A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT THE MCHENRY AVENUE AND ORANGEBURG AVENUE INTERSECTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for traffic signal modifications at the McHenry Avenue and Orangeburg Avenue intersection, 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 January 24, 1995, at 11:05 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 3rd day of January, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-2  

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT THE TULLY ROAD AND ORANGEBURG AVENUE INTERSECTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for traffic signal modifications at the Tully Road and Orangeburg Avenue intersection, 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 January 24, 1995, 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 3rd day of January, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________  
NORRINE COYLE, City Clerk
RESOLUTION NO. 95-3

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE ELECTRICAL DIVISION SHOP MODIFICATIONS

WHEREAS, Resolution No. 94-664, adopted by the Council of the City of Modesto on November 22, 1994, approved the plans and specifications for the electrical division shop modifications; and

WHEREAS, the bids received for the electrical division shop modifications were opened at 11:00 a.m. on December 13, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco-West, Inc., in the amount of $28,050, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, 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 3rd day of January, 1995, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: [Signature]
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE REHABILITATION OF STORM WATER LIFT STATION - TULLY AT BRIGGSMORE, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the rehabilitation of storm water lift station - Tully at Briggsmore, has been completed by Howk Systems, Inc., in accordance with the contract agreement dated December 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the rehabilitation of storm water lift station - Tully at Briggsmore, be accepted from said contractor, Howk Systems, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $114,380.01, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: _______________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-5

A RESOLUTION ACCEPTING THE HETCH HETCHY BIKE PATH, PHASE I, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Hetch Hetchy bike path, phase 1, has been completed by Patch Master of Central California, in accordance with the contract agreement dated November 2, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Hetch Hetchy bike path, phase 1, be accepted from said contractor, Patch Master of Central California; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $178,980.90, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-6

A RESOLUTION ACCEPTING THE MCHENRY AVENUE WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the McHenry Avenue waterline, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated August 16, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the McHenry Avenue waterline, 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 $76,159.00, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, 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, Muratore, Mayo, Lang |
| NOES: | Councilmembers: | None |
| ABSENT: | Councilmembers: | Patterson |

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-7

A RESOLUTION REVISING THE BID, AWARD AND
ACCEPTANCE PROCESS ON FORMALLY BID CAPITAL
IMPROVEMENT PROGRAM (CIP) PROJECTS, AND
AUTHORIZING THE CITY MANAGER TO AUTHORIZE
CALL FOR BIDS ON CAPITAL IMPROVEMENT
PROJECTS.

WHEREAS, the City Council annually approves a Capital
Improvement Program (CIP) for implementation during the
approaching fiscal year, and

WHEREAS, as the design of approved CIP projects is
completed, staff takes the projects to Council for action, and

WHEREAS, City staff has suggested modifying the current
procedure to reduce the steps involved in the bid, award and
acceptance process on formally bid CIP projects, and

WHEREAS, at a meeting of the Financial Policy Committee
held on December 7, 1994, the Committee considered the two
alternatives that were being recommended by City staff, and the
Committee endorsed Alternative II, and

WHEREAS, by a report to the Council dated December 14,
1994, from the Public Works and Transportation Director, the two
alternatives were also presented to the Council for modifying the
current procedure to reduce the steps involved in the bid, award
and acceptance process on formally bid CIP projects, a copy of
the report which sets forth the two alternatives is attached
hereto and incorporated herein by reference,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby approve Alternative II, as recommended by City staff and the Financial Policy Committee, modifying the current procedure to reduce the steps involved in the bid, award and acceptance process on formally bid CIP projects. Alternative II reads as follows:

ALTERNATIVE II.

Step 1. Staff completes plans and specifications, and proceeds with the call for bids, including the bid opening. Council would then approve the award of the contract.

Step 2. Council accepts the project as complete and authorizes the filing of a Notice of Completion.

BE IT FURTHER RESOLVED that in conjunction with the above, the City Council hereby grants the City Manager authority to call for bids on Capital Improvement Projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-8

A RESOLUTION APPROVING AN AMENDED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY ATTORNEY TO INCLUDE REFERENCE OF A CAR ALLOWANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended employment agreement between the City of Modesto and the City Attorney to include reference of a car allowance be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-9

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY CLERK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the employment agreement between the City of Modesto and the City Clerk, consolidating the duties and obligations in one document be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-10

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO PROVIDE $635,000 IN FUNDING FOR THE COUNTY LIBRARY FOR FISCAL YEAR 1994-95

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to provide $635,000 in funding for the County Library for fiscal year 1994-95 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-11

A RESOLUTION DESIGNATING THE STATE THEATER AT 1307 J STREET AS A MODESTO LANDMARK PRESERVATION SITE.

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 November 21, 1994, 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. 26, that the State Theater at 1307 J Street is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact and capable of restoration.

4. The existing and proposed uses are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on January 10, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the State Theater at 1307 J Street is eligible for designation as a
Landmark Preservation Site for the reasons set forth by the
Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the property at 1307 J Street is more
particularly described in Exhibit "A" attached hereto and
incorporated herein by reference.

BE IT FURTHER RESOLVED that the State Theater at 1307 J
Street has historic, architectural, archaeological, cultural,
engineering or aesthetic significance and is hereby designated a
Landmark Preservation Site for the following reasons:

1. The theater is architecturally significant as an
example of Art Deco architecture and interior
design. It was constructed by Harry Brown in
1934.

