) pallets of miscellaneous automotive parts, which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth
the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold through negotiations, and

SECTION 5. If said property cannot be sold on a sealed bid process, at a public auction, or through negotiations as provided for above, 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 8th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-180

A RESOLUTION REJECTING BIDS RECEIVED FOR THE PROJECT TITLED "YOSEMITE BOULEVARD WIDENING FROM MCCLURE ROAD TO FRAZINE ROAD" RECEIVED AND OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 18, 1997

WHEREAS, the bids received for the project titled "Yosemite Boulevard widening from McClure Road to Frazine Road" were opened at 11:00 a.m. on March 18, 1997;

WHEREAS, addressing concerns that the project specifications did not require payment of prevailing wages on the project, the City Attorney's office has recommended that the bids be rejected and the project be rebid as a prevailing wage project; and

WHEREAS, the recommendation was made because the project involves a State facility and therefore the project could technically be considered of Statewide significance; a portion of the project is outside the current City limits; and there are some State funds involved.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the project entitled "Yosemite Boulevard widening from McClure Road to Frazine Road", opened in the office of the City Clerk on March 18, 1997, are hereby rejected.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: None

ATTEST: ________________________
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-181

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PROJECT NO. 21 - REPLACEMENT OF CURBS/DRIVE APRONS/SIDEWALKS 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 construction of Project No. 21 - replacement of Curbs/drive aprons/sidewalks has been completed by Teichert Construction, in accordance with the contract agreement dated June 6, 1995.

NOW, THEREFORE, BE IT RESOLVED that the construction of Project 21 - replacement of curbs/drive aprons/sidewalks be accepted from said contractor, Clyde Wheeler Pipeline; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $276,217.98, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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: [Signature]
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL

RESOLUTION NO. 97-182

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $35 MILLION
PRINCIPAL AMOUNT OF WASTEWATER TREATMENT FACILITY
REVENUE BONDS, SERIES 1997, AUTHORIZING AND DIRECTING
EXECUTION OF A THIRD SUPPLEMENTAL INDENTURE, AUTHORIZING
THE SALE OF SUCH BONDS, APPROVING AN OFFICIAL STATEMENT,
AND AUTHORIZING OTHER OFFICIAL ACTION

WHEREAS, pursuant to the City of Modesto Wastewater Treatment Facilities Revenue
Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the "Bond
Law"), the City of Modesto, California (the "City") is authorized to issue revenue bonds to
provide funds to finance or refinance the costs of the acquisition, construction, and equipping of
improvements to the wastewater treatment facilities of the City (the "Enterprise"); and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 84-862
adopted October 23, 1984, the City previously issued its Wastewater Treatment Facility Revenue
Bonds, Series 1984, in an aggregate principal amount of $11,500,000 (the "1984 Bonds") to
finance the acquisition, construction, and equipping of improvements to the Enterprise; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 85-964
adopted December 23, 1985, the City previously issued its Wastewater Treatment Facility
Refunding Bonds, Series 1985 (the "1985 Bonds"), in an aggregate principal amount of
$12,720,000 to provide funds to advance refund the 1984 Bonds; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 87-1242
adopted November 24, 1987 and an Indenture of Trust, dated as of December 1, 1987 (the
"Indenture") the City previously issued its Wastewater Treatment Facility Refunding Bonds,
Series 1987 (the "1987 Bonds"), in an aggregate principal amount of $11,785,000 to provide
funds to advance refund the 1985 Bonds; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 93-467
adopted August 10, 1993 and the Indenture, as amended by a First Supplemental Indenture, dated
as of September 1, 1993, the City previously issued its Wastewater Revenue Bonds, Series 1993
in an aggregate principal amount of $8,555,000 to finance the acquisition, construction, and
equipping of improvements to the Enterprise; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 96-206
adopted by the City April 23, 1996 and the Indenture, as amended by a Second Supplemental
Indenture, dated as of August 1, 1996, the City previously issued its Wastewater Treatment
Facility Refunding Revenue Bonds, Series 1996 in an aggregate principal amount of $8,695,000
to provide funds to Refund the 1987 Bonds, and
WHEREAS, the City, after due investigation and deliberation, has determined that it is in the interests of the City at this time to issue its Wastewater Treatment Facility Revenue Bonds, Series 1997 (the "1997 Bonds"), in an aggregate principal amount not to exceed $35 million under the Bond Law to provide funds to provide for the acquisition and/or construction of improvements for the Enterprise, to fund a reserve account with respect to the 1997 Bonds, and to pay related costs of issuance; and

WHEREAS, the 1997 Bonds are proposed to be issued in accordance with Section 3.04 of the Indenture and pursuant to a Third Supplemental Indenture, dated as of April 1, 1997 (as described below); and

WHEREAS, the 1997 Bonds are proposed to be sold to Lehman Brothers (the "Underwriter") pursuant to the Contract of Purchase described below; and

WHEREAS, it is proposed that the City execute and deliver the Continuing Disclosure Agreement described below to allow the Underwriter to comply with Rule 15c2-12(b)(5) of the Securities Exchange Act of 1934; and

WHEREAS, all acts, conditions and things required by the Bond Law and the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the sale and issuance of the Series 1997 Bonds authorized hereby do exist, have happened and have been performed in regular and due time, form and manner required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue and sell the Series 1997 Bonds 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. Issuance of 1997 Bonds. The City Council hereby authorizes the issuance of its Wastewater Treatment Facility Revenue Bonds, Series 1997 in an aggregate principal amount not to exceed $35 million.

Section 2. Third Supplemental Indenture. The City Council hereby approves the form of the Third Supplemental Indenture, dated as of April 1, 1996 by and between the City and First Trust of California, National Association (the "Trustee") in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood LLP, Bond Counsel, or by the City Manager or the Interim Director of Finance, whose execution thereof shall be conclusive evidence of such officer’s approval of any such additions and changes. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest to said signature on, the final form of the Third Supplemental Indenture for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Third Supplemental Indenture.
Section 3. **Contract of Purchase.** The City Council hereby approves the form of the Contract of Purchase by and between the City and the Underwriter in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood LLP, Bond Counsel, or by the City Manager or the Interim Director of Finance, whose execution thereof shall be conclusive evidence of such officer’s approval of any such additions and changes; provided, however, that the Underwriter’s discount shall not exceed 1.5%, the true interest cost of the 1997 Bonds shall not exceed 8.5% and the final maturity of the 1997 Bonds shall be not later than November 1, 2022. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute the final form of the Contract of Purchase for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Contract of Purchase.

Section 4. **Continuing Disclosure Agreement.** The City Council hereby approves the form of the Continuing Disclosure Agreement by and between the City and the Trustee in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood LLP, Bond Counsel, or by the City Manager or the Interim Director of Finance, whose execution thereof shall be conclusive evidence of such officer’s approval of any such additions and changes. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute the final form of the Continuing Disclosure Agreement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Continuing Disclosure Agreement.

Section 5. **Official Statement.** The City Council hereby approves the form of preliminary official statement of the City relating to the 1997 Bonds (the "Preliminary Official Statement") in substantially the form on file with the City Clerk. The City Manager or the Interim Director of Finance is hereby authorized to certify that the Preliminary Official Statement, with such changes therein as the City Manager or the Interim Director of Finance shall approve after consultation with Bond Counsel, is as of its date "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute for and on behalf of the City a final official statement, in substantially the form of the Preliminary Official Statement, with such changes therein (and additions thereto to reflect the terms of the sale of the 1997 Bonds) as the City Manager or the Interim Director of Finance shall approve after consultation with the Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the 1997 Bonds, and the Underwriter is directed to deliver copies of any final official statement to all actual purchasers of the 1997 Bonds.

Section 6. **Official Action.** All actions heretofore taken by the officers and agents of the City with respect to the issuance of the 1997 Bonds are hereby approved, confirmed and ratified. The City Manager, the Mayor, the City Clerk, the Interim Director of Finance, the City Attorney and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, necessary to effectuate the purposes of this Resolution, including the negotiating and obtaining of a municipal bond insurance policy, debt service reserve surety bond or investment agreement for any funds and accounts held under the Third Supplemental Indenture if the City Manager or Interim
Director of Finance, upon the advice of the Financial Advisor, determine that such policy, bond or agreement will result in debt service servings or will otherwise be financially advantageous to the City, and the execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance, sale and delivery of the 1997 Bonds. Notwithstanding the foregoing, in accordance with the terms of the Indenture, the Interim Director of Finance, upon the advise of the Financial Advisor, shall not be required to fund a Reserve Account for the 1997 Bonds if such action would be financially advantageous to the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April 1997, by Councilmember ______ 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
AYES: Councilmembers: None

ATTEST: Jean Adams
Jean Adams,
City Clerk

APPROVED AS TO FORM:

Michael D. Milich,
City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 97-183

A RESOLUTION AUTHORIZING THE CITY OF MODESTO ("PUBLIC AGENCY") TO JOIN WITH OTHER PUBLIC AGENCIES AS A PARTICIPANT OF THE CALIFORNIA ASSET MANAGEMENT TRUST AND TO INVEST IN SHARES OF THE TRUST AND IN INDIVIDUAL PORTFOLIOS.

WHEREAS, Section 6502 of Title 1, Division 7, Chapter 5 of the Government Code of the State of California (the "Joint Exercise of Powers Act") provides that, if authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties; and

WHEREAS, under Section 6500 of the Joint Exercise of Powers Act, a "public agency" includes, but is not limited to, any California county, county board of education, county superintendent of schools, city, city and county, public corporation, public district, regional transportation commission or state department or agency, and

WHEREAS, public agencies which constitute local agencies, as that term is defined in Section 53630 of Title 5, Division 2, Part 1, Chapter 4, Article 2 of the Government Code of the State of California (the "California Government Code"), are authorized pursuant to Section 53601 and/or 53635 thereof to invest all money belonging to, or in the custody of, the local agency in certain specified investments, and

WHEREAS, the California Asset Management Trust (the
"Trust") was established, pursuant to and in accordance with the Joint Exercise of Powers Act, by a Declaration of Trust, made as of December 15, 1989 and subsequently amended (the "Declaration of Trust"), as a vehicle for public agencies to jointly exercise their common power to invest bond proceeds and other funds, and

WHEREAS, pursuant to and in accordance with the Joint Exercise of Powers Act, the Public Agency desires to join the other public agencies which are or will be Participants of the Trust by adopting and executing the Declaration of Trust, a form which has been presented to this meeting, and

WHEREAS, the Public Agency is a public agency as that term is defined in the Joint Exercise of Powers Act and a local agency as that term is defined in Section 53630 of the California Government Code, and

WHEREAS, the Public Agency is otherwise permitted to be a Participant of the Trust and to invest funds in the Trust and in the Individual Portfolios to be managed by the Investment Adviser to the Trust ("Individual Portfolios"), and

WHEREAS, there has been presented to this meeting an Information Statement describing the Trust and the Individual Portfolios (the "Information Statement")

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

Section 1. The Public Agency shall join with other public agencies pursuant to and in accordance with the Joint Exercise of Powers Act by executing the Declaration of Trust and
thereby becoming a Participant in the Trust, which Declaration of Trust is hereby approved and adopted. A copy of the Declaration of Trust shall be filed with the minutes of the meeting at which this Resolution was adopted. The City Manager is hereby authorized to execute, and the City Clerk is hereby authorized to attest and deliver, the Declaration of Trust, in substantially the form presented at this meeting.

Section 2. The Public Agency is hereby authorized to purchase shares in the Trust from time to time with available funds of the Public Agency, and to redeem some or all of those shares from time to time as such funds are needed.

Section 3. The Public Agency is hereby authorized to invest available funds of the Public Agency from time to time in one or more Individual Portfolios managed by the Investment Adviser to the Trust and described in the Information Statement.

Section 4. The appropriate officers, agents and employees of the Public Agency are hereby authorized and directed in the name and on behalf of the Public Agency to take all actions and to make and execute any and all certificates, requisitions, agreements, notices, consents, warrants and other documents, which they, or any of them, might deem necessary or appropriate in order to accomplish the purposes of this Resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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, 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. 97-184

A RESOLUTION SUPPORTING PROPERTY OWNERS’ APPLICATION TO THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO EXTEND MODESTO’S SPHERE OF INFLUENCE TO ANNEX APPROXIMATELY 72 ACRES OF TERRITORY IN THE PELANDALE AND SISK VICINITY DESIGNATED FOR "REGIONAL COMMERCIAL" USES IN THE KIERNAN BUSINESS PARK AREA.

WHEREAS, Section 56425 of the California Government Code requires all cities in California to have a Sphere of Influence, to be established by the Local Agency Formation Commission, hereafter referred to as "LAFCO", and

WHEREAS, on December 19, 1984, the Stanislaus County LAFCO established the Sphere of Influence for the City of Modesto, based on the City’s General Plan current at that time, and

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the Modesto City Council, certified a Final Master Environmental Impact Report, and on August 15, 1995, by Resolution No. 95-409, the Modesto City Council adopted a new General Plan to guide Modesto’s development over the next thirty years, and

WHEREAS, on October 10, 1995, by Council Resolution No. 95-489, the Council initiated an application to the Stanislaus County Local Agency Formation Commission to amend Modesto’s Sphere of Influence to include all areas within the boundaries of the previously adopted General Plan, and not to designate a primary and secondary area of influence, and
WHEREAS, on April 1, 1997, the Council, by Resolution No. 97-159 approved a Specific Plan for the Kiernan Business Park, which includes an area of approximately 72 acres designated for "regional commercial" uses, and by Ordinance No. 3035-C.S., the Council approved a prezone of the Kiernan Business Park property, and

WHEREAS, the owners of a portion of the Kiernan Business Park property, which is designated for commercial uses, asked the City Council to support their application to LAFCO for an extension of the Sphere of Influence and for annexation of the territory, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the county providing for the sharing of property taxes following an annexation, and

WHEREAS, on April 8, 1997, by Council Resolution No. 97-185, the Council approved a Property Tax Sharing Agreement with the County of Stanislaus which would apply to the 72 acres designated for "regional commercial" in the Kiernan Business Park, and

WHEREAS, the Council desires to support the property owners' application to LAFCO for an extension of the Sphere of Influence and for annexation of approximately 72 acres of territory in the Pelandale and Sisk vicinity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto hereby supports the
property owners' application to the Local Agency Formation Commission of Stanislaus County for an extension of the City of Modesto's Sphere of Influence and for annexation of approximately 72 acres of territory in the Pelandale and Sisk vicinity.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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, Fisher, McClanahan, Mayor Lang
NOES: Councilmembers: Dobbs, Friedman, Serpa
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

04/10/97
MODESTO CITY COUNCIL
RESOLUTION NO. 97-185

A RESOLUTION APPROVING A PROPERTY TAX SHARING AGREEMENT WITH THE COUNTY OF STANISLAUS TO APPLY TO THE 72 ACRES DESIGNATED FOR "REGIONAL COMMERCIAL" IN THE KIERNAN BUSINESS PARK

BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate a property tax sharing agreement with the County of Stanislaus to apply to the 72 acres designated for "Regional Commercial" in the Kiernan Business Park.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember Dobbs, 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-186  

A RESOLUTION APPROVING A FIVE (5%) PERCENT INCREASE IN SALARY FOR THE CITY MANAGER.  