2. The existing and proposed uses are economically
viable for this building.

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.
EXHIBIT "A"

STATE THEATER
APN 105-16-08

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lots 17, 18, 19, 20, 21, 22 and 23 in Block 107 of the CITY OF MODESTO, as per map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records.

EXCEPTING THEREFROM all that portion thereof conveyed to Mary Aline Hawkins, a married woman, by Deed recorded February 11, 1949 in Book 961 of Official Records, at Page 84, Stanislaus County Records, more particularly described as follows:

THE WESTERLY 40.00 feet of Lots 17 to 23 inclusive, in Block 107 of the CITY OF MODESTO, as per map filed December 21, 1942, in Book 15 of Maps, Stanislaus County Records.

EXCEPTING that portion of Lots 21, 22 and 23 described as follows:

BEGINNING at the most Westerly corner of Lot 23; thence North 46° 30' 30" East along the North line of said Lot 23, 40.00 feet; thence South 43° 29' 30" East, 63.00 feet; thence South 46° 30' 30" West, 10.00 feet; thence North 43° 29' 30" West, 48.00 feet; thence South 46° 30' 30" West, 30.00 feet; thence North 43° 29' 30" West along the West line of Lot 23, 15.00 feet, to the point of beginning.

ALSO EXCEPTING THEREFROM all that portion thereof conveyed to Tom Giahos and Dorothy Giahos, husband and wife, by Deed recorded July 5, 1949 in Book 978 of Official Records, at Page 20, more particularly described as follows:

ALL THAT PORTION of Lots 17 to 23 inclusive, of Block 107 of the CITY OF MODESTO, described as follows:

BEGINNING at the most Easterly corner of Lot 17; thence North 43° 29' 30" West along the Easterly line of Lots 17 to 23 inclusive, 159.91 feet; thence South 46° 30' 30" West, parallel to the Northwesterly line of Lot 23 and distant Southerly 15.00 feet therefrom, 50.19 feet; thence South 43° 31' 30" East, 159.51 feet, to a point on the Southeasterly line of Lot 17; thence North 46° 30' 30" East along said Southeasterly line of Lot 17, 50.11 feet, to the point of beginning.

EXCEPTING THEREFROM the following described parcel:

COMMENCING at the most Northerly corner of Lot 23; thence South 43° 29' 30" East along the Northeasterly line of Lot 23, 15.00 feet; thence South 46° 30' 30" West, parallel to the Northwesterly line of said Lot 23, 40.19 feet, to the true point of beginning of this description; thence continuing South 46° 30' 30" West, 10.00 feet; thence South 43° 31' 30" East, 47.22 feet; thence North 46° 30' 30" East, 6.00 feet; thence North 43° 31' 30" West, 13.34 feet; thence North 46° 30' 30" East, 4.00 feet; thence North 43° 31' 30" West, 33.88 feet, to the true point of beginning of this description.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _10th_ day of _January______, 1995, by Councilmember _Muratore___, 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, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

_ATTEST:_ (~Norrine Coyle~)

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By (~Michael D. Milich~)

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-12

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(346), AS AN
ADDITION AND AN AMENDMENT TO P-D(346).
(TERRY L. MUNDY)

WHEREAS, a verified application for an amendment to
Section 12-3-8 of the Zoning Map was filed by the Terry L. Mundy
on September 26, 1994, to rezone from Low Density Residential
Zone, (R-1), to Planned Development Zone, P-D(346), as an
addition and an amendment to P-D(346), to allow an expansion of
the English Oaks Convalescent Hospital to provide offices,
classrooms and maintenance facilities, property located on the
north side of West Rumble Road west of Conant Avenue, described
as follows:

R-1 to P-D(346)

All that certain real property situate in a portion of
the Southwest quarter of Section 12, Township 3 South,
Range 8 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of
California, described as follows:

Beginning at the Northeast corner of Parcel "A" as
shown on that certain official Parcel Map filed in the
office of the Recorder of Stanislaus County,
California, on February 29, 1984, in Volume 35 of
Parcel Maps, at Page 2; thence along the northern
prolongation of the east line of said Parcel "A" North
0° 15' 05" West 25.00 feet to the north line of 25.00-
foot-wide part width English Oaks Drive also as shown
on said Parcel Map recorded in volume 35 of Parcel
Maps, at Page 2; thence along the eastern prolongation
of the north line of said part width English Oaks Drive
North 89° 21' 15" East 80.00 feet; thence leaving the
eastern prolongation of the north line of half-width
English Oaks Drive, South 0° 15' 05" East 240.00 feet
to the north line of original 40.00-foot-wide West
Rumble Road; thence along said north line, South 89°
21' 15" west 80.00 feet to the southern prolongation of
said east line of aforementioned Parcel "A", thence along said southern prolongation North 0° 15' 05" West 10.00 feet to the Southeast corner of said Parcel "A"; thence along said east line of Parcel "A" North 0° 15' 05" West 205.00 feet to the point of beginning of this description.

Including also all of the north 20.00 feet of the original 40.00-foot-wide West Rumble Road immediately adjacent to the above-described property.

WHEREAS, after a public hearing on November 21, 1994, 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. 94-57, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The convalescent hospital is a low intensity use that is compatible with the medium density residential potential for the Rumble Road area.

2. The expanded site plan allows for good on-site/off-site traffic circulation and provides more than the minimum number of required off-street parking spaces for the convalescent facility.

WHEREAS, after a public hearing held on January 10, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Terry L. Mundy for an addition and an amendment to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 94-57 and quoted above, and
WHEREAS, the Council has introduced Ordinance No. 2939-C.S. on the 10th day of January, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition and an amendment to P-D(346).

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(346), as an addition and an amendment to P-D(346), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "English Oaks Business Extension" as amended in red, stamped approved by the City Council on January 10, 1995.

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 east and north property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along a portion of the east property line not adjacent to driveways or parking spaces.
   b. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, adjacent to off-street parking and driveway areas.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

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

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

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

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

12. All conditions of City Council Resolution Nos. 83-830 and 87-36 not in conflict with this action shall remain in full force and effect.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned
Development Zone, P-D(346), as an addition and an amendment to P-D(346):

The entire construction program be accomplished in one phase, construction to begin on or before November 21, 1997, and completion to be not later than November 21, 1998.

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(346), as an addition and an amendment to P-D(346), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department
MODESTO CITY COUNCIL
RESOLUTION NO. 95-13

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, AND DIRECTING
THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO
FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT
TO SECTION MAP 12-3-8 OF THE ZONING MAP OF
THE CITY OF MODESTO RECLASSIFYING CERTAIN
PROPERTY LOCATED THEREON FROM R-1 TO P-D(346)
AS AN ADDITION AND AN AMENDMENT TO P-D(346).
(TERRY L. MUNDY)

WHEREAS, on October 19, 1994, the City's Environmental
Assessment Committee (EAC) conducted an initial study to
determine if the amendment to Section Map 12-3-8 of the Zoning
Map of the City of Modesto to reclassify from Low Density
Residential Zone, R-1, to Planned Development Zone, P-D(346), as
an addition and an amendment to Planned Development Zone,
P-D(346), property located on the north side of West Rumble Road
west of Conant Avenue might have a significant effect on the
environment, and

WHEREAS, the EAC recommended that a draft negative
declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and
WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE SONOMA TRUNK SEWER FROM FLOYD AVENUE TO SYLVAN AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue, has been completed by Delta Excavating, Inc., in accordance with the contract agreement dated February 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue be accepted from said contractor, Delta Excavating, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $506,122.04, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember _______Dobbs_______, who moved its adoption, which motion being duly seconded by Councilmember _______Muratore_______, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-15

A RESOLUTION ACCEPTING THE LAKewood TRUNK SEwer FROM BRIGGSmore AVENUE TO SYLVAN AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue, has been completed by Delta Excavating, Inc., in accordance with the contract agreement dated March 9, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue be accepted from said contractor, Delta Excavating, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $831,153.63, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-16

A RESOLUTION ACCEPTING THE WATERLINE CONSTRUCTION AND AUTOMATED TRAFFIC MANAGEMENT SYSTEM INTERCONNECT ON CARPENTER ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the waterline construction and automated traffic management system interconnect on Carpenter Road, has been completed by Ksenco Construction, Inc., in accordance with the contract agreement dated August 2, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the waterline construction and automated traffic management system interconnect on Carpenter Road be accepted from said contractor, Ksenco Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $103,321.40, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember _______ Dobbs _________, who moved its adoption, which motion being duly seconded by Councilmember _______ Muratore ________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-17

A RESOLUTION APPROVING THE ADOPTION OF A PILOT GRAFFITI ABATEMENT PROGRAM.

WHEREAS, a new ordinance amending Article 4 and 5 of Chapter 12 of the Modesto Municipal Code went into effect on January 1, 1995, and

WHEREAS, one section of the new ordinance requires property owners to remove graffiti from their property within 3 days instead of 15 days, and

WHEREAS, as a means of implementing the new ordinance, and to take a more aggressive approach to graffiti, the Community Development Department is proposing the adoption of a new graffiti abatement program for private property, as set forth in a report to the City Council from the Community Development Department, dated December 20, 1994, a copy of which report is attached hereto as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts a Graffiti Abatement Program, as set forth in said report to the City Council from the Community Development Department, dated December 20, 1994, a copy of which report 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 10th day of January, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
TO: MAYOR AND CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: GRAFFITI ABATEMENT PROGRAM

RECOMMENDED ACTION:

Resolution approving adoption of graffiti abatement program and a resolution approving the necessary budget adjustment.

BACKGROUND:

On January 1, 1995 a new ordinance amending Article 4 and 5 of Chapter 12 of the Municipal Code went into effect. One section of the new ordinance requires property owners to remove graffiti from their property within 3 days instead of 15 days.

As a means of implementing the new ordinance, and to take a more aggressive approach to graffiti, the Community Development Department is proposing the adoption of a new graffiti abatement program for private property.

While graffiti on public and utility property is removed in a relatively rapid manner, the removal of graffiti on private property has proven more difficult. Under the previous 15-day time limit, victims of graffiti were visited by NPU Code Enforcement Officers and urged to remove the graffiti. Free recycled paint or paint vouchers were offered, and in some cases volunteers were recruited to paint out large areas. These inducements for the owner to remove the graffiti themselves will remain under the new program. What is different is that this proposal involves the City actually removing the graffiti itself.