WHEREAS, by Resolution No. 97-124, the City Council approved and established a "City of Modesto Schedule Of Salary Ranges In City Service For FY 96-97 Effective March 4, 1997", For Executive Management (Exhibit "H"), and  

WHEREAS, the City Council desires to approve a five (5%) percent increase in salary to $8,974.85 per month for City Manager, J. Edward Tewes, effective April 1, 1997, which is within the range established in Exhibit "H" of Resolution No. 97-124,  

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 $8,974.85 per month for City Manager, J. Edward Tewes, effective April 1, 1997.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-187

A RESOLUTION ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $3,575 TO THE MODESTO POLICE DEPARTMENT’S JUVENILE DIVERSION COMMUNITY SERVICE PROGRAM TO REMOVE GRAFFITI FROM LOW INCOME AREAS OF MODESTO

WHEREAS, the Modesto Police Department operates the Juvenile Diversion program which conducts bi-weekly juvenile diversion projects for first-time offenders who are required to attend counseling and/or community services as restitution for their offenses; and

WHEREAS, work details have proven valuable for both teaching first time offenders that there are consequences to their actions, and for residents who experience neighborhood blight conditions, and

WHEREAS, the Citizen’s Housing and Community Development Committee recommends that $3,575 be allocated to the Modesto Police Department for the Juvenile Diversion Community Service Program for the balance of Fiscal Year 1996-97.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the allocation of $3,575 to the Modesto Police Department for the Juvenile Diversion Community Service Program for the balance of Fiscal year 1996-97 is hereby authorized.

BE IT FURTHER RESOLVED that the execution of said grant agreements by the designated City officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-188

A RESOLUTION ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $744 FOR LIGHTING IMPROVEMENTS IN PRESCOTT ESTATES

WHEREAS, the City of Modesto has increased community development efforts in Prescott Estates with a goal to decrease crime activity and improve the neighborhood; and

WHEREAS, as part of the community development effort funding is needed to improve street lighting within Prescott Estates, and

WHEREAS, the Citizen's Housing and Community Development Committee recommends that $744 be allocated for labor/equipment costs for upgrading lighting in Prescott Estates by the City of Modesto Public Works Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the allocation of $744 for upgrading lighting in Prescott Estates by the City of Modesto Public Works Department is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-189

A RESOLUTION APPROVING AN AGREEMENT WITH RANDY MAGNUS FOR A LOCAL TELEVISION PROGRAMMING GRANT FOR $3,120 TO PRODUCE EIGHT ART TELEVISION PROGRAMS

BE IT RESOLVED by the Council of the City of Modesto that an agreement with Randy Magnus for a local television programming grant for $3,120 to produce eight art television programs be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember Dobbs, 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. 97-190

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION AND ALL GRANT RELATED DOCUMENTS REQUESTING $2,558,770 FROM THE FEDERAL TRANSIT ADMINISTRATION TO HELP OFFSET THE OPERATING AND CAPITAL COSTS OF MODESTO'S PUBLIC TRANSIT SYSTEMS.

WHEREAS, the City's FY 1996/97 apportionment of Federal Transit Administration (FTA) Operating Assistance funds is anticipated to be $455,414, and

WHEREAS, FTA funds restricted to transit capital purposes and specified operating expenses plus Congestion Management and Air Quality (CMAQ) funds available for transit use are available in the amount of $2,146,353, and

WHEREAS, the FTA capital funds consist of our FY 1996/97 apportionment and funds carried over from previous years' apportionments, and

WHEREAS, a copy of the Program of Projects for which federal transit funds are being requested is attached hereto as Exhibit "A", and

WHEREAS, the City anticipates spending about $5,750,060 to operate Modesto's transit systems during this fiscal year, and

WHEREAS, we anticipate that fares of $1,360,870 and bus bench franchise revenues of $7,500 will generate a total of about $1,368,370 in revenue, leaving an operating deficit of $4,381,690, and

WHEREAS, FTA funds of $1,342,178 and State Transit
Assistance funds of $268,009 reduce the local funding needed to $2,771,503, and

WHEREAS, the necessary local funds will come from Local Transportation Fund (LTF) allocations to Stanislaus County ($371,851) and the City ($2,399,652), and

WHEREAS, the Capital projects total is $1,143,795, and FTA funds are anticipated to cover $915,036 of this cost, leaving a local match of $228,759 needed, and

WHEREAS, FTA capital funds not applied for during this fiscal year will be carried over to the next fiscal year and be available to fund other transit capital projects, and

WHEREAS, the projects in the grant application are identical to those in the current CIP approved by the City Council, with the exception of Project #6, Maintenance Facility Design/Appraisals, whose cost was estimated at the time of inclusion in the CIP, and the difference between the estimated and actual cost of the project of $329,000 is proposed to be included in the FY1997/98 CIP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute and file a grant application with the FTA to obtain funds in the amount of $2,558,770 to partially offset the cost of the City's FY 1996/97 transit operations and capital costs.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute and submit all other
documents which may be necessary relating to the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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
FY 1996/97 SECTION 9  PROGRAM OF PROJECTS

Urbanized Area: Modesto, CA  Apportionment for 96/97: $2,069,508

Designated Recipient: Stanislaus Area  Carryover funds: $137,939
Association of Governments  Transfer funds: $0

Grantee: City of Modesto  Total Federal Funds Available: $2,207,447

I. CAPITAL PROJECTS SECTION 9

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<tr>
<th>Project Description</th>
<th>Local</th>
<th>Federal</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>1. Bus Stop Improvements</td>
<td>$5,000</td>
<td>$20,000</td>
<td>$25,000</td>
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<tr>
<td>2. Tank Removal/Soil Cleanup/New Tanks</td>
<td>$20,000</td>
<td>$80,000</td>
<td>$100,000</td>
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<td>3. Associated Capital Maintenance Items</td>
<td>$20,000</td>
<td>$80,000</td>
<td>$100,000</td>
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<td>4. Rebuild Gillig Buses</td>
<td>$59,000</td>
<td>$236,000</td>
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<td>5. Computer Dispatch for DAR</td>
<td>$12,759</td>
<td>$51,036</td>
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<td>6. Maintenance Facility Design/Appraisals</td>
<td>$132,000</td>
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<td>7. Vehicle Overhaul</td>
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<td>8. Capital Cost of Contracting for Demand Response</td>
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<td>9. Capital Cost of Contracting for Regular Fixed Route Circulator Service</td>
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<td>10. Training and Education</td>
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Sub Total Capital Projects $1,177,259 $1,709,036 $2,886,295

II. OPERATING ASSISTANCE SECTION 9 for period of 7/1/96 to 6/30/97

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<td>Carryover from 1995/96</td>
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<td>$15</td>
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<td>Apportionment</td>
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<td>$455,399</td>
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<td>Sub Total</td>
<td>$2,397,373</td>
<td>$455,414</td>
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TOTAL SECTION 9 $3,574,632 $2,164,450 $5,739,082

III. CMAQ PROJECTS

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<tr>
<th>Project Description</th>
<th>Local</th>
<th>Federal</th>
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</thead>
<tbody>
<tr>
<td>1. Operate Sunday Service for two years</td>
<td>$73,680</td>
<td>$394,320</td>
<td>$468,000</td>
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Sub Total CMAQ Projects $73,680 $394,320 $468,000

TOTAL SECTION 9 and CMAQ $3,648,312 $2,558,770 $6,207,082

EXHIBIT "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 97-191

A RESOLUTION ACCEPTING THE PROPOSAL OF THE CITY OF MODESTO AIRPORT STAFF FOR MAINTENANCE, OPERATION, ADMINISTRATION, AND MARKETING OF THE MODESTO CITY-COUNTY AIRPORT

WHEREAS, Requests for Qualifications were received for maintenance, operation, administration, and marketing of the Modesto City-County Airport; and

WHEREAS, the proposals received for providing maintenance, operation, administration, and marketing of the Modesto City-County Airport were reviewed by a panel which was formed to determine the best submittal from both a cost and service standpoint; and

WHEREAS, the review panel has determined that City staff’s proposal for operating, maintenance, administration and marketing of the Airport is the least costly and most beneficial to the stakeholders of the Airport and recommends accepting the City of Modesto Airport staff’s proposal for providing operating, maintenance, administration and marketing of the Airport.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal of the City of Modesto Airport staff be accepted and the City staff authorized to begin a five-year program of maintenance, operation and administration of the Modesto City-County Airport.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ADAMS, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF NANCY NORTON FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE APRIL 8, 1997

WHEREAS, Nancy Norton was appointed a member of the Affirmative Action Commission on June 12, 1995; and

WHEREAS, Nancy Norton has tendered her resignation from the Affirmative Action Commission, effective April 8, 1997; and

WHEREAS, Nancy Norton 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 Norton 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 Norton for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-193

A RESOLUTION APPOINTING MARTA ALVAREZ, SHELLY SCRIBNER, AND DONALD HORTON TO THE AFFIRMATIVE ACTION COMMISSION

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

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

SECTION 1. Marta Alvarez, Shelly Scribner, and Donald Horton are hereby appointed to the Affirmative Action Commission, terms to expire January 1, 1999.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 8th day of April, 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
A RESOLUTION APPOINTING DYAN HAYES TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

SECTION 1. Dyan Hayes is hereby appointed to the Citizens Advisory Committee on Recycling, term to expire January 1, 1998.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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
A RESOLUTION APPOINTING DANIEL HOPKINS TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. Daniel Hopkins is hereby appointed to the Board of Zoning Adjustment, term to expire January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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
A RESOLUTION APPOINTING LEE HEDGEPETH TO THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

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

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

SECTION 1. Lee Hedgepeth is hereby appointed to the Citizens Redevelopment Advisory Commission, term to expire January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Redevelopment Advisory Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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. 97-197

A RESOLUTION APPOINTING LEE DELAMARE AND WILLIAM LATHAM TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Lee DeLaMare and William Latham are hereby appointed to the Landmark Preservation Commission. (DeLaMare term to expire January 1, 2001; Latham term to expire January 1, 1999.)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-198

A RESOLUTION APPOINTING LARRY RONE 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. Larry Rone is hereby appointed to the Housing Rehabilitation Loan Committee, term to expire January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 8th day of April, 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. 97-199

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR CONTRACTING LAWN MOWING SERVICES UNDER A COOPERATIVE LOCAL GOVERNMENT AGENCY BID

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 contracting lawn mowing services under a cooperative local government agency bid, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 12, 1997, at 11:00 a.m., and 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 15th day of April, 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. 97-200

A RESOLUTION ACCEPTING THE BID OF WEST STAR DISTRIBUTING, INC. FOR ONE ROTARY MOWER FOR A TOTAL PRICE OF $64,310.11

WHEREAS, Resolution No. 97-108, adopted by the Council of the City of Modesto on February 25, 1997, authorized bids to be opened for furnishing one rotary mower; and

WHEREAS, the bids received for the rotary mower, were opened at 11:00 a.m. on March 18, 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 West Star Distributing, Inc. for one rotary mower for the total amount of $64,310.11 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Star Distributing, Inc. for one rotary mower 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 15th day of April, 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. 97-201

A RESOLUTION ACCEPTING THE SCENIC DRIVE OVERLAY BETWEEN BURNEY STREET AND WEST OF COFFEE ROAD PROJECT 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 Scenic Drive overlay project between Burney Street and west of Coffee Road, has been completed by George Reed, Inc., in accordance with the contract agreement dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Scenic Drive overlay project between Burney Street and west of Coffee Road 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 $191,297.14, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 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 DREDGING AT SECONDARY TREATMENT FACILITY PROJECT 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 dredging at Secondary Treatment Facility project has been completed by Western Dredge, Inc., in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the dredging at Secondary Treatment Facility Project be accepted from said contractor, Western Dredge, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $521,873.00, 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 15th day of April, 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 WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO PORTABLE OFFICE BUILDINGS FROM ALLSPACE LEASING, INC. FOR $108,194.98

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of two portable office buildings are hereby waived.

BE IT FURTHER RESOLVED that the purchase of two portable office buildings from Allspace Leasing, Inc. for $108,194.98, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 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. 97-204

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WITH BAYSTONE FINANCIAL GROUP, FINANCIAL CONTRACTOR TO ALLSPACE LEASING, INC. FOR $108,194.98 FOR THE PURCHASE OF TWO PORTABLE OFFICE BUILDINGS FROM ALLSPACE LEASING

BE IT RESOLVED by the Council of the City of Modesto that a lease purchase agreement with Baystone Financial Group, financial contractor to Allspace Leasing, Inc. for $108,194.98 for the purchase of two portable office buildings from Allspace Leasing 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 15th day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by 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 AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE A CAPITAL IMPROVEMENT PROJECT IN THE SPECIAL FUND FOR CAPITAL OUTLAY (FUND #130) AND ESTIMATE OFFSETTING LEASE PAYMENT PROCEEDS REVENUE

WHEREAS, the Police Department is in critical need of additional office space and staff has explored many options for either expanding or better utilizing current space available; and

WHEREAS, Staff recommends the purchase of two portable offices on a 3-year lease purchase cost of $108,194.98 and funds are available in Account #010-190-1921-0215.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate a Capital Improvement Project in the Fund #130, Special Fund for Capital Outlay and estimate offsetting lease payment proceeds revenue as indicated below:

Revenue: #130-510-9510-8301 $101,656 Other Financing Sources
Expenditure: #130-190-H162-6040 $101,656 Portable Office Building
#010-190-1921-0451 $ 15,360 Principle Retirement
#010-190-1921-0215 ($15,360) Rental Property

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 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: ________

JBAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ________

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-206

A RESOLUTION APPROVING AN AGREEMENT WITH GROVER LANDSCAPING, INC. FOR PROPAGATION AND SALE OF THE CITY’S PATENTED PEARL STREET PISTACHE TREE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Grover Landscaping, Inc. for the propagation and sale of the City’s Patented Pearl Street Pistache Tree be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by 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 APPROVING AN AGREEMENT WITH SHANNON DAVIS & ASSOCIATES FOR RECRUITMENT SERVICES FOR THE WATER QUALITY CONTROL SUPERINTENDENT AND WASTEWATER COLLECTIONS SUPERINTENDENT POSITIONS IN THE PUBLIC WORKS DEPARTMENT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Shannon Davis & Associates for recruitment services for the Water Quality Control Superintendent and Wastewater Collections Superintendent positions in the Public Works Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by 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. 97-208

A RESOLUTION APPROVING THE FINAL MAP OF THE
COFFEE ROAD PROFESSIONAL OFFICES SUBDIVISION
OF THE CITY OF MODESTO.