Several properties around town are repeated graffiti victims, and some property owners have been slower to paint over the graffiti. Owners who did not meet the old 15-day deadline could be taken to court by the City. Now, with a 3-day deadline, it does not seem to be a wise use of time to try judicial enforcement against property owners who, by right, should be considered crime victims.
DISCUSSION:

This proposed program recognizes graffiti as a City-wide program demanding a City-wide response. It addresses the need for a rapid paint over of graffiti by authorizing the painting of private property by contract employees (with the owner’s permission).

Under the proposed program, the City will hire two painters through a temporary employment agency. The employees will work a Sunday to Thursday shift so that they can paint over graffiti applied during the weekend. They will be dispatched by the Neighborhood Preservation Unit (NPU), who will give them assignments on a daily basis. A graffiti phone number (571-5103) will be answered 24 hours per day. The City will also provide vehicles and equipment and the painters will be responsible for painting over graffiti on a daily basis.

The painters will carry a standard palette of five colors. Upon arrival at a graffiti location, the painter will contact the owner or representative of the owner and indicate that the graffiti must be removed in three days. They will also offer to remove the graffiti immediately using one of the standard colors. If the owner desires a different color, a paint voucher will be issued and the painter will offer to return within three days, if desired.

To receive the paint-out, the owner or their representative will be required to sign a release covering this and any future required graffiti paint-out. If the release is not signed, a 3-Day Notice to Abate will be left on the property. The Notice also offers an administrative hearing to show cause why the graffiti should not be abated. If the graffiti is not removed within three days, Department staff will request that the City Attorney’s Office seek Abatement Warrants from the Municipal Court. Upon receipt of the warrants, the City will paint out the graffiti. The new ordinance allows the City to charge back the cost for those paint-outs to the property owner.

This is intended to be a pilot program only, operating through June of 1995. It is estimated that $25,000 will be needed to operate this program for a six-month period. The budget amendment for $25,000 will be drawn from existing operating accounts in both CDBG and the Neighborhood Preservation Unit (General Fund) budgets.
REASONS FOR RECOMMENDATION:

The current process for removing graffiti from private property is too slow to be effective. It is understood that only the rapid removal of graffiti can be effective in staying ahead of this spreading visual blight. The new ordinance requires a faster response than is possible under current conditions. Given that this problem affects the entire community, it is appropriate that the entire community, through the City, respond.

STEPS FOLLOWING APPROVAL:

The City will contract with a local Temporary Employment Agency to hire two painters. Vehicles will be secured from the equipment pool and outfitted with paint supplies. Promotion of the new service will be made through utility mailers and the Chamber of Commerce Newsletter.

Prepared By: [Signature]
Stephen L. Young
Housing and Neighborhoods Manager

Recommended By: [Signature]
Philip A. Testa
Community Development Director

Submitted By: [Signature]
J. Edward Tewes
City Manager

SLY

cc: Deputy City Manager
City Attorney
City Clerk
Finance Director
Neighborhood Preservation Supervisor
Modesto Chamber of Commerce
A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO APPROVE ADOPTION OF THE GRAFFITI ABATEMENT PROGRAM.

WHEREAS, the Graffiti Abatement Program is a pilot program to be funded for six months at an estimate of $25,000.

WHEREAS, these funds will be drawn from existing operating and revenue accounts from the Community Development Block Grant and Neighborhood Preservation Unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

APPROPRIATION/REVENUE ADJUSTMENTS

<table>
<thead>
<tr>
<th>FUND/ACCOUNT</th>
<th>DESCRIPTION</th>
<th>CURRENT BUDGET</th>
<th>ADJUSTMENT</th>
<th>REVISED BUDGET</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>CDBG-Housing Rehabilitation</td>
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<tr>
<td>Appropriations:</td>
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<td></td>
<td></td>
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<tr>
<td>113-140-1456-0235</td>
<td>Professional Services, Other</td>
<td>45,000</td>
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<td>25,840</td>
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<tr>
<td>113-700-7000-7010</td>
<td>Transfer Out</td>
<td>97,720</td>
<td>19,160</td>
<td>116,880</td>
</tr>
<tr>
<td>Neighborhood Preservation Unit</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue:</td>
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<td></td>
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<tr>
<td>010-140-1405-2214</td>
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<td>1,540</td>
<td>1,540</td>
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<tr>
<td>010-700-7000-9113</td>
<td>Transfer In</td>
<td>97,720</td>
<td>19,160</td>
<td>116,880</td>
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<tr>
<td>Appropriations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>010-140-1405-0110</td>
<td>Salaries</td>
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<td>174,588</td>
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<tr>
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<td>Repair &amp; Mtc, Outside Forces</td>
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<td>24,504</td>
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</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORME COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-19

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GARRAD W. MARSH, et al., FOR THE ACQUISITION OF PERMANENT AND TEMPORARY SEWER EASEMENTS IN EXCESS LAND FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Garrad W. Marsh, et al., for the acquisition of permanent and temporary sewer easements in excess land for the Lakewood sewer trunk project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-20