WHEREAS, Coffee Road 1, LLC, a California Limited
Liability Company, is possessed of a tract of land situate in the
City of Modesto, County of Stanislaus, consisting of 1.79 acres,
known as Coffee Road Professional Offices Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 21st day of
October, 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 Coffee Road Professional
Offices 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 15th day of April, 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 AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $1,500 FOR THE ADA CURB RAMP PROGRAM

WHEREAS, the Community Development Block Grant has funded the installation of sidewalk curb ramps for handicap accessibility and the City is estimating to retrofit 12 ramps during fiscal year 1996-97; and

WHEREAS, Community Development Block Grant funds in the amount of $1,500 are needed to include an additional curb ramp deemed necessary to retrofit; and

WHEREAS, funds will be transferred into the existing CDBG ADA Curb Ramp Account #113-420-H072-6040 from the Administrative Account #113-140-1452-0235.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to allocate Community Development Block Grant funds in the amount of $1,500 for the ADA Curb Ramp Program.

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 day of April 15, 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: [Signature]

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: [Signature]

STAN FEATHERS, Budget Officer
A RESOLUTION ACCEPTING THE BID OF MCCAIN TRAFFIC SUPPLY AND INTERSECTION DEVELOPMENT CORPORATION FOR THE PURCHASE OF TRAFFIC SIGNAL ACCESSORIES UP TO A COMBINED TOTAL OF $62,000

WHEREAS, Resolution No. 97-60, adopted by the Council of the City of Modesto on February 11, 1997, authorized bids to be opened for furnishing traffic signal accessories; and

WHEREAS, the bids received for the traffic signal accessories, were opened at 11:00 a.m. on March 3, 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 bids of McCain Traffic Supply and Intersection Development Corporation for traffic signal accessories for the combined total amount of $62,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of McCain Traffic Supply and Intersection Development Corporation for traffic signal accessories 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 22nd day of April, 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. 97-211

A RESOLUTION AUTHORIZING PURCHASING OFFICER TO PURCHASE ADDITIONAL TRAFFIC SIGNAL ACCESSORIES FROM MCCAIN TRAFFIC SUPPLY AND INTERSECTION DEVELOPMENT CORPORATION FOR THE MAINTENANCE AND REPAIR OF EXISTING SIGNALIZED INTERSECTION SYSTEMS UPON APPROVAL OF THE FISCAL YEAR 1997-1998 BUDGET FOR UP TO A COMBINED TOTAL OF $80,000

WHEREAS, Resolution No. 97-60, adopted by the Council of the City of Modesto on February 11, 1997, authorized bids to be opened for furnishing traffic signal accessories; and

WHEREAS, Resolution No. 97-210, adopted by the Council of the City of Modesto on April 22, 1997, accepted the bids of McCain Traffic supply and Intersection Development Corporation for furnishing traffic signal accessories for Fiscal Year 1996-97 for a combined total cost of $62,000; and

WHEREAS, the Director of Finance has recommended that the Purchasing Officer be authorized to purchase the remainder of the traffic signal accessories upon the adoption of the 1997-98 budget for maintenance and repair of existing signaled intersection systems for a combined total cost of up to $80,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Officer is hereby authorized to purchase traffic signal accessories from McCain Traffic Supply and Intersection Development Corporation upon the approval of the Fiscal Year 1997-98 budget for a combined total cost of up to $80,000.00, and the preparation of formal purchase orders by the City's designated officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 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
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE LEASE PURCHASE OF ONE RIDING MOWER, ONE WALK-BEHIND MOWER AND ONE EDGER FROM H. V. CARTER COMPANY, INC. FOR $30,943.50

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the lease purchase of one riding mower, one walk-behind mower and one edger are hereby waived.

BE IT FURTHER RESOLVED that the lease purchase of one riding mower, one walk-behind mower and one edger from H. V. Carter Company, Inc. for $30,943.50, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 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. 97-213

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WITH TRANSOCEAN FUNDING, INC. FOR THE LEASE PURCHASE OF ONE RIDING MOWER, ONE WALK-BEHIND MOWER AND ONE EDGER FROM H. V. CARTER COMPANY, INC. FOR $30,943.50

BE IT RESOLVED by the Council of the City of Modesto that a lease purchase agreement with Transocean Funding, Inc. for $30,943.50 for the lease purchase of one riding mower, one walk-behind mower, and one edger from H. V. Carter Company, Inc. 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 22nd day of April, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE A CAPITAL IMPROVEMENT PROJECT IN THE SPECIAL FUND FOR CAPITAL OUTLAY FUND #130

WHEREAS, the Parks and Recreation Department is providing turf maintenance services to John Thurman Field and turf equipment is needed to achieve and maintain City standards; and

WHEREAS, the lease purchase option is being recommended as the most economical method of obtaining the equipment and the cost will be spread out over four fiscal years with annual payments of $8,500.00 and $8,722.00. An initial down payment of $5,000 is due on May 1, 1997 with the first annual payment due on July 15, 1997.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate $29,828.45 in Fund 130, Special Fund for Capital Outlay for turf equipment as indicated below:

<table>
<thead>
<tr>
<th>Revenue: #130-510-9510-8301</th>
<th>$29,829</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expense: #130-310-H179-6040</td>
<td>$29,829</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 22nd day of April 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, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-215

A RESOLUTION APPROVING AN AUTOMATIC MUTUAL AID AGREEMENT WITH STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT FOR EXCHANGE OF FIRE PROTECTION AND RESCUE SERVICES

BE IT RESOLVED by the Council of the City of Modesto that the automatic mutual aid agreement with Stanislaus Consolidated Fire Protection District for exchange of fire protection and rescue 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 22nd day of April, 1997, by Councilmember Serpa, 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. 97-216

A RESOLUTION APPROVING AN UNDERGROUND PIPELINE AGREEMENT WITH SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR THE CANNERY SEGREGATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the underground pipeline agreement with Southern Pacific Transportation Company 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 22nd day of April, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-217

A RESOLUTION APPROVING AN OPTION AGREEMENT WITH THE 1994 JOSEPH VELLA FAMILY REVOCABLE TRUST, UTD DECEMBER 13, 1994, ET AL FOR THE ACQUISITION OF A NEW WELL IN THE SALIDA WATER DISTRICT

BE IT RESOLVED by the Council of the City of Modesto that the option agreement with the 1994 Joseph Vella Family Revocable Trust, UTD December 13, 1994, et al for the acquisition of a new well in the Salida Water District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-218

A RESOLUTION APPROVING AN AGREEMENT WITH JOSEPH A. AND DELMIRA ARIAS FOR THE ACQUISITION OF A TEMPORARY EASEMENT NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Joseph A. and Delmira Arias for the acquisition of a temporary easement 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 22nd day of April, 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: 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. 97-219

A RESOLUTION APPROVING THE USE OF A MASTER PUBLIC EMPLOYEE FAITHFUL PERFORMANCE BOND FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, Section 2-4.101 of the Modesto Municipal Code requires an individual performance bond of $50,000 for the City Clerk/Auditor and Assistant City Clerk and an individual performance bond of $100,000 for the Director of Finance; and

WHEREAS, State legislation requires that the City Council adopt a resolution approving coverage of all their officers and employees under one master bond; and

WHEREAS, Government Code Section 1481 allows the use of a "master bond" covering all City officers and employees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the use of a Master Public Employee Faithful Performance Bond is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-220

A RESOLUTION APPROVING AN AGREEMENT WITH CRAIN & ASSOCIATES FOR THE PREPARATION OF A LONG-RANGE TRANSIT PLAN FOR THE CITY OF MODESTO AND A MARKETING PLAN FOR (MODESTO AREA EXPRESS) MAX

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Crain & Associates for the preparation of a long-range transit plan for the City of Modesto and a marketing plan for Modesto Area Express (MAX) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-221

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $13,720 TO PROVIDE NEEDED FUNDING FOR THE LONG-RANGE TRANSIT PLAN AND A MARKETING PLAN FOR MODESTO AREA EXPRESS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: 651-160-E598-6070 $9,432
    Equipment
651-160-E523-6070 $1,885
    Equipment
651-160-E499-6010 $782
    Eng/Dsgn/Adm
651-160-E530-6070 $330
    Equipment
651-160-E515-6040 $1,291
    Contracts
TO: 651-160-E516 $13,720
    Long-range transit plan

Funds are needed to provide the total funding needed for the project.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 22nd day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 97-222

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERIM AGREEMENT WITH STANISLAUS COUNTY, MODESTO REDEVELOPMENT AGENCY AND THE CITY-COUNTY CAPITAL IMPROVEMENTS AND Financing Agency (JPA) FOR CASH ADVANCES TO FUND CONDEMNATION AND CONSULTING COSTS IN CONNECTION WITH THE TENTH STREET PLACE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate an interim agreement with Stanislaus County, Modesto Redevelopment Agency and the City-County Capital Improvements and Financing Agency (JPA) for cash advances to fund condemnation and consulting costs in connection with the Tenth Street Place Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE $520,000 FROM FUND #130, SPECIAL CAPITAL OUTLAY FUND RESERVE TO FUND COSTS ASSOCIATED WITH THE TENTH STREET PLACE PROJECT

WHEREAS, in December 1996, the City of Modesto and Stanislaus County formed a new public agency (JPA) for the purpose of constructing and maintaining a City-County Administration Center as part of the Tenth Street Place Project; and

WHEREAS, in order for the project to proceed on schedule, it is necessary for the City, County, the RDA and the JPA to enter into an interim agreement which the City and the County will each provide cash advances to the JPA in the amount of $520,000 for a total of $1,040,000.00; $790,000 of the total will be advanced to the RDA by the JPA for property acquisition; and the JPA will contract with the hazardous materials consulting and management contractor in the approximate amount of $250,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate $520,000 from Fund #130, Special Capital Outlay Fund to Fund #130-140-H152.

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 day of April 22, 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, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher and McClanahan

ATTEST: 

JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-224

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. 26 PERTAINING TO OLYMPIC VILLAGE SUBDIVISION AND AMENDMENT OF ZONING MAP FROM SP-H TO SP-O, PROPERTY LOCATED SOUTH OF FLOYD AVENUE NORTH OF BELHARBOUR DRIVE AND WEST OF MILLBROOK AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (L & L VENTURES)

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

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

WHEREAS, L & L Ventures proposes to develop a 12-lot, single-family subdivision called Olympic Park, all on a 2.8-acre site to the west of Millbrook Avenue, and have applied for approval of underlying zoning of SP-O which is to be coupled with the Precise Plan in accordance with the requirements of the Specific Plan, and
WHEREAS, on March 6, 1997, 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. 97-12 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. 97-22, adopted on March 17, 1997, and City staff, by a report dated April 14, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 26 of the Village One Specific Plan as set forth in said Resolution No. 97-22, and an Amendment to Section 13-3-9 of the Zoning Map to establish principal underlying zoning to SP-O, Overlay Zone, on Precise Plan Area 26, located at the south side of Floyd Avenue, west of Millbrook Avenue and north of Belharbour Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 6, 1997, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 97-12, entitled "Use of Previous EIR and Findings", 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. 26, 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. 97-12, entitled "Use of Previous EIR and Findings", 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 6th day of May, 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
Exhibit "A"
I. BACKGROUND

1. **Name of Project:**
   Precise Plan Area No. 26

2. **Name, Address and Phone Number of Proponent:**
   L&L Venture, 609 Cherry Hill Court, Modesto, CA 95356

3. **Type of Project:**
   Precise Plan for Precise Plan Area No. 26 and associated development

4. **Location:**
   Precise Plan Area No. 26 is bordered by Floyd Ave. on the north, Precise Plan Areas No. 28 on the south, precise plan area 20 on the west and Millbrook Avenue on the east.

5. **Description of Proposed Project:**
   The applicant seeks Specific Plan approval of PPA No. 26, and any associated tentative subdivision maps, Amendment of the Zoning Map from SP-H to SP-O and adoption of the findings that this project is within the scope of the previous Village One EIR.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and
2. The creation of objectionable odors?  

AIR: Will the proposal result in:  
Yes  Maybe  No

3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?  

Discussion: The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER: Will the proposal result in:  

Yes  Maybe  No

1. Changes in currents, or the course of direction of fresh water movements?  

2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?  

3. Alterations to the course of flow of flood waters?  

4. Change in the amount of surface water in any water body?  

5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?  

3
Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:

<table>
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<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
</table>

1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?

2. Reduction of the numbers of any unique, rare or endangered species of animals?

3. Introduction of new species of animals into the area, or result in a barrier to the migration or movement of animals?

4. Deterioration to existing fish or wildlife habitat?

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:

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<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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</table>

1. Increases in existing noise levels?

2. Exposure of people to severe noise levels?

3. Will the project require noise abatement
I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resource? 

Yes  Maybe  No

Discussion: The proposed Precise Plan for the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve: 

Yes  Maybe  No

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

2. Possible interference with an emergency response plan or an emergency evacuation plan?

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal:

Yes  Maybe  No

Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR?

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.
Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES  Will the proposal have an effect Yes  Maybe  No upon, or result in a need for new or altered governmental services in any of the following areas

1. Fire protection?   
2. Police Protection?   
3. Schools?   
4. Parks or other recreational facilities?   
5. Maintenance of public facilities, including roads?   
6. Other governmental services?

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II-52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.
2. Exposure of people to potential health hazards?

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The pattern of development is entirely consistent with what was proposed as part of the Specific Plan. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan).

R. CULTURAL RESOURCES

1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?

2. Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object?

3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed
On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).

2. The proposed Precise Plan 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, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: [Signature]
Date: 3-6-97
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<tr>
<td>- Policy Directions Applying to all Precise Plan Areas</td>
<td>20</td>
</tr>
</tbody>
</table>
I. Introduction

Project Description
The proposed project entails a request for approval and adoption of a development plan for Precise Plan Area No. 26, as well as the approval of a 12 Lot Vesting Tentative Subdivision Map "Olympic Park", for the easterly portion of the above mentioned Precise Plan Area.

Project Applicant
L & L Venture
609 Cherry Hill Court
Modesto, CA  95356
Tel. (209) 523-4223
FAX (209) 523-0969

Project Planners, Engineers, and Surveyors
DeLaMare-Fultz Engineering
3421 Tully Road, Suite J
Modesto, CA  95350
Tel. (209) 529-7450
FAX (209) 529-0457

Planning Area
Precise Plan Area No. 26 is bordered by Floyd Avenue to the north, Millbrook Avenue to the east, and south, and the southerly extension of existing Esta Avenue (Village Road "U") to the west.

Special Considerations
"Olympic Park" is to be developed with single family residences only, at a density consistent with the Village Residential Standard.

Back up lots are proposed along the Floyd Avenue.