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND McHENRY BOWL, et. al., FOR THE ACQUISITION OF PERMANENT AND TEMPORARY SEWER EASEMENTS IN EXCESS LAND FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and McHenry Bowl, et. al., for the acquisition of permanent and temporary sewer easements in excess land for the Lakewood sewer trunk project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND DELINDA D. CHAVEZ-BOUCHE' FOR THE PURPOSE OF REHABILITATING HER PROPERTY AT 2225 CROMMELIN AVENUE PURSUANT TO MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Delinda D. Chavez-Bouche' for the purpose of rehabilitating her property at 2225 Crommelin Avenue pursuant to Modesto’s Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-22

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT STATE ROUTE 132 (D STREET) AND 11TH STREET INTERSECTION

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 132 (D Street) and 11th Street intersection be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $90,000 FOR CONSTRUCTION OF A NEW TRAFFIC SIGNAL AT STATE ROUTE 132 AND 11TH STREET INTERSECTION

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: T.S. Design/Construction New Traffic Signal $90,000 (141 160 E469)

TO: S.R. 132 (D Street)/11th St. New Traffic Signal $90,000 (141 160 E615)

Funds are needed for the City's share to construct a new traffic signal at State Route 132 (D Street) and 11th Street intersection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-24

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:

Communications and Marketing Manager
Public Information Technician

The revised specifications for the classification of Communications and Marketing Manager (Range 438), as shown on the attached Exhibit "A", and Public Information Technician (Range 119), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and
made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Public Information Officer

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after January 10, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember __Dobbs____, who moved its adoption, which motion being duly seconded by Councilmember __Muratore____, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
COMMUNICATIONS AND MARKETING MANAGER

DEFINITION

To plan, coordinate, and implement comprehensive communications, marketing and community relations programs; to coordinate assigned activities with other City departments, community organizations and the public; and to provide responsible and complex staff support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Manager and/or Deputy City Manager.

Exercises supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Coordinate the City's marketing and media communications program, including public information and community relations.

Act as Public Information Officer, including preparation of press releases, press conferences, and press briefings.

Assist in decision-making and the strategic planning of the City's promotions, marketing, and public information programs.

Respond to citizens, community groups, City staff, and news media requests for information.

Represent the City Manager at meetings relating to local and regional issues.

Direct the preparation of the City's Annual Report to the People, City's quarterly newsletter, bill inserts, and advertising promotions. Oversee and participate in the writing, editing, layout, photography, placement, scheduling and coordination of printing and distribution.

Direct and promote the activities of the City's customer services programs; coordinate responses to citizen complaints/inquiries.

Develop and host cable television productions and oversee script writing, obtaining guests, and coordinating with production staff.

Exhibit "A"
Coordinate the media contacts and marketing efforts of other City departments; provide assistance to departments and City staff in the development of publications, promotional materials and oral presentations.

Plan and present training relating to communications, media contacts, City image and customer service.

Conduct surveys, perform research and analyze results; prepare timely reports, correspondence and documents for the City Manager and City Council.

Prepare the division budget; assist in budget implementation; participate in the forecast of additional funds.

Serve as staff to City Council-appointed commissions or committees, including the Community Qualities Forum.

Develop and implement methods and materials to promote special events sponsored by the City or its departments.

Respond to requests from organizations or individuals relating to the City's Speaker's Bureau.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

The role of a comprehensive public information program in local government and associated marketing and promotional techniques.

Principles, practices and techniques involved with public information and community relations programs, including writing, graphic arts, audio visual productions and photography.

Effective methods of preparation and presentation of facts and information for and to the public and media, including formatting of materials for publications and news releases.

Recent developments, information sources and techniques in the field of communications, marketing, public relations and public administration.

Pertinent Federal, State, and local laws, codes and regulations.
Principles and practices of budget preparation and administration.

Principles of supervision and training.

Ability to:

Exercise independent judgment in identifying and responding to public and City Council issues and concerns; handle difficult situations with tact and diplomacy.

Articulate concepts verbally and in writing in clear, concise and accurate language.

Make effective professional presentations to both individuals and public groups.

Analyze, evaluate and make recommendations for public information and community relations programs.

Maintain work effectiveness; meet deadlines with frequent changes in workload and priority assignments.

Review and analyze marketing, public information and community relations issues; recommend and implement effective courses of action.

Assist in accomplishment of City goals and objectives.

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

Develop and maintain cooperative relationships with community organizations, agencies, business and professional associations, service clubs and the media.

Prepare and administer the public information budget.

Experience and Training Guidelines

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

Four years of increasingly responsible professional experience in public relations, public information, or communications.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in marketing, public relations, journalism, communications or a related field.

Licenses:

Possession of a valid California driver's license.
PUBLIC INFORMATION TECHNICIAN

DEFINITION

To perform technical work in the area of internal and external communications, marketing and public information including writing, graphics, and video presentations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from management staff, department head, or City Manager as appropriate.

EXAMPLES OF DUTIES

Plan and prepare publications for programs, publications and special events.

Assist in planning and coordinating public events, publications, and marketing programs.

Respond to the public, City staff, radio, television and print media requests for information as directed.

Write, edit and distribute news releases.

Compose and type letters, columns and articles; submit articles and photographs to the City's Communications and Marketing Manager for specialty publications.