The existing alignment of Floyd Avenue will be maintained along the frontage of PPA No. 26.
Property Owner List
Property owners within Precise Plan Area No. 26

APN 52-23-12  
Shirlee A. Court Et Al  
2629 Majestic Oak Dr.  
Modesto, CA 95355

APN 52-23-13  
John A. Calcagno Trust Et Al  
4533 Mosher Drive  
Stockton, CA 95212
Property Owner Written Consent Form For The Submittal of The Vesting Tentative Subdivision Map, "Olympic Park"

I, as property owner of the site of the proposed vesting tentative subdivision map "Olympic Park" do hereby consent to allow L & L Venture to file with the City of Modesto any maps, plans, applications, or other documents necessary for the approval of Vesting Tentative Subdivision Map for the property listed below:

APN 52-23-12


Shirlee A. Court


Date


3
Property Owner Written Consent Form For The Submittal of The Village One Precise Plan, Area No. 26

We, as property owners of the site of the proposed Village One Precise Plan, Area No. 26, do hereby consent to allow L & L Venture to file with the City of Modesto the Precise Plan Document for the properties listed below:

APN 52-23-12

______________________________________________
Shirlee A. Court, Et Al

__________________________________
Date

APN 52-23-13

______________________________________________
John A. Calcagno, Trust, Et Al

__________________________________
Date
II. Applications/Approvals

Application Fees

<table>
<thead>
<tr>
<th>Service</th>
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<tr>
<td>Vesting Tentative Subdivision Map</td>
<td>$ 730</td>
</tr>
<tr>
<td>Environmental Questionnaire</td>
<td>535</td>
</tr>
<tr>
<td>Precise Plan</td>
<td>1,590</td>
</tr>
<tr>
<td>Rezone (SPH to SPO)</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,855</strong></td>
</tr>
</tbody>
</table>

Vesting Tentative Subdivision Map
Submittal will include a vesting Tentative Subdivision Map, "Olympic Park" for the easterly portion of PPA No. 26 which is a portion of APN 52-23-12. The map proposes 12 lots on approximately 2.8 acres.

Environmental Review
Applicant will pay fee and City of Modesto staff will complete the Environmental Questionnaire and compile mitigation measures consistent with the original Village One Environmental Document.

Precise Plan
The City of Modesto will approve and adopt the Precise Plan Development Standards and Regulations for use in governing the development of projects within the geographic subregion. Future development within Precise Plan Area No. 26 that is not consistent with the Development Standards and Regulations proposed will be required to amend the Precise Plan Area No. 26 document accordingly.

Zone Change
Applicant will file and the City of Modesto will process a Zone Change for the Vesting Tentative Subdivision Map "Olympic Park" site that will effectively change the project site zoning from SPH (Specific Plan Holding) to SPO (Specific Plan Overlay).
III. Land Use

Acreage
Precise Plan Area No. 26 encompasses approximately 19 acres, all of which is zoned for Village Residential Use.

Existing Use
The precise plan site is currently being utilized as follows:

APN 52-23-12    Open ground and subdivision under construction.
APN 52-23-13    Open ground, previously a cornfield.

Land Use Intensity
The precise plan area can accommodate 123 dwelling units based on the above acreage and density factor of 6.5 units per acre. The proposed project has 12 dwelling units on 2.8 acres with a density of approximately 4.3 units per acre.

Principal Underlying Zone
R-1 Single Family Residential
IV. Street Design

Street Sections
The precise plan will be developed in accordance with the attached street sections, which were developed for use specifically in Village One. These proposed streets are consistent with the street sections developed with Implementation Plan No. 2 of the Village One Feasibility Study which are scheduled to be incorporated into Specific Plan Amendment No. 8.

Floyd Avenue
To be developed as a 104' wide Village One minor arterial, that include four travel lanes, two 6' bike lanes, a 16' landscaped median, and two 8' wide parkways between the curb and sidewalk on each side. On-street parking will not be allowed. In addition to the 8' wide parkway there will be an additional 8' to 10' wide strip of landscaping behind the sidewalk which will be maintained by the Landscape District. The developer will install the 8' to 10' wide strip of landscaping and 4' wide sidewalk with the development of "Olympic Park" per design standards. Final 8' wide parkway landscaping, curb, gutter and pavement and median to be installed by the City of Modesto with Area Benefit Fees at a future date. The developer will construct interim improvements and be reimbursed by the Village One Area Benefit Fees.

Millbrook Avenue
To be developed as a 64' wide Village One connector street that include two travel lanes, two bike lanes and two 8' wide parkways between curb and sidewalk. On-street parking will not be allowed. In addition to the 8' wide parkway, there will be 10' of landscaping behind the sidewalk which will be maintained by the City.

Interior Streets
To be developed as a 48' wide Village One minor residential street, that includes two travel lanes. On-street parking will be allowed on both sides of the street.
STREET SECTIONS

Figure 8-10
64' Connector Street

Minor Residential Street: 48' right-of-way, 2 Lanes
Landscaping Areas
The landscaping areas shown on the attached map indicate the specific areas within the project that will be dedicated to and maintained by the City of Modesto. The applicants will work with staff to create landscaping areas that reflect the Village Concept through the use of a combination of street trees, shrubs, and bushes. The landscaping areas shown on the map below indicate the specific areas along the perimeter of the project that will be dedicated to and maintained by the City of Modesto. Funding for maintenance of these specified areas will be obtained by the formation of a Landscape Maintenance District for the area. These areas include the landscaped areas behind the sidewalk on Floyd and Millbrook Avenues.
Walls/Fencing
Development along the Floyd Avenue frontage of PPA No. 26 will be required to install a 7' high decorative access control wall.

Development of other Precise Plan Areas along Floyd Avenue will need to emulate the decorative soundwall and landscaping that is being proposed for PPA No. 26. Development of the walls shall be consistent with the development of the subdivision.
Circulation
Circulation through PPA No. 26 will be through residential streets that are connected to Millbrook Avenue. Millbrook Avenue will link the residents of PPA No. 26 with the rest of Village One.

PPA No. 26 was designed to give pedestrian access to Millbrook Avenue via entry roadways. Once on Millbrook Avenue, pedestrians will be able to take advantage of the landscaped walking areas to access the rest of Village One. In addition, the proposed bike lanes will also enhance non vehicular transportation in this area of the village project.
V. Village One Specific Plan

Specific Plan Conformance

Land Use/Community Design
The plan meets the residential densities outlined for the subject portion of Village One. The PPA No. 26 design will be consistent with the Village One Community Design Policies.

Circulation
The plan provides for efficient interior circulation within the precise plan area and provides logical connection points for future development within the context of the Village One Plan.

Public Facilities
The plan will allow the development of public facilities to serve new growth within the precise plan area and provide logical connection points to allow for future development on the surrounding properties.

Schools
Development within PPA No. 26 will pay established school fee on a per house basis.

Parks
Development with PPA No. 26 will pay the applicable park fees.

Specific Plan Exceptions
No exceptions to the Village One Specific Plan and or the City of Modesto R-1 Zoning Ordinance are proposed. Setbacks for front, rear and sideyards to meet current codes.
VI. Infrastructure Plan

Pipeline sizes shown are based upon preliminary Vesting Tentative Subdivision Map design. Pipeline sizes for construction will be finalized when the improvement plans are completed.

Sanitary Plan
Sewer service for the subdivision will be provided by the City. The proposed sewer lines in the subdivision will be per the City Standards and will connect to the existing 27" sewer main in the existing Millbrook Avenue right-of-way.
Infrastructure Plan

Water
Domestic water for the subdivision will be provided by the City. The proposed water lines in the subdivision will be per the City Standards and will connect to an existing 12 inch water main in the existing Millbrook Avenue right-of-way. The 12 inch water main connects to the existing 48 inch water transmission main on the south side of the M.I.D. lateral Number 3.
Infrastructure Plan

Storm Drainage
The storm drain system for the subdivision will ultimately tie into a City master planned basin via a proposed 60 inch pipeline in Millbrook Avenue. The developer will install the 60 inch storm drain and be reimbursed by the Village One Master Facilities Fees. Until the City master planned basin is available, the subdivision drainage will be retained in a temporary retention basin on an adjacent area south of the subdivision on property owned by this developer. The basin soil will be stockpiled near the basin and the basin will be filled in when no longer needed.

STORM DRAINAGE PLAN
VII. Miscellaneous

Legal Description and Plat
The attached legal description and accompanying sketch detail the boundary area of the proposed "Olympic Park" Subdivision.

All that certain real property situate in a portion of the east half of the Southeast Quarter of the Northwest Quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the northwest corner of said east half of the Southeast Quarter of the Northwest Quarter of Section 13; thence South 0°27'44" East along the west line of said east half of the Southeast Quarter of the Northwest Quarter of Section 13, a distance of 20.00 feet to the south right-of-way line of Floyd Avenue and the true POINT OF BEGINNING of this description; thence continuing South 0°27'44" East along said west line a distance of 795.66 feet to the future westerly right-of-way line of a 64 foot wide Millbrook Avenue; thence North 24°36'40" East along said future westerly line of Millbrook Avenue a distance of 423.24 feet; thence Northwesterly 219.46 feet along a tangent curve, concave to the west, having a radius of 500.00 feet and a central angle of 25°08'55"; thence North 0°32'15" West along the future west right-of-way line of 69 foot wide Millbrook Avenue, a distance of 118.82 feet; thence Northwesterly 75.07 feet along a tangent curve, concave to the southwest, having a radius of 48.00 feet and a central angle of 89°36'15"; thence South 89°51'30" West parallel with and 52.00 feet south of the north line of said east half of the Southeast Quarter of the Northwest Quarter of Section 13, a distance of 150.00 feet; thence North 0°08'30" West 32.00 feet to said south line of Floyd Avenue; thence South 89°51'30" West along said south line of Floyd Avenue a distance of 28.77 feet to the point of beginning.

Containing: 2.70 acres
The attached legal description and accompanying sketch detail the boundary area of Precise Plan Area No. 26:

All that certain real property situate in a portion of the Southeast Quarter of the Northwest Quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of said Southeast Quarter of the Northwest Quarter of Section 13, being a point on the centerline of Floyd Avenue; thence North 89° 51' 30" East, along the north line of said Southeast Quarter of the Northwest Quarter of Section 13 and said centerline of Floyd Avenue, a distance of 918.57 feet to the intersection with the centerline of future MILLBROOK AVENUE, (formerly referred to as "ESTA AVENUE" on survey filed for record in Volume 23 of Surveys at Page 22, Stanislaus County Records); thence southerly and westerly, along said centerline of future MILLBROOK AVENUE, the following five (5) courses:

(1) South 0° 32' 15" East 219.45 feet,
(2) Southerly 220.67 feet, along a tangent curve, concave to the west, having a radius of 502.75 feet and a central angle of 25° 08' 55",
(3) South 24° 36' 40" West, along a tangent line, a distance of 788.32 feet,
(4) Southwesterly 341.65 feet, along a tangent curve, concave to the northwest, having a radius of 300.00 feet and a central angle of 65° 14' 59",
(5) South 89° 51' 39" West, along a tangent line, being also the south line of said Southeast Quarter of the Northwest Quarter of Section 13, a distance of 263.19 feet, to the southwest corner of said Southeast Quarter of the Northwest Quarter of Section 13; thence North 0° 29' 46" West, along the west line of said Southeast Quarter of the Northwest Quarter of Section 13, a distance of 1323.72 feet to the point of beginning.

Containing: 22.47 Acres
1. Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

2. All deeds for lots sold in this subdivision shall contain the following statement:

"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

3. Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 a.m. to 9:00 p.m. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance.

4. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.
POLICY DIRECTIONS APPLYING
TO ALL PRECISE PLAN AREAS
(AS SUMMARIZED FROM SECTION III D OF THE VILLAGE ONE
SPECIFIC PLAN, DATED JUNE 30, 1996)

All Precise Plans prepared within the Village One Specific Plan Area shall incorporate the following policies into their designs, where appropriate:

1. Land Use Compatibility between Precise Plan Areas may be provided in many ways such as the design, orientation, size of lots, arrangement of specific land uses, or the limitation or provision of pedestrian access. Precise Plans shall incorporate appropriate policies for effective transition between Precise Plans.

2. Right of way acquisition for connector street linkages shall provide for the relocation and or acquisition of structures that are located within the road alignments. If there is an existing dwelling or structure that is located in those alignments, it should be relocated or acquired.

3. Precise Plan Areas may be combined to create larger increments for submittal of plans. When one property encompasses several Precise Plan Areas, the property owner may submit individual Precise Plan applications, or one combined Precise Plan application covering all relevant Precise Plan Areas.

4. Remainder parcels within a Precise Plan Area, such as a small triangular properties, shall be assembled and/or reconfigured before approval of a Precise Plan. When applicable, a Precise Plan shall provide for the incorporation of the remainder parcels from the adjacent Areas.

5. All road alignments for connector streets shall be consistent with the Facilities Master Plan.

6. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.

7. The Village One Affordable Housing Program presented in Chapter II (Section II-H) shall be implemented throughout each Precise Plan which proposes residential development.
8. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

“All deeds for lots sold in this subdivision shall contain the following statement:

‘This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.’”

9. All Precise Plans which propose residential development shall include the following requirement:

The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

10. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right-turn lane to a through and restriping the departures to receive three
through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right-turn lanes to through + right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

11. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

12. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division shall constitute compliance with this measure.

Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

Without acoustical treatment, noise levels inside proposed residential housing along the following project area major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

Sylvan Avenue
  Oakdale to Roselle  142 ft.
  Roselle to Claus  136 ft.
<table>
<thead>
<tr>
<th>Location</th>
<th>Distance</th>
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<tbody>
<tr>
<td>Floyd</td>
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</tr>
<tr>
<td>Oakdale to Roselle</td>
<td>106 ft.</td>
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<tr>
<td>Roselle to Claus</td>
<td>76 ft.</td>
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<tr>
<td>Briggsmore</td>
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<tr>
<td>Oakdale to Roselle</td>
<td>171 ft.</td>
</tr>
<tr>
<td>Roselle to Claus</td>
<td>138 ft.</td>
</tr>
<tr>
<td>Sylvan to Floyd</td>
<td>214 ft.</td>
</tr>
<tr>
<td>Floyd to Briggsmore</td>
<td>209 ft.</td>
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<tr>
<td>Sylvan to Merle</td>
<td>126 ft.</td>
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<tr>
<td>Merle to Briggsmore</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Claus</td>
<td></td>
</tr>
<tr>
<td>Sylvan to Floyd</td>
<td>171 ft.</td>
</tr>
<tr>
<td>Floyd to Briggsmore</td>
<td>176 ft.</td>
</tr>
</tbody>
</table>

Source: Brown-Buntin Associates Noise Study, April 1993

13. All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 a.m. to 9:00 p.m. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

14. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's Hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's Hawks. This survey shall be conducted in concert with the Environmental Impact Report for the Modesto General Plan Rewrite.

In conducting this survey, the most recent documentation from the State Department of Fish and Game shall be employed, including the "Draft Swainson's Hawk Guidelines" dated 1994.