Create communications using art, photography and layout for brochures, booklets, reports, institutional advertisements and periodical publications.

Plan and coordinate video presentation projects using storyboarding and script-writing techniques.

Coordinate specialized printing with other City departments and outside printing shops.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

City programs, policies and procedures.

Public information and community relations program development and implementation.
Knowledge of (Continued):

Effective methods of preparation and presentation of facts and information for and to the public and the media, including formatting of materials for publications and news releases.

Statistical methods of graphic representation.

Operations and functioning of local media such as newspaper, radio and television.

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

State and City regulations relating to information releasability.

Ability to:

Understand and carry out oral and written instructions.

Learn and apply departmental and citywide policies.

Maintain routine positive working relationships with various members of the media and City staff.

Communicate effectively, both orally and in writing.

Prepare accurate and grammatically correct written reports.

Compose and type news releases, newsletters and bulletins.

Write, edit, design and photograph.

Use Macintosh and other computer graphic systems and software to automate and create publications and communications.

Understand concepts relating to marketing and public information.
Experience and Training Guidelines:

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

**Experience:** Two years experience in public information, communications, graphics, or journalism.

**Training:** Equivalent to an Associate's Degree from an accredited college or university with major course work in public relations, communications, journalism, multimedia or a related field.

**License or Certificate:** Possession of an appropriate, valid California Driver's License.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-25

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 94-410 TO AMEND THE CLASS RANGE TABLE TO ESTABLISH A SALARY RANGE FOR COMMUNICATION AND MARKETING MANAGER.

WHEREAS, Exhibit "A" of Resolution No. 94-410 has been previously amended by Resolution Nos. 94-492, 94-541, and 94-719, and

WHEREAS, the City Council desires to further amend Exhibit "A" of Resolution No. 94-410,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 94-410.

Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 28, 1994" attached to Resolution No. 94-410, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective January 10, 1995", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Communication and Marketing Manager (Range 438) and abolishes class specifications for Public Information Officer (Range 435).

SECTION 2. EFFECTIVE DATE.

This resolution shall become effective on and after January 10, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
# CITY OF MODESTO
## CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

**Effective January 10, 1995**

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<th>TITLE</th>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<tr>
<td>406</td>
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<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk  
   Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Custodian Supervisor  
   Legal Secretary |
| 419   |       |
| 420   | Worker's Compensation Claims Examiner  
   Employee Benefits Coordinator  
   Legal Services Technician  
   Deputy City Clerk  
   Executive Secretary  
   Customer Services Supervisor  
   Office Services Supervisor |
| 421   |       |

Exhibit "A"
<table>
<thead>
<tr>
<th>Class</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
Asst. City Clerk/Auditor |
| 425   | Police Records Supervisor  
Administrative Analyst I  
Executive Assistant  
Legal Services Supervisor |
| 426   | Stores Manager  
Museum Supervisor |
| 427   | Events Supervisor |
| 428   | Parks Maintenance Supervisor I  
Airport Maintenance Supervisor  
Trees Maintenance Supervisor I  
Equipment Maintenance Supervisor I  
Social Services Coordinator  
Buyer  
Accountant II  
Budget Analyst  
Public Works Supervisor I  
Building Maintenance Supervisor  
Customer Services Specialist |
| 429   | Associate Planner  
Parks Construction Supervisor I  
Junior Civil Engineer  
Junior Traffic Engineer  
Neighborhood Preservation Supervisor |
| 430   | Administrative Analyst II  
Affirmative Action Officer  
Personnel Analyst  
Training Coordinator  
Assistant Risk Manager  
Recycling Program Coordinator  
Senior Budget Analyst |
| 432   | Plant Mechanic Supervisor  
Recreation Supervisor II  
Historical Buildings Supervisor  
Senior Accountant  
Youth Program Supervisor  
Industrial Waste Supervisor |
### Class Range Table
#### Management and Confidential Non-Sworn Class

<table>
<thead>
<tr>
<th>Page 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>433</td>
</tr>
<tr>
<td>Assistant Civil Engineer</td>
</tr>
<tr>
<td>Laboratory Supervisor</td>
</tr>
<tr>
<td>Assistant Traffic Engineer</td>
</tr>
</tbody>
</table>

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

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

| 436    |
| Senior Planner |

| 437    |

| 438    |
| Equipment Maintenance Supt. |
| Asst. Water Quality Control Supt. |
| Transportation Planner |
| Housing Program Supervisor |
| Business Development Officer |
| Parks Planning and Development Manager |
| Communication and Marketing Manager |

| 439    |
| Deputy City Attorney II |
| Associate Civil Engineer |
| Associate Traffic Engineer |

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

441 Community Development Program Manager
Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Maintenance Supt.
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Golf Superintendent
Fleet Manager
Urban Forestry Superintendent
Water Superintendent
Building Maintenance Superintendent

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

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

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

446 Senior Civil Engineer
Traffic Engineer

447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager

448 Sr. Deputy City Attorney II

449
<table>
<thead>
<tr>
<th></th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>450</td>
<td>Deputy Director Public Works - Engineering</td>
</tr>
<tr>
<td></td>
<td>Deputy Director Public Works - Operations</td>
</tr>
<tr>
<td></td>
<td>Deputy Director Public Works - Transportation</td>
</tr>
<tr>
<td>451</td>
<td></td>
</tr>
<tr>
<td>452</td>
<td>Assistant City Attorney</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 95-26

A RESOLUTION APPROVING A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES, AND RESCINDING RESOLUTION NO. 91-724.