If an active Swainson's Hawk nest is located within an approximate 10-mile radius, then a foraging habitat compensation ratio of one-half acre preserved in close...
proximity of the nest, for every one acre of foraging habitat lost will be required. This can be accomplished by, but not limited to, the acquisition and preservation in perpetuity, of suitable grassland foraging habitat, and through the use of conservation easements on suitable "grassland-like" agricultural lands.

15. Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.
MODESTO CITY COUNCIL
RESOLUTION NO. 97-225

A RESOLUTION ADOPTING AMENDMENT NO. 10 TO THE VILLAGE ONE SPECIFIC PLAN, LOCATED IN THE NORTHEAST AREA OF MODESTO IN AN AREA BOUNDED BY OAKDALE ROAD LANDS NORTH OF SYLVAN AVENUE, THE SANTA FE RAILROAD, BRIGGSMORE AVENUE, ROSELLE AVENUE, AND FLOYD AVENUE, TO ELIMINATE REDUNDANCY WITH THE GENERAL PLAN HOUSING ELEMENT POLICIES AND ELIMINATE LANGUAGE THAT IS TOO RESTRICTIVE.

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, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on April 7, 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. 9 [sic] 10, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 97-27, recommended to the City Council approval of an amendment to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element and make changes to various Housing Policy Language, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on May 6, 1997, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, by a report to the Council dated April 18, 1997, from the Community Development Department, a copy of which report is marked Exhibit "A", attached hereto and incorporated herein by reference, City staff recommended to the Council approval of Village One Specific Plan Amendment No. 9 [sic] 10, as amended by attachments to said report, a copy of which attachments are on file in the Office of the City Clerk, to accomplish the following:

To eliminate redundancy between the General Plan Housing Element and Village One Specific Plan and to remove language that is too restrictive

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. 10 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. 9 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing element and make changes to various Housing Policy language, as set forth in the report marked Exhibit "A", attached hereto and incorporated herein by reference, which report is amended by attachments to said report, a copy of which attachments are 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 6th day of May, 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, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"
April 18, 1997

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: AMENDMENT NO. 9 TO THE VILLAGE ONE SPECIFIC PLAN TO ELIMINATE REDUNDANCY WITH THE GENERAL PLAN HOUSING ELEMENT AND MAKE CHANGES TO VARIOUS HOUSING POLICY LANGUAGE

I. RECOMMENDED COUNCIL ACTION:

The Planning Commission by Resolution No. 97-27 recommends the City Council adopt a Resolution adopting Amendment No. 9 to the Village One Specific Plan to remove redundancy with the General Plan Housing Element Policies and eliminate language that is too restrictive.

II. BACKGROUND:

On October 16, 1990, the City Council approved the Village One Specific Plan. Just prior to adoption, inclusionary housing recommendations were dropped and details of an Affordable Housing Strategy deferred. The successful Measure A vote occurred on November 6, 1990. Seven months later, on June 18, 1991, the City Council adopted the first Amendment to the Specific Plan (SPA No. 1) by significantly expanding the affordable housing policies presented in the original plan. Throughout all subsequent amendments to the Village One Specific Plan, the affordable housing policies, adopted by SPA No. 1, have remain unchanged.

At the time of adoption of SPA No. 1, the Housing Element to the General Plan was being prepared, but was not adopted until May 19, 1992. Many of the programs and policies presented in SPA No. 1 eventually became incorporated into the Housing Element, which obviously applies Citywide, not just in Village One.
With regard to the $0.80 per square foot Affordable Housing Fee/Equity Sharing Program, the Village One Specific Plan contained certain policies which encouraged the establishment of such a program. However, subsequent administrative actions would be necessary before that policy could be implemented, and before the fee could be imposed within Village One (see Attachment 1 Location Map).

On August 6, 1996, the City Council declined to officially establish the Equity Sharing Program, with its $0.80 per square foot fee. The fee was not imposed on Charleston Place, the first residential development in Village One. Eventually, on March 18, 1997, the City Council amended the Housing Element to remove the Program which supported this fee, instead relying on the other Programs in the Housing Element to facilitate affordable housing in the community.

Therefore, the present action contemplated by SPA No. 9 has three purposes:

1. To specifically eliminate any references to the $0.80 per square foot Affordable Housing Fee and its associated Equity Sharing Program; and
2. To remove any redundancy between the remaining affordable housing policies and the adopted Housing Element; and finally
3. To remove any policies which may be in potential conflict with recent legislation and/or court decisions.

III. SUMMARY OF ISSUES:

The General Plan Housing Element contains most of the programs/policies that were placed into the Affordable Housing Program section of the Village One Plan. Almost all of these policies would be administered on a community-wide basis. Therefore, this amendment is proposed to eliminate redundant policy language. An additional purpose is to eliminate or revise policy language that is too restrictive to allow a community-wide approach.
IV. REASONS FOR RECOMMENDED ACTIONS:

The following are reasons for the recommended action:

There are 16 specific changes proposed to the Village One Specific Plan. Attachment 2 presents the full text of the proposed changes and Attachment 3 provides the reasons for the proposed changes in the form of a brief explanation for each deletion or revision.

Conformance with Specific Plan Amendment Criteria:

The proposed amendment meets the specific plan amendment criteria in the Village One Plan as described below:

A. Need for Amendment

The amendment is needed to eliminate redundancy between the General Plan Housing Element and Village One Specific Plan and to remove language that is too restrictive.

B. Supplemental Studies

The proposed amendment would not result in any physical changes to the Specific Plan’s development program (number or type of residential units built). 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 General Plan Housing Element Policies would provide for affordable housing goals.

2. There are no compatibility issues with the proposed amendment because the amendment would not result in physical design changes to the Specific Plan.

3. The amended plan would be consistent with the Comprehensive policies found in Chapter II of the Village One Specific Plan, because the Housing Element policies would provide the necessary programs.
PLANNING COMMISSION
RESOLUTION NO. 97-27

RECOMMENDING TO CITY COUNCIL ADOPTION OF AMENDMENT NO. 9 TO THE VILLAGE ONE SPECIFIC PLAN TO ELIMINATE REDUNDANCY WITH THE ADOPTED GENERAL PLAN HOUSING ELEMENT AND CHANGE VARIOUS HOUSING POLICY LANGUAGE

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 October 16, 1990, the City Council by Resolution No. 95-409 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 purpose of Amendment No. 9 is to eliminate redundancy with the adopted General Plan Housing Element and revise policies that are too restrictive, and

WHEREAS, staff review of the proposed amendment leads to the determination that the project is exempt from environmental review under the General Rule, that it can be seen with certainty that the project would result in no significant effect on the environment, CEQA Guidelines Section 15061(b)(3), and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 7, 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. 9, 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 the proposed Amendment No. 9 to the Village One Specific Plan is consistent with the Goals and Policies of the City’s General Plan.

SECTION 2. That the proposed Amendment No. 9 to the Village One Specific Plan is consistent with goals and policies of the Village One Specific Plan.

SECTION 3. That it recommends to the City Council adoption of Amendment No. 9 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 on April 7, 1997, by Dan Thayer, who moved its adoption, which motion was seconded by Rod DeCristofaro, and carried by the following vote:

AYES:  Feller, Pratt, DeCristofaro, Ustach, Thayer, and Ward
NOES: None
ABSENT: Cruz

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Robert S. Cannell, Acting Secretary

Attachment: Exhibit A
H. Village One Affordable Housing Program

1. Introduction

Affordable housing is defined as housing units with prices or rents not exceeding 30% of income for households earning less than 120% of the regional median income for the area (Modesto Metropolitan Statistical Area--Stanislaus County). There are three levels of housing within the affordable category. Very-low-income households
small lot single-family homes make it possible to produce and maintain affordable housing.

c) The City shall maintain 15% of Village One housing as long-term affordable housing for rental and ownership households.

Although it is less than the City's total regional housing needs, the provision of 15% of Village One's housing as affordable over the long term is reasonable in light of the limited local, state and federal resources available to help make new housing affordable. This objective is also appropriate because Village One is only one area of the City of Modesto, and Village One is not expected to address all of the housing needs of the entire City.

In addition, it is important that most of the affordable units remain affordable beyond the initial sale price or rent. Without specific mechanisms to insure long-term affordability, home price escalation and increasing rental rates will soon begin to undermine the program's long-term affordable housing objectives.

The minimum duration of affordability for affordable rental housing should be consistent with state law for density bonuses. State law requires that affordable units, produced through the provision of a density bonus, remain affordable for ten years (30 years if there are additional incentives granted). The minimum duration of affordability for affordable ownership housing should be 30 years, consistent with traditional mortgage standards.

d) The City shall determine the mix of affordable units for very-low-, low-, and moderate-income households on a Precise Plan Area basis, generally consistent with needs established in the City's Housing Element.

At the time of the Specific Plan's adoption, the 1983 Regional Housing Needs Report, produced by the Stanislaus Area Association of Governments, was used to determine the affordable housing needs for Village One. This report indicated that Modesto's affordable housing needs were distributed at 32% very low-income, 29% low-income, and 39% moderate-income. The City should use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.

Because the subsidies required to make a low-density house on a large lot affordable to very low-income households are so large, units for very low-income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low-income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate-income households can be integrated with all housing types, and include sales as well as rental units.
be responsible for the housing needs of very-low-income households that require substantial subsidies.

5. Affordable Housing Implementation - Institutional Actions

The following policies implement a variety of institutional actions by the City that will help achieve greater housing affordability.

a) The City shall designate specific staff with the responsibility for ensuring development of affordable housing. City staff must be aware of all available federal and state programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.

b) The City should establish or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.

Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers. Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.

c) The City shall establish a Housing Trust Fund as a multiple-purpose vehicle for providing affordable housing.

The City will establish a Housing Trust Fund as a flexible vehicle to manage and channel its housing assistance programs, such as an Equity-Sharing Program. The Equity-Sharing Program, funded by Village One single-family developers will assist low- and moderate-income households in purchasing single-family housing units in Village One.

d) The City shall pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.

Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance programs such as Section 8 Rent Assistance. Federal incentive programs, such as mortgage revenue bonds, low-income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.
The city will cease on Federal Home Loan Mortgage Corporation.

The long-term objective is to develop a single-family housing program to meet the needs of low to moderate-income families. The objective is to provide safe, decent, and affordable housing for low-income families. The purpose of the purpose of the program is to promote economic and community development in areas of need. The program seeks to address the needs of low to moderate-income families by providing affordable housing opportunities.

The program will provide assistance to homeowners, tenants, and developers to purchase, rehabilitate, or construct new homes. The assistance will be provided in the form of grants, loans, or direct purchase of homes. The program will be administered by the city and will be funded through a combination of federal and local resources.

The program will be designed to meet the needs of low to moderate-income families and will be available to homeowners, tenants, and developers. The program will be administered by the city and will be funded through a combination of federal and local resources. The program will be designed to meet the needs of low to moderate-income families and will provide assistance to purchase, rehabilitate, or construct new homes.
infrastructure and financing. The precise plan shall also address the provision of affordable housing.

I. Adoption of EIR Mitigation Measures

The certified Program EIR for the Village One Specific Plan (SCH #900-20181) contained 143 Mitigation Measures. These Mitigation Measures shall be incorporated, where appropriate, into the Facilities Master Plan and/or relevant Precise Plans, as described in Chapter IV. This Section implements Section 21081.6 of the Public Resources Code, relating to mitigation monitoring.
5. All road alignments for connector streets shall be consistent with the Facilities Master Plan.

6. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.

7. The Village One Affordable Housing Program presented in Chapter II (Section II-N) shall be implemented throughout each Precise Plan which proposes residential development.

8. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

   "All deeds for lots sold in this subdivision shall contain the following statement:

   'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.'"

9. All Precise Plans which propose residential development shall include the following requirement:

   The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

   -or-

   As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.
ATTACHMENT NO. 5

PLANNING COMMISSION MINUTES
Item D - Public Hearing - Consideration of Proposed Amendment No. 9 to the Village One Specific Plan to Eliminate Redundancy with the General Plan Housing Element and Make Changes to Various Housing Policy Language

ACTION: RESOLUTION NO. 97-27, adopted (Thayer/DeCristofaro, unanimous; Cruz, absent) RECOMMENDING TO CITY COUNCIL ADOPTION OF AMENDMENT NO. 9 TO THE VILLAGE ONE SPECIFIC PLAN TO ELIMINATE REDUNDANCY WITH THE ADOPTED GENERAL PLAN HOUSING ELEMENT AND CHANGE VARIOUS HOUSING POLICY LANGUAGE
ATTACHMENT NO. 6

PLANNING COMMISSION
PERTINENT PARTIES LIST
ATTACHMENTS NO. 1, 2, 3, 4, 5 & 6
TO REPORT DATED April 18, 1997,
ARE ON FILE IN
THE OFFICE OF THE CITY CLERK
ATTACHMENT NO. 1

LOCATION MAP
ATTACHMENT NO. 2

PROPOSED CHANGES
# Proposed Changes to the Village One Specific Plan

The following changes will be made to Chapter II, Section H, the Village One Affordable Housing Program, of the Village One Specific Plan, the annotated pages follow with the specific text changes:

<table>
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<th>Proposed Change to:</th>
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<td>2. p. II-39, Policy H.2.a)</td>
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<td>5. p. II-41, Policy H.3.a)</td>
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<td>9. p. II-42, Policy H.5.c)</td>
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<td>11. p. II-43, Policies H.5.e),f) &amp; g)</td>
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H. Village One Affordable Housing Program

1. Introduction

Affordable housing is defined as housing units with prices or rents not exceeding 30% of income for households earning less than 120% of the regional median income for the area (Modesto Metropolitan Statistical Area--Stanislaus County). There are three levels of housing within the affordable category. Very-low-income households
are defined as those earning less than 50% of the area median; low-income households between 50% and 80% of the area median; and moderate income households between 80% and 120% of the area median-income.

As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce housing that much of the population can afford. This is partly because of decreasing amounts of federal involvements as well as changes in the tax code, which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly a result of Bay Area households moving toward less expensive housing markets, even if they still make long-commutes back to Bay Area jobs.

Village One is anticipated to meet Modesto's residential land-use needs for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1992 Housing Element, namely encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. By including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall City plan for housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.

2. Affordable Housing - Overall Policies

The overall goal of the Village One Affordable Housing Program is to provide housing opportunities for people of all income levels, consistent with the neighborhood and residential design objectives of the Village One Specific Plan. This goal is implemented through the following policies.

a) The City shall maintain 15% of Village One housing as long-term affordable housing units, and shall encourage that an additional 10% of the units be provided initially at affordable prices.

The affordable housing goals have two components: maintaining 15% of Village One housing as affordable by policy over the long term, and encouraging an additional 10% of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small, low or moderate income households, and this should be encouraged to continue.

b) The Village One Specific Plan shall include a mix of housing prototypes to provide increased opportunity for diverse income groups.

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center and multi-family housing, to single-family housing on lots to half an acre in size. The senior housing, multi-family housing, and

II-39
small lot single-family homes make it possible to produce and maintain affordable housing.

c) The City shall maintain 15% of Village One housing as long-term affordable housing for rental and ownership households.