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

SECTION 1. REVISED CITY OF MODESTO CLASS RANGE TABLE GENERAL NON-SWORN CLASSES. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes, Effective January 10, 1995," which is attached hereto and made a part hereof as though set forth in full herein, adds the newly created position of Public Information Technician (Range 119) to the Class Range Table. Said Exhibit "A" is hereby approved.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 10, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 103   | Administrative Clerk I  
          | Printing Services Operator I |
| 104   | |
| 105   | |
| 106   | |
| 107   | Printing Services Operator II  
          | Administrative Clerk II  
          | Animal Control Officer I  
          | Custodian |
| 108   | |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
          | Equipment Service Worker I |
| 111   | Account Clerk  
          | Sr. Printing Service Operator  
          | 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>Code</th>
<th>Position</th>
</tr>
</thead>
</table>
| 116  | 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 |
| 117  | Electrical Technician II  
      | Storm Water Inspector |
| 118  | Tree Trimmer  
      | Senior Storeskeeper  
      | Street Trees Crewleader  
      | Parking Lot Maintenance Crewleader  
      | Parks Crewleader |
| 119  | Maintenance Mechanic - Parks  
      | Planning Technician II  
      | Maintenance Mechanic - Pumps  
      | Wastewater Treatment Plant Operator  
      | Civil Engineering Technician I  
      | Building Maintenance Mechanic  
      | Police Administrative Assistant  
      | Public Information Technician |
| 120  | Welder/Fabricator  
      | Senior Equipment Operator  
      | Fire Prevention Technician II  
      | Equipment Mechanic  
      | Assistant Electrician  
      | Traffic Painter Crewleader  
      | Accountant I  
<pre><code>  | Assistant Lab Technician |
</code></pre>
<p>| 121  |                                                                           |</p>
<table>
<thead>
<tr>
<th>Class</th>
<th>Title</th>
</tr>
</thead>
</table>
| 122   | Coach Mechanic  
   Fire Equipment Mechanic  
   Tree Trimmer Crewleader  
   Programmer Analyst I  
   Industrial Waste Inspector I  
   Cross Connection Specialist |
| 123   | Sr. Wastewater Treatment Plant Operator  
   Maint. Mech. Crewleader - Pumps  
   Civil Engineering Technician II  
   Maint. Mech. Crewleader - Parks |
| 124   | Plant Mechanic  
   Laboratory Technician  
   Equipment Mechanic Crewleader  
   Planning Assistant  
   Equipment Crewleader  
   Community Development Program Specialist I  
   Wastewater Collection System Crewleader |
| 125   | Crime Analyst |
| 126   | Coach Mechanic Crewleader  
   Building Inspector I  
   Electrician  
   Housing Rehab. Specialist I  
   Housing Financial Specialist  
   Industrial Waste Inspector II  
   Senior Fire Equipment Mechanic |
| 127   | Civil Engineering Assistant  
   Landscape Technician |
| 128   | Instrument Repair Technician  
   Programmer Analyst II  
   Public Improvement Specialist  
   Community Development Program Specialist II |
| 129   | |
| 130   | Building Inspector II  
   Construction Inspector  
   Housing Rehabilitation Spec. II  
   Hazardous Materials Inspector  
   Senior Crime Analyst |
| 131   | Sr. Civil Engineering Asst. |
| 132   | |
Class Range Table
General Non-Sworn Classes
Page 4

133

134  Senior Building Inspector
     Senior Construction Inspector
     Fire Plan Checker
     Plan Review Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 95-27

A RESOLUTION APPROVING THE 1995 PARATRANSIT PLAN UPDATE.

WHEREAS, the Americans with Disabilities Act of 1990 (ADA) requires every entity which operates fixed-route public transportation (e.g., Modesto Area Express) to provide paratransit service (e.g., Modesto Area Dial-A-Ride) in the manner specified by the regulations promulgated by the Federal Transit Administration (FTA) to implement the ADA, and

WHEREAS, ADA requires an annual update to be submitted each January, and

WHEREAS, consideration of a proposed annual update of the Americans With Disabilities Act of 1990 (ADA) Paratransit Plan, was set for a public hearing of the City Council to be held on January 17, 1995, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said proposed Paratransit Plan Update, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Americans With Disabilities Act of 1990 (ADA) 1995 Paratransit Plan Update, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

[Signature] ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature] MICHAEL D. MILICH, City Attorney
FORM 1

MPO CERTIFICATION OF PARATRANSIT PLAN

The (_________________________________) hereby certifies that it has reviewed the ADA paratransit plan update prepared by (_________________________________) as required under 49 CFR 37.139(j) and finds it to be in conformance with the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 (the FTA/FHWA joint planning regulation). This certification is valid for one year.

________________________________________
signature

________________________________________
name of authorized official

________________________________________
title

________________________________________
date

Exhibit "A"
<table>
<thead>
<tr>
<th>DATE</th>
<th>MET 7</th>
<th>1994 MILESTONE PROGRESS REPORT — as of Jan. 1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/01/94</td>
<td>Y</td>
<td>Response time—previous day reservation and 14 day advance reservations</td>
</tr>
<tr>
<td>12/94</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Using Form 2, provide detailed written explanation on milestone slippage greater than one full year (12 months).

List all 1994-1996 ADA Paratransit Milestones; Then Indicate Progress (Y/N) On Milestones Targeted To Be Achieved Prior To 1/26/95; Include Additional Accomplishments

* (Table 1)
**FORM 2**

**SYSTEM NAME:** MODESTO AREA DIAL-A-RIDE

**EXCEPTION REPORT: MILESTONE SLIPPAGE EXPLANATION**

**MILESTONE or FULL COMPLIANCE DELAYS:**

1. N/A

**Target Date** | **New Target Date**
---|---
'94 Update | '95 Update

*Note: A narrative explanation, using Form 2, must accompany Table 1, when there is significant milestone slippage. During the 1994-1996 period, "significant milestone slippage" exists (1) when the target date for Plan full compliance is delayed or (2) when individual milestones slip by a year (a full 12 months). This Form 2 provides a brief example of such a slippage explanation. If there are no milestone or full compliance delays, no explanation is required, and Form 2 can be omitted. [Attach as many additional sheets to this form as needed; you may put this form on your own wordprocessor.]
1995 - 1996
TARGET DATE (MM/YY)          ANY REMAINING MILESTONES – JANUARY 1995 UPDATE

1/97  Capacity constraints - when capacity is unavailable, subscription trips are less than 50 percent
ELIGIBILITY, SIX SERVICE CRITERIA, AND FULL COMPLIANCE DATE  
(Table 3, Page 1)

<table>
<thead>
<tr>
<th>COMPLIANCE ITEM</th>
<th>IN FULL COMPLIANCE NOW (Y/N)</th>
<th>IF NO, EXPECTED DATE OF FULL COMPLIANCE (MM/YY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELIGIBILITY PROCESS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Requests for certification being accepted and all aspects of policy (appeals, documentation, etc.) established</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>2. Compliance with companion and personal care attendant requirements</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>3. Compliance with visitor requirements</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>SIX SERVICE CRITERIA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Service to all origins and destinations within the defined area</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>5. Coordination with contiguous/overlapping service areas, if applicable</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>RESPONSE TIME</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Requests accepted during normal business hours on &quot;next day&quot; basis</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>7. Requests accepted on all days prior to days of service (e.g., weekends/holidays)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>8. Requests accepted at least 14 days in advance</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>9. Trips scheduled within one hour of requested pickup time</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>FARES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. No more than twice the base fixed route fare for eligible individuals</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>11. Compliance with companion fare requirement</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>COMPLIANCE ITEM</td>
<td>IN FULL COMPLIANCE NOW (Y/N)</td>
<td>IF NO, EXPECTED DATE OF FULL COMPLIANCE (MM/YY)</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>12. Compliance with personal care attendant fare requirement</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>DAYS AND HOURS OF SERVICE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Paratransit provided during all days and hours when fixed route service is</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>in operation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRIP PURPOSES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. No restriction on types of trip purposes</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>15. No prioritization by trip purpose in scheduling</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>CAPACITY CONSTRAINTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. No restrictions on the number of trips an individual will be provided</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>17. No waiting lists for access to the service</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>18. No substantial numbers of significantly untimely pickups for initial or</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>return trips</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. No substantial numbers of trip denials or missed trips</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>20. No substantial numbers of trips with excessive trip lengths</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>21. When capacity is unavailable, subscription trips are less than 50 percent</td>
<td>N</td>
<td>1/26/97</td>
</tr>
</tbody>
</table>

DATE TARGETED FOR "FULL COMPLIANCE" WITH ALL "ADA PARATRANSIT" REQUIREMENTS

In 1994 Update Submission 08/01/94

In 1995 Update Submission 1/26/97
### ADA Paratransit Demand and Service Estimates

**Table 4, Page 1**

#### DEMAND (No. Trips/Year)

(Thousands of One-Way Trips)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Paratransit Trips Provided/Year (000)</td>
<td>47,300*</td>
<td>48,378*</td>
<td>49,580*</td>
<td>50,184</td>
<td>52,080</td>
<td>53,376</td>
</tr>
<tr>
<td>Total Paratransit Trips Provided/Year (000)</td>
<td>115,336</td>
<td>115,116</td>
<td>118,779</td>
<td>118,800</td>
<td>118,800</td>
<td>118,800</td>
</tr>
</tbody>
</table>

As the number of ADA trips increase the number of non-ADA will decrease keeping total the same.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Paratransit Revenue Hours/Year (000)</td>
<td>33,500</td>
<td>34,500</td>
</tr>
</tbody>
</table>

### Notes

In 1991, total paratransit trips (line 2) were: **111,800**

*Trips based on staff determination of ADA vs. NON ADA for each time trip made on paratransit.

### ADA Paratransit Service

**Purchased Transportation**

4. For 1994, estimate the number of trips on line 1 that were provided by contracted taxi service: **5161**

5. For 1994, estimate the number of trips on line 1 that our system purchased (contracted out) rather than provide in-house: **All-100%**

(include contracted taxi service from line 4 and other service owned or operated by the contractors)
6. **SSA