Although it is less than the City’s total regional housing needs, the provision of 15% of Village One’s housing as affordable over the long term is reasonable in light of the limited local, state and federal resources available to help make new housing affordable. This objective is also appropriate because Village One is only one area of the City of Modesto, and Village One is not expected to address all of the housing needs of the entire City. In addition, it is important that most of the affordable units remain affordable beyond the initial sale price or rent. Without specific mechanisms to insure long-term affordability, home price escalation and increasing rental rates will soon begin to undermine the program’s long-term affordable housing objectives.

The minimum duration of affordability for affordable rental housing should be consistent with state law for density bonuses. State law requires that affordable units, produced through the provision of a density bonus, remain affordable for ten years (30 years if there are additional incentives granted). The minimum duration of affordability for affordable ownership housing should be 30 years, consistent with traditional mortgage standards.

d) The City shall determine the mix of affordable units for very low-, low-, and moderate income households on a Precise Plan Area basis, generally consistent with needs established in the City’s Housing Element.

At the time of the Specific Plan’s adoption, the 1983 Regional Housing Needs Report, produced by the Stanislaus Area Association of Governments, was used to determine the affordable housing needs for Village One. This report indicated that Modesto’s affordable housing needs were distributed at 39% very low income, 39% low income, and 22% moderate income. The City should use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.

Because the subsidies required to make a low-density house on a large lot affordable to very low income households are so large, units for very low-income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low-income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate-income households can be integrated with all housing types, and include sales as well as rental units.
3. Affordable Housing - Design Quality Policies

The City shall ensure that the provision of affordable housing in Village One does not diminish the design quality of the community nor stigmatize the occupants of the units.

Successful affordable housing programs can be implemented in ways that represent positive enhancement for any community. Housing prices have escalated to the point where few households can afford to purchase a house, and over half of the households in a community have incomes that make them eligible for affordable housing. The cost of rental housing has also increased significantly. Those affected include young working households such as store clerks, teachers, and police officers; single parents; and senior citizens living on social security.

Dispersing the affordable housing throughout the community and designing the housing to be indistinguishable from market-rate housing, will have a positive effect on the residents of the affordable housing and eliminate the stigma associated with more traditional public housing. The following policies implement this direction:

a) Affordable housing, as defined by state Title 25 criteria (very low, low, and moderate income), shall be dispersed throughout the Village, making sure that it is indistinguishable from, and integrated with, market-rate housing.

With the exception of senior housing and small 100% affordable developments, affordable housing shall be dispersed within the Village and fully integrated and indistinguishable from market-rate units in a given development. Also, with the above exceptions, no more than 20% of any development shall be rented to very low income households.

b) The City shall ensure that affordable housing is built in a manner that does not diminish the quality of the community.

Affordable units will be built to the same construction standards, with the same parking requirements, same open space and other provisions, as market-rate housing. The intent is for the affordable units to look like the market-rate housing. Therefore, the same standards will be adhered to for exterior finishes and details. However, if the builder wishes to alter interior details (such as reducing the number of bathrooms or leaving the top floor unfinished) in order to reduce costs and build a more affordable unit, he will be allowed to do so.

4. Affordable Housing Implementation - Overview

The Village One Affordable Housing Program is a true public-private partnership, requiring the full participation of both the City and Village One developers. Each partner's responsibilities are geared to capitalize on their unique abilities and characteristics. Village One developers, using market-oriented methods and incentives, will be responsible for approximately two-thirds of the affordable housing objectives aimed specifically at low-income and moderate-income households. The City, using state and federal housing programs, will
be responsible for the housing needs of very-low-income households that require substantial subsidies.

5. Affordable Housing Implementation - Institutional Actions

The following policies implement a variety of institutional actions by the City that will help achieve greater housing affordability.

a) The City shall designate specific staff with the responsibility for ensuring development of affordable housing.

City staff must be aware of all available federal and state programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.

b) The City should establish or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.

Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers. Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.

c) The City shall establish a Housing Trust Fund as a multipurpose vehicle for providing affordable housing.

The City will establish a Housing Trust Fund as a flexible vehicle to manage and channel its housing assistance programs, such as an Equity-Sharing Program. The Equity-Sharing Program, funded by Village One single-family developers, will assist low and moderate-income households in purchasing single-family housing units in Village One.

d) The City shall pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.

Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance programs such as Section 8 Rent Assistance. Federal incentive programs, such as mortgage revenue bonds, low-income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.
Current state housing-assistance programs include Proposition 177 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low-interest loans from financial institutions.

e) The City should rely primarily on local housing initiatives and programs to meet Village One's affordable housing objectives while aggressively pursuing state and federal assistance. Significant cutbacks in the funding of state and federal housing programs has resulted in increased competition for the remaining funds. This means that the only way to insure that the Village One specific Plan's affordable housing objectives can be met is through locally-initiated programs. Access to state and federal housing programs, such as Section 8 rental assistance and Proposition 84 funds are generally confined to nonprofit housing corporations, housing authorities, and other governmental entities. These types of organizations are typically the only ones able to cope with the long and difficult application process.

f) The City should utilize mixed-use development and reduced parking requirements in order to achieve affordability in senior housing developments.

Housing over Village Center retail or community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.

g) The City shall establish criteria for eligibility for affordable housing.

Demand for affordable housing is always very high, and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.

6. Affordable Housing Implementation-City and Developer Requirements

The affordable housing program in Village One shall be a shared effort between the City and developers. This combined participation can help meet the Village One Specific Plan's affordable housing goals. The following policies determine the responsibilities involved to assure that the Village One Specific Plan's affordability goals are met.

a) The City will be responsible for meeting all the very-low-income housing needs for Village One, estimated at 433 units. The City shall aggressively pursue all local, state, and federal programs to provide affordable rental housing and subsidized housing.

The City will utilize available local, state, and federal housing and financing programs such as Mortgage Revenue Bonds, Section 8, Section 202, Low-Income Tax Credits.
b) The City will create an Equity-Sharing Program as part of the Housing Trust Fund, as the vehicle to provide "gap" financing.

The Equity-Sharing Program, funded by Village One developers of single-family housing, will assist low and moderate-income households with "gap" financing. The "gap" makes up the difference between housing price and income. In applying gap financing, the City will take an equity share in the home, and upon sale or refinancing of the home, the assisted homeowner will repay the gap, together with interest and a share of the appreciation. The proceeds will be deposited in a revolving account from which new loans to other qualified low-income and moderate-income households can be made. This process will assure that the program achieves its long-term objectives.

c) Village One developers of single-family housing will be responsible for meeting the estimated needs of 101 low-income and 355 moderate-income households, by contributing to the Equity Sharing Program administered through a Housing Trust Fund or by providing affordable housing equal in scope and amount.

Developer participation in the Equity-Sharing Program is the foundation of the Village One Affordable Housing Program and is expected to provide the bulk of affordable housing, including opportunities for home ownership, in Village One. To serve as an incentive to developers to build smaller, less-expensive housing, the program established a performance standard based on affordability, using house size as an indicator. The program is based on an 800-square-foot home, costing $78,000, which is affordable to households in the upper end of the low-income category (assuming the current average price of $97.50 per square foot, including land, for new single-family housing currently offered in the greater Modesto area).

Developers who build units larger than 800 square feet will be required to contribute to the Housing Trust Fund on a per-square-foot basis for the floor area of each single-family home in excess of 800 square feet. These fees will be used to fund the Equity Sharing Program described in Policy 2 above. Developers who build a home of 800 square feet or less will not be assessed a fee because a house of this size is expected to be affordable without assistance.

Based on the cost of a modest starter home of 1,100 square feet, an estimated $3.8 million will be needed to assist 101 low-income households and 355 moderate-income households. Because the Housing Trust Fund fee is based on the size of homes actually constructed in Village One, the funds raised should be in balance with what is needed. If larger, more expensive homes are built in Village One, the amount needed and raised will also increase. Similarly, if smaller, less-expensive homes are constructed the amount needed and raised will decrease.
Based on the 1,770-square-foot average size of a new single-family home, currently being offered in the greater Modesto area, the 5,505 single-family homes that will be constructed in Village One should yield 5.3 million square feet of total floor area that is in excess of 800 square feet. A Housing Trust Fund fee of $0.70 is obtained by dividing the amount needed, $3.8 million, by the 5.3 million floor area, in excess of 800 square feet. Ten percent is added to cover the costs to administer the program (rounded off to $0.80).

To keep pace with inflation, annual adjustments will be made to the square-foot fee based on the Capital Facilities Fees, appraisals for land costs, and Engineering News Record Index for building costs. Also, a full review and assessment of the program's performance will be made five years from the start of implementation to ensure that the program is meeting its goals. (See Table II-4, Village One Affordable Housing Program)

As an alternative to the Housing Trust Fund fee, developers could provide affordable housing, if the affordable housing is equivalent in scope and amount to the housing assistance offered by the Equity Sharing Program.

d) The developer of multi-family units will be providing, through the required Village One multi-family density (p II-1), the equivalent of a 25% density bonus. This density bonus, as defined by Section 65915 et seq. of the state Government Code, has already been calculated into this density. In addition, Section 65915 requires that 20% of these multi-family units shall be made available to low-income households.

e) Except for senior housing planned for the Village Center, assisted housing, whether private or government sponsored, should remain dispersed. Households receiving assistance shall be free to choose housing in Village One consistent with their needs and financial capability.

Taken together, the Village One Affordable Housing Program matches the type of housing assistance with the capabilities of each provider (Housing Trust Fund fee and density bonus for the developer, vs. state and federal housing programs for the City) in a way that maximizes individual choice. By emphasizing the assistance to low and moderate-income households rather than providing specific units, the Village One Affordable housing Program helps insure that assisted housing will be dispersed and that affordable housing does not diminish the quality of Village One housing.

f) Village One developers in the Precise plan shall address the provision of affordable housing in their Precise Plan that will govern the development of their property.

Precise Plans are required for development in Village One. Precise Plans, which establish the program for development of property in Village One, are required to address the provision of...
I. Adoption of EIR Mitigation Measures

The certified Program EIR for the Village One Specific Plan (SCH #900-20181) contained 143 Mitigation Measures. These Mitigation Measures shall be incorporated, where appropriate, into the Facilities Master Plan and/or relevant Precise Plans, as described in Chapter IV. This Section implements Section 21081.6 of the Public Resources Code, relating to mitigation monitoring.
Table II-4

VILLAGE ONE

AFFORDABLE HOUSING PROGRAM

The following reflects the distribution of affordable units in Village One and illustrates the affordable housing program.

DISTRIBUTION OF AFFORDABLE UNITS

| Estimated Total Housing Units in Village One | 7,400 |
| Affordable Housing Units (25% of total)      | 1,850 |
| 10% Market Affordable                       | 740   |
| 15% Program Affordable                      | 1,100 |

HOUSING TRUST FUND/EQUITY SHARING PROGRAM

Assumptions:

| Price per square foot                      | $97.50  |
| Price affordable to low-income households  | $78,000.00  |
| Price affordable to moderate-income households | $105,000.00 |
| Size of affordable unit                     | 800 s.f. |
| Size of "starter home"                      | 1,100 s.f. |
| Price of "starter home"                    | $107,250.00 |
| Average home size                           | 1,770 s.f. |
| Average home price                          | $155,178.00 |

Subsidy needed to fund Equity Sharing Program:

| Low-income (101 households x $29.250)       | $2,954,250.00 |
| Moderate-income (355 households x $2.250)   | $798,750.00   |
| Total Subsidy                               | $3,753,000.00 |

Fee for homes over 800 square feet:

| (1,770 - 800 sq. ft.) x 5,505 units         | 5,339,850 s.f. |
| Fee ($3,753,000/5,339,850 sq. ft.)          | $0.70 s.f.    |
| With administrative fee (10%)               | $0.80 s.f.    |

DENSITY BONUS PROGRAM

Assumptions:

| Acres designated for multi-family            | 70 ac.       |
| Maximum permitted density                    | 21 d.u.'s/ac.|
| Total multi-family units (@ 75% density)     | 1,103        |
| Number of low-income units (1,103 units X    | 221           |
| 20% self-aside requirement)                 |              |

Fee to be adjusted annually.
5. All road alignments for connector streets shall be consistent with the Facilities Master Plan.

6. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.

7. The Village One Affordable Housing Program presented in Chapter II (Section II-H) shall be implemented throughout each Precise Plan which proposes residential development.

8. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

"All deeds for lots sold in this subdivision shall contain the following statement:

'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.'"

9. All Precise Plans which propose residential development shall include the following requirement:

The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.

-or-

As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.
(3) Any Tentative Subdivision Maps, if a concurrent subdivision is proposed.

(d) An Infrastructure Financing Program, which includes:

(1) A plan for the participation of properties located in the Precise Plan area in the financing of (a) the costs of preparation of the Village One Specific Plan EIR, Village One Financing Plan, Public Facilities Master Plan and related studies, and (b) the phased construction of the sanitary sewer, water, storm drain, circulation, school facilities, and other facilities as described in the Village One Specific Plan.

(2) A plan for financing the costs of maintenance of medians, alleys, common open space areas, and other facilities in the Precise Plan Area.

(e) A plan for providing affordable housing consistent with the Village One Specific Plan Affordable Housing Program, as described in Chapter II.

(f) Written documentation of conformance to the Precise Plan Area policies in Chapter III.

(g) A proposed development review process, consistent with Section IV-D, which effectively implements the relevant Land Use and Community Design Principles specified in Section II-G (Chapter II).

For lots which are 5,000 square feet and larger, the Final Development Plan requirements shall allow the Final Subdivision Map to be recorded without the requirement for plot plans and elevations of model homes. Instead, prior to each individual single-family building permit, the applicant must submit plot plans and elevations for those structures which are designed to meet the following objectives:

- Garage setback a minimum of 20 feet
- House setback between 10 and 28 feet
- Garage width no more than one-half the width of the house

(h) If required by development phasing or other reasons, a Draft Development Agreement consistent with the Development Agreement Form prescribed by the City Attorney.

(i) Precise Plans can focus on the parcels being considered for development entitlements such as zoning and subdivision, as long as the overall policies for the Precise Plan can still be achieved.
These findings shall be in addition to the findings otherwise required by resolution, ordinance or statute for any other discretionary approval, permit or other entitlement considered concurrently with a Precise Plan.

7. Precise Plans - Administration

The following provisions shall govern the review of all projects proposed in areas covered by adopted Precise Plans:

(a) All applications for discretionary approvals, permits or other entitlements shall be found consistent with the adopted Precise Plan and Village One Specific Plan, and the Principal Underlying Zoning and Development Agreement before they can be approved. This finding shall be in addition to any findings otherwise required by resolution, ordinance, statutes or the Development Agreement.

(b) Major modifications or changes to a Precise Plan, such as a substantial increase or decrease in density; significant change in the circulation pattern; or significant change in the Infrastructure Master Plan, the Infrastructure Financing Plan, the Mitigation Plan, or Affordable Housing Plan, shall require an amendment to the Precise Plan. The procedures for the adoption of a Precise Plan shall apply to the amendment of an adopted Precise Plan. Minor modifications to a Precise Plan, which do not involve new uses or require significant site plan redesign, may be approved by the Community Development Director. Any such modifications shall be noted in the project file.

(c) The procedures for revocation of a Precise Plan shall be those set forth in Section 10-2.1711 of the Municipal Code.

D. Subsequent Development Review Procedures

1. Overview

A review by the Community Development Department shall be required of any project in an area covered by a Precise Plan, prior to the issuance of any building permit that authorizes the construction or remodeling of any building or structure, excluding those issued for minor accessory buildings, electrical, plumbing or other special service, or for remodeling that is entirely confined to the interior of a building or structure. This review shall be for the purpose of determining compliance with all of the requirements of the Precise Plan, including the design and development standards of the Village One Specific Plan. It is the expressed intent of the City to provide maximum flexibility to the project applicants throughout this subsequent development review process, and to encourage design creativity to meet the standards presented in this Specific Plan.
ATTACHMENT NO. 3

REASONS FOR CHANGES
REASONS FOR CHANGES:

1. This language is proposed to be deleted because it is redundant with text in Section "B. SUMMARY OF HOUSING NEEDS, CONSTRAINTS, & OPPORTUNITIES" in the General Plan Housing Element.

2. This policy language is proposed to be deleted because staff believes affordable housing policy should be based on a Community-wide approach as set forth in the General Plan Housing Element rather than individual policies in Specific Plans. The Housing Element (adopted subsequent to Village One) contains affordable housing goals and Quantified Objectives which can be applied on a Community-wide basis.

3. This policy language is being deleted because the Housing Element contains Quantified Objectives which address the mix of affordable housing. In addition, staff proposes this issue be approached on a Community-wide basis and not on a Precise Plan area basis.

4. This language is proposed for deletion because it is a duplication of text found in Section "B. SUMMARY OF HOUSING NEEDS, CONSTRAINTS, & OPPORTUNITIES" in the General Plan Housing Element.

5. This policy language is proposed for deletion because staff proposes that the 20% limitation on the maximum number units to be rented to very-low income is too restrictive and would interfere with the Stanislaus County Housing Authority's efforts at providing affordable housing. There are no policies in Section F of the Housing Element which conflict with this deletion.

6. This language is proposed for revision to provide linkage to the General Plan's Housing Element because staff believes that the Housing Element contains Housing Policies which provide adequate "institutional actions". The proposed revised language is as follows:

   The adopted General Plan Housing Policies found in Section F of the General Plan Housing Element provide a full range of institutional actions including local, state and federal programs that will help achieve greater housing affordability when applied to the development of Village One.

7. This policy language is proposed for deletion because the type of action it would implement is already accomplished through ongoing administration of the Community Development Department. Notwithstanding, each of the 39 Housing Policies identifies a responsible agency for their implementation.
8. This language is proposed to be deleted to remove redundancy with the adopted Housing Element. Housing Policies 10 and 13 of the Housing Element already provide for this need.

9. This language is proposed for deletion in order for the Specific Plan to be consistent with the amended General Plan Housing Element as amended by the City Council on March 18, 1997 (Resolution No. 97-137).

10. This language is proposed for deletion to remove duplication of adopted Housing Element policies that pursue the use of state, federal and private assistance. Housing Element Policies 9, 14, 17, 19, 21, 24, 26, 33, 38, 42, 43, 44, 45, 46, and 47 are among those that already provide for this need.

11. This language is proposed to be deleted to remove duplication of adopted Housing Element policies and procedures that would accomplish the same goal. Housing Policies 4, 27, 34, 36, 41, 35 and 23 are among those that provide for these needs.

12. This policy language is proposed for deletion so the Village One Specific Plan is consistent with the amended General Plan (the deletion of Housing Policy 15, Council Res. No. 97-137).

13. This policy language and table is proposed for deletion so that the Village One Specific Plan is consistent with the amended General Plan Housing Element with Housing Policy 15 deleted by the City Council March 18, 1997 (Resolution No. 97-137).

14. This policy language is proposed for revision because according to the City Attorney, Government Code Section 65915 only allows use of the Density Bonus upon application by the developer. Thus, the following wording is proposed:

The developer of multi-family units may provide, through application in accordance with Government Code Section 65915, up to the maximum Village One multi-family density (p II-1), an equivalent of a 25% density bonus. In addition, Section 65915 requires that 20% of these multi-family units shall be made available to low-income households.

15. This policy language is proposed to be deleted in order to be consistent with the amended General Plan Housing Element which had Housing Policy 15 removed by the City Council on March 18, 1997 (Resolution No. 97-137).

16. This policy language is proposed for deletion because staff believes affordable housing policy should be a Community-wide approach implementing the General Plan Housing Element rather than separate policies in Specific Plans or Precise Plans. The Housing Element contains affordable housing goals and quantified objectives to be applied on a Community-wide basis.
ATTACHMENT NO. 4

PLANNING COMMISSION RESOLUTION
MODESTO CITY COUNCIL
RESOLUTION NO. 97-226

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR REPLACEMENT COPY MACHINES FOR THE POLICE DEPARTMENT AND CENTRAL SERVICES COPY 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 replacement copy machines for the Police Department and Central Services Copy Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 20, 1997, at 11:00 a.m., and 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 6th day of May, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk

JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-227

A RESOLUTION ACCEPTING THE CO-COMPOST SITE DEVELOPMENT PROJECT 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 co-compost site development project has been completed by Teichert Construction, in accordance with the contract agreement dated August 13, 1996.

NOW, THEREFORE, BE IT RESOLVED that the co-compost site development project 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 $798,205.00, as provided in the contract, be authorized.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-228

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF
SOFTWARE AND ENGINEERING SERVICES FROM HSQ TECHNOLOGY FOR $25,866.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that
formal bid procedures for the purchase of software and engineering services
are hereby waived.

BE IT FURTHER RESOLVED that the purchase of software and engineering
services from HSQ Technology for $25,866.00, is hereby approved.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ADAMS, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF PORTABLE RADIOS AND COMMUNICATIONS CENTER SAFETY UPGRADE EQUIPMENT AND RELATED INSTALLATION FROM INDUSTRIAL COMMUNICATION SALES AND RAY'S RADIO FOR $37,000.05

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of portable radios and communications center safety upgrade equipment and related installation are hereby waived.

BE IT FURTHER RESOLVED that the purchase of portable radios and communications center safety upgrade equipment and related installation from Industrial Communication Sales and Ray's radio for $37,000.05 is hereby approved.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-230

A RESOLUTION RE-ESTIMATING REVENUE FOR THE FY 1996-97
ANNUAL BUDGET OF THE CITY OF MODESTO

WHEREAS, the third quarter financial analysis has been completed and it has been
determined that certain adjustments are required to the Annual Budget of the City of Modesto for
the Fiscal Year 1996-97;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
revenue for fiscal year 1996-97 has been re-estimated.

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 6th day of May, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: [Signature]
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-231

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE THIRD QUARTER OF FISCAL YEAR 1996-97

WHEREAS, the third quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1996-97;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated on Attachment "A".

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of May 6, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: [Signature]
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 97-232

A RESOLUTION APPROVING LOAN AGREEMENTS WITH ASHWOOD VILLAGE APARTMENTS, L.P. FOR A $765,000 HOME LOAN FOR ASHWOOD VILLAGE RENTAL UNITS AT LOU ANN DRIVE AND BRENNER WAY

BE IT RESOLVED by the Council of the City of Modesto that the loan agreements with Ashwood Village Apartments, L.P. for a $765,000 HOME loan for Ashwood Village Rental Units be, and are hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 97-233

A RESOLUTION APPROVING A DENSITY BONUS AGREEMENT WITH ASHWOOD VILLAGE APARTMENTS L.P. FOR A 120-UNIT APARTMENT PROJECT LOCATED AT THE SOUTHEAST CORNER OF RUMBLE ROAD AND LOU ANN DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the density bonus agreement with Ashwood Village Apartments L.P. for a 120-unit apartment project located at the southeast corner of Rumble Road and Lou Ann Drive be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 97-234

A RESOLUTION APPROVING AN AGREEMENT WITH YOSEMITE COMMUNITY COLLEGE DISTRICT AND STANISLAUS COUNTY FOR PARTICIPATION IN THE RAY SIMON REGIONAL LAW ENFORCEMENT TRAINING CENTER

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Yosemite Community College District and Stanislaus County for participation in the Ray Simon Regional Law Enforcement Training Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 97-235

A RESOLUTION ADOPTING ENGINEERING STANDARDS FOR POLYVINYL CHLORIDE (PVC)
SEWER PIPE STANDARDS FOR VILLAGE ONE

WHEREAS, City staff and the Building Industry Association have been
coop eratively developing specifications for using Polyvinyl Chloride (PVC)
sewer pipe in Village One, and

WHEREAS, in an effort to maintain PVC's cost effectiveness and
maintainability, standards have been developed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
does hereby adopt the standards entitled, "Specifications for the Design and
Construction of Polyvinyl Chloride Pipe for Sanitary Sewers within Village
One," marked "Exhibit A", a copy of which is attached hereto and incorporated
herein by reference.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of May, 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: Dobbs, Cogdill, Fisher, Friedman, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk
PVC Sewers - Village One

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5.01 GENERAL

The installation of Polyvinyl Chloride (PVC) pipe sewers is allowed in Village One only. It is being allowed as an experiment to evaluate the use of this type of pipe, the field installation, and the long term stability of the pipe. PVC pipe sewers shall be installed by a Contractor holding the appropriate license for such work under the provisions of the State of California Business and Professions Code. These special specifications are a supplement to the current Modesto Standard Specifications. Where there is a conflict of specifications, these specifications shall take precedence.

5.02 DESIGN

PVC pipe sewers shall not be used for sewers that exceed the nominal diameter of 8-inches. PVC pipe sewers shall be sized to carry the quantity of sewage which will be discharged from their service area with a minimum design flow of 0.007 cfs/acre. When using PVC, sewer mains shall be no smaller than 8-inch diameter. Eight inch dia. sewers shall have a grade of not less than 0.35% (n coefficient = .013).

All sewers shall have a minimum cover of 3-feet 6 inches from the top of the pipe to finished grade and a minimum of 2 feet to bottom of street subgrade. Sewers with less than minimum cover shall be ductile iron pipe.

5.03 MANHOLES

Connections of PVC pipe and fittings to a manhole shall be water tight. The use of manhole water stops per manufacturer’s requirements shall be approved by the City Engineer prior to the installation of any pipe or fitting.

5.04 PVC Pipe Material

PVC pipe and fittings 4 inch through 8 inch shall conform to the current ASTM Specifications D-3034 SDR 35 with an initial pipe stiffness of 46 lbs./in./in. Additives and fillers including but not limited to stabilizers, antioxidants, lubricants, colorants, etc., shall not exceed 10 parts by weight per 100 parts of PVC resin in the compound per ash test results conducted in accordance with ASTM D817.

All pipe, fittings, and couplings shall be clearly marked at intervals not to exceed 5 feet as
follows:

1) Nominal pipe diameter.
2) Date of Manufacture.
3) Manufacturer’s name or logo.
4) ASTM and SDR designation.

For fittings and couplings, the Pipe Stiffness is not required.

All pipe and fittings shall be suitable for use as a gravity sewer conduit, with provisions for expansion and contraction at each joint. All joints shall be made with flexible elastomeric seals meeting the requirements of ASTM D3212, and shall be capable of passing all tests specified in said standard and within these specifications. A factory applied reference mark shall be provided on the spigot end to ensure proper positioning in the adjoining bell. The pipe shall be uniform in color, opacity, density, and other physical properties.

Wyes for house service connections shall be complete molded fittings. Solvent type saddle and wye are not allowed at any time.

Any wye found to have been solvent welded will require the complete removal of both pipe and joint and replaced with a complete fitting and repair couplings. The cost of repairs shall be borne by the Contractor.

Written certification (compliance), by the manufacturer, shall be submitted showing that all pipe and fittings meet the requirements herein.

When testing is required by the City Engineer because of suspect quality or because the date of manufacture to installation exceeds 13 months, one test pipe shall be selected at random by the City Engineer from each 1,000 feet or fraction thereof of each size of pipe delivered to the work site. But no less than one test pipe per lot. The length of specimen for each selected pipe shall be a minimum of 8 feet. The cost of such tests shall be borne by the Contractor.

The standards for testing set forth in the specifications will need to be 95% or better of ASTM’s recommended initial values for Tensile Strength, Modulus of Tensile Elasticity, Pipe Flattening and Stiffness. Impact strength will meet 90% of the recommended ASTM value for pipe manufacturers.

Flexible Pipe not installed within 120 days of the latest test shall not be used without prior written approval from the City Engineer.

Care shall be taken during transporting of the pipe to insure that the binding and tie down methods do not cut the pipe in any manner. Pipe bowed, deformed or otherwise damaged during shipping or storage shall be rejected.
Pipe stored on the job site for an excessive duration, over 8 months, shall be covered with canvas or other opaque material to protect it from the sun's rays. Air circulation shall be provided under the covering.

Pipe shall be made of PVC plastic having a cell classification of 12454-B or C as defined in ASTM D 1784. The fittings shall be made of PVC plastic having a cell classification of 12454-C. PVC compounds of other cell classifications shall be approved by the City Engineer.

5.05 EXCAVATION

Trench width shall be a minimum width not less than the greater of either the pipe outside diameter plus 16 in. (400mm) or the pipe outside diameter times 1.25 plus 12 in. (300 mm).

PVC sewer pipes shall be over excavated a minimum of 4 inches below the pipe or bell, which ever is lower in elevation.

5.06 SEWER SERVICE MATERIALS

PVC pipe shall be used for all sewer services from 4 inches to 8 inches. PVC pipe shall not be used for any sewer services on VCP or Ductile Iron Sewer Mains. PVC pipe shall not be used for any sewer services over 8 inch in diameter.

Connections to PVC Pipe sewer mains shall utilize a "wye" fitting. "Tee" connections to PVC Pipe will not be allowed. Solvent type fittings are not allowed.

When cutting in a wye, 3/4 inch crushed stone shall be placed under the main line and the sewer service lateral within the right of way line.

5.07 BEDDING

PVC pipe and fittings shall be bedded in conformance with these specifications.

Bedding shall be defined as that material supporting, surrounding, and extending a minimum of 4 inches under the pipe or projecting bell which ever is lowest to 1 foot above the top of the pipe or projecting bell which ever is highest. Where it becomes necessary to remove boulders or other interfering objects at subgrade for bedding, any void below such subgrade shall be filled with the bedding material.

If soft, spongy, unstable, or other similar material is encountered upon which the bedding material is to be placed, this unsuitable material shall be removed to a depth ordered by the City Engineer and replaced with bedding material suitably densified.

Bedding Material shall first be placed on a firm and unyielding subgrade so that the pipe is...
supported for the full length of the barrel. There shall be a minimum of 4 inches of bedding below the pipe barrel or projecting bell which ever is lowest. Haunching of the Class II bedding around pipe shall be done by hand to provide the maximum performance. Bedding material shall be placed, and densified by mechanical means in lifts not exceeding 6 inches to an elevation of 1 foot over the top of the pipe. Bedding material shall be compacted to 90 percent relative compaction. Jetting of the bedding material will not be allowed. Unless the sheeting and shoring is to be cut off and left in place, densification of bedding for pipe shall be accomplished after the sheeting or shoring has been removed from the bedding zone, and prior to the placement of backfill.

Remaining backfill shall be in accordance with the Modesto Standard Specifications unless noted on the improvement plans.

Except where otherwise specified, bedding material shall consist of clean sand & gravels, Class II material (ASTM designation D 2321) or manufactured granular angular material, Class IB (ASTM designation D 2321). The description of the material may also be found in Table 10.8 of the Uni-Bell Handbook of PVC Pipe.

Written certification, by a certified geotechnical laboratory, shall be submitted showing that the bedding material meets the requirements herein prior to the placement. If the sand bedding material changes, the Contractor shall resubmit written certification that the new bedding material meets the requirements herein.

5.08 BACKFILL

PVC pipe shall be bedded in accordance with these Standards. Above this bedding, all clods of any kind shall be removed which are larger than 3 inches in diameter. Ponding or jetting may not be allowed.

In existing paved streets, Class I aggregate sub-base conforming to Section 25-1.02A of the State Standards shall be used as the backfill material where a sewer wye is installed on an existing main. Ponding or jetting will not be allowed in existing paved streets, either paved or undeveloped.

Compaction tests shall be performed by a soils technician under the supervision of a registered Civil or Geotechnical Engineer retained at the Contractor’s expense.

5.09 AIR PRESSURE TEST

The Contractor shall furnish all materials, equipment, and labor for making an air test. Air test equipment shall be approved by the City Engineer unless otherwise provided on the Plans or in the Specifications.
The Contractor may conduct an initial air test of the sewer mainline after densification of the backfill, but prior to installation of the house connection sewers. Such tests will be considered to be for the Contractor’s convenience and need not be performed in the presence of the City Engineer.

Each section of sewer shall be tested between successive manholes by plugging and bracing all openings in the sewer mainline and the upper ends of all house connection sewers. Prior to any air pressure testing, all pipe plugs shall be checked with a soap solution to detect any air leakage. If any leaks are found, the air pressure shall be released, the leaks eliminated, and the test procedure started over again. The Contractor has the option of wetting the interior of the pipe prior to the test.

The final leakage test of the sewer mainline and branching house connection sewers, shall be conducted in the presence of the City Engineer in the following manner:

Air shall be introduced into the pipeline until 3.0 psi gage pressure has been reached, at which time the flow of air shall be reduced and the internal air pressure shall be maintained between 2.5 and 3.5 psi gage pressure for at least 2 minutes to allow the air temperature to come to equilibrium with the temperature of the pipe walls. Pressure in the pipeline shall be constantly monitored by a gage and hose arrangement separate from hose used to introduce air into the line. Pressure in the pipeline shall not be allowed to exceed 5 psi gage pressure.

### TABLE 5.2

<table>
<thead>
<tr>
<th>Diameter (Inches)</th>
<th>Length (Feet)</th>
<th>4&quot; House Connection Length</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>50</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>100</td>
<td>70</td>
<td>90</td>
</tr>
<tr>
<td>8</td>
<td>150</td>
<td>110</td>
</tr>
<tr>
<td>200</td>
<td>140</td>
<td>120</td>
</tr>
<tr>
<td>300</td>
<td>140</td>
<td>130</td>
</tr>
<tr>
<td>400</td>
<td>140</td>
<td>130</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Diameter (Inches)</th>
<th>Length (Feet)</th>
<th>6&quot; House Connection Length</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>50</td>
<td>40</td>
<td>70</td>
</tr>
<tr>
<td>100</td>
<td>70</td>
<td>110</td>
</tr>
<tr>
<td>8</td>
<td>150</td>
<td>110</td>
</tr>
<tr>
<td>200</td>
<td>140</td>
<td>130</td>
</tr>
<tr>
<td>300</td>
<td>140</td>
<td>130</td>
</tr>
<tr>
<td>400</td>
<td>140</td>
<td>130</td>
</tr>
</tbody>
</table>

Time in Seconds for Pressure to Drop from 2.5 to 1.5 psi Gage Pressure
After the temperature has stabilized and no air leaks at the plugs have been found, the air pressure shall be permitted to drop and, when the internal pressure has reached 2.5 psi gage pressure, a stopwatch or sweep-second-hand watch shall be used to determine the time lapse required for the air pressure to drop to 1.5 psi gage pressure.

If the time lapse (in seconds) required for the air pressure to decrease from 2.5 to 1.5 psi gage pressure exceeds that shown in Table No. 5.2 the pipe shall be presumed to be within acceptance limits for leakage.

If the time lapse is less than that shown in Table No. 5.2 the Contractor shall make the necessary corrections to reduce the leakage to acceptance limits.

5.10 DEFLECTION TESTING

Deflection testing shall be conducted following final compaction of the rock base in the streets but no sooner than 30 days following pipe installation. Percent allowable deflection shall be 5% of the base inside diameter as established by the ASTM Standard. With the Village One standard of 8" PVC sewer pipe (7.665 in. base diameter), the minimum inside diameter shall be 7.282 inches.

Following the placement and densification of backfill and prior to the placing of permanent pavement, 100 percent of all mainline PVC sewer pipe installed shall be cleaned and measured for obstructions (deflections, joint offsets, and lateral pipe intrusions). A rigid, odd numbered-leg (9 legs minimum) mandrel, with a circular cross section having a minimum diameter at any point along the full length of 7.282 inches, shall be pulled through the pipe by hand in the presence of the City Engineer. The minimum length of the circular portion of the mandrel shall be equal to the ID of the pipe. Contractor shall submit its design of the mandrel to the City Engineer for approval. Once deflection testing has started the mandrel(s) shall stay in the possession of the City Engineer.

The initial maximum deflection shall be 5% (95% of 7.665 for 8" SDR 35). Vertical deflection exceeding 5% shall be cause for rejection of the pipe and all related work. Any over deflect pipe shall be uncovered and, if not damaged, reinstalled. Damaged pipe shall not be reinstalled, but shall be removed from the work site. Any pipe subjected to any method or process other than removal, which attempts, even successfully, to reduce or cure any over deflection, shall be uncovered, removed from the job site and replaced with new pipe (such as the use of a "re-rounder"). Any pipe found to be re-rounded will be replaced from structure to structure with new pipe at the expense of the contractor.

All deflection testing conducted by the Contractor shall be under the inspection and approval of
the City Engineer. All reports and records of deflection testing shall be given to the City Engineer. The costs of the initial deflection test shall be borne by the contractor. Any retests for vertical deflection due to failure shall be borne by the contractor.

The maximum 11 month deflection for PVC pipe shall be 6 percent. The City will conduct deflection testing approximately one month prior to expiration of the contractor’s one year warranty period. Any pipe failing the 6% deflection test within the one-year warranty period will be subject to replacement by the Contractor at his/her expense.

Any pipe which has been replaced will be re-tested by the contractor at his/her expense.

5.11 INSPECTION

Defects such as high and low spots, joint separations, offset joints, chipped ends, cracked or damaged pipe, infiltration points, and debris in lines shall be corrected by the contractor at his/her expense. For joint separations, low spots, and chipped ends, the following maximum acceptable limits will apply for eight and ten inch pipes:

Joint separations - 1/2 inch

Low spots - 6" - 1/2" (.04"")  
            8" - 3/4" (.06"")  
            10" - 1" (.08"")  
            12" & larger depth tolerance = 10% of pipe area

Chipped ends - 1/4 inch

For pipe larger than 10 inches, specific maximum limits will be specified by the City for each project.

5.12 SPECIAL DETAILS REQUIRED ON DESIGN PLANS

Design Engineers specifying the use of 8" PVC sewer line shall place the standard trench backfill detail within the set of improvement plans and a note detailing the mandrel and air test requirements.

Any Design Engineer specifying PVC sewer pipe to be installed deeper than 16 feet from finished grade shall use the ASCE methods to calculate the deflection. The design engineer must also provide all pertinent soils evaluation which shall include testing of the import backfill and existing soils down to the depth of installation. These calculations and soils testing must be provided to the City Engineer before improvement plans are signed.
<table>
<thead>
<tr>
<th>Class</th>
<th>Type</th>
<th>Soil Group Symbol</th>
<th>Description ASTM D 2487</th>
<th>Percentage Passing Sieve Sizes</th>
<th>Atterberg Limits</th>
<th>Coefficients</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.5 in (40mm)</td>
<td>No. 4 (4.75mm)</td>
<td>No. 200 (0.075) (mm)</td>
</tr>
<tr>
<td>IA</td>
<td>Manufactured Aggregates: open-graded class</td>
<td>None</td>
<td>Angular, crushed stone or rock, crushed gravel, broken coral, crushed slag, cinders or shells; large void content, contain little or no fines</td>
<td>100% ≤10% ≤5%</td>
<td>Non Plastic</td>
<td></td>
</tr>
<tr>
<td>IB</td>
<td>Manufactured, Processed Aggregates: dense-graded, clean</td>
<td>None</td>
<td>Angular, crushed stone (or other Class IA materials) and stone/sand mixtures with gradations selected to minimize migration of adjacent soils; contain little or no fines</td>
<td>100% ≤50% ≤5%</td>
<td>Non Plastic</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Coarse-Grained Soils, clean</td>
<td>GW</td>
<td>Well-graded gravels and gravel-sand mixtures; little or no fines</td>
<td>100% &lt;50% of Coarse Fraction</td>
<td>Non Plastic</td>
<td>&gt;4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>GP</td>
<td>Poorly-graded gravels and gravel-sand mixtures; little or no fines</td>
<td></td>
<td></td>
<td>&lt;4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SW</td>
<td>Well-graded sands and gravelly sands; little or no fines</td>
<td>&gt;50% of Coarse Fraction</td>
<td>Non Plastic</td>
<td>&gt;6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SP</td>
<td>Poorly-graded sands and gravelly sands; little or no fines</td>
<td></td>
<td></td>
<td>&lt;6</td>
</tr>
<tr>
<td></td>
<td>Coarse-Grained Soils, borderline clean w/fines</td>
<td>eg. GW-GC, SP-SM</td>
<td>Sands and gravels which are border-line between clean and with fines</td>
<td>100% Vane &lt;5% to 12%</td>
<td>Non Plastic</td>
<td>Same as for GW, GP, SW and SP</td>
</tr>
</tbody>
</table>

3/20/97 Village PVC 5-8 wp/home/spec/pvcsouer
Notes

1. Trench section shall be backfilled and mechanically compacted to grade (No Jetting).
2. Trench width shall be a minimum width not less than the greater of either the pipe outside diameter plus 16 in. (400mm) or the pipe outside diameter times 1.25 plus 12 in. (300mm).
3. Maximum cover with Class II bedding is 13 feet. Maximum cover with Class IB bedding is 16 feet.
4. On industrial streets or where the TI is 10 or above, the depth of relative compaction shall be determined by the City Engineer.
5. In existing pavement, contractor shall furnish 2" temporary pavement.
6. Excavations that leave 3 feet or less of existing surface shall have the remaining surfacing removed and repaved with the same material as the trench section.
1. Trench section shall be backfilled and mechanically compacted to grade (No Jetting).
2. In landscape areas the native backfill shall be compacted to 85% relative compaction.
3. Maximum cover with Class II bedding is 13 feet. Maximum cover with Class IB bedding is 16 feet.
4. Trench width shall be a minimum width not less than the greater of either the pipe outside diameter plus 16 in. (400mm) or the pipe outside diameter times 1.25 plus 12 in. (300mm).

SECTION

Notes
MODESTO CITY COUNCIL
RESOLUTION NO. 97-236

A RESOLUTION DETERMINING THAT THE NINTH STREET BRIDGE OVER THE TUOLUMNE RIVER IS A CRITICAL LINK IN THE CITY OF MODESTO'S TRANSPORTATION NETWORK.

WHEREAS, the Seismic Retrofit Program, which is being administered by Caltrans, has reviewed the Ninth Street Bridge for its potential for failure during a seismic event, and

WHEREAS, based on initial review of the bridge structure under the program guidelines, Caltrans is considering replacing the entire structure rather than attempting to retrofit the existing structure, and

WHEREAS, in order to proceed, Caltrans needs a determination from the City of Modesto as to the local need for the structure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby makes the determination, as recommended by City staff, that the Ninth Street Bridge is a critical link in the Modesto Urban Area's transportation network, based on the following:

1. The Ninth Street Bridge over the Tuolumne River carries approximately 20,000 vehicles a day.

2. The bridge provides a vital transportation link between downtown Modesto and the South Modesto area.

3. The closest alternate Tuolumne River crossing is the Seventh Street Bridge, which has a bridge sufficiency rating of 2.0 out of a possible 100. It is likely that a seismic event of a magnitude that would render the Ninth Street Bridge unusable
would also inflict serious damage on the Seventh Street Bridge. The Seventh Street Bridge currently has a maximum load limit of four tons, prohibiting its use by Fire apparatus and Transit buses.

4. The nearest upstream crossing of the Tuolumne River is located approximately 2.75 miles upstream of Ninth Street.

5. State route 99 is the nearest crossing of the Tuolumne River that is likely to be usable following a significant seismic event and would be impacted by the loss of the Ninth Street Bridge and the Seventh Street Bridge, with the diversion of approximately 25,000 vehicles per day from these two crossings.

6. The loss of the Ninth Street Bridge would significantly impact the ability of the City of Modesto and the County of Stanislaus to provide emergency services to its citizens.

7. The loss of the Ninth Street Bridge would significantly impact the City's ability to provide public transportation to a significant portion of the public.

8. The loss of the Ninth Street Bridge would severely impact business in the area.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JeAnn Adams, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING IMPROVEMENTS IN NOTTINGHAM PLACE, PHASE I SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE STANDBY LETTERS OF CREDIT

WHEREAS, Stewart W. and Betty J. Bradley, subdividers of Nottingham Place Phase I subdivision, have caused to be filed an Irrevocable Standby Letter of Credit in the amount of $47,230.00 to serve as a performance bond to guarantee improvements and an Irrevocable Standby Letter of Credit in the amount of $23,615.00 to serve as a labor and materials bond for Nottingham Place Phase 1 subdivision and;

Whereas, the Director of Community Development, in a memorandum dated April 25, 1997, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Department; and

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

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

1. The improvements in Nottingham Place Phase I Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for faithful performance in the amount of $47,230.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for labor and materials in the amount of $23,615.00 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk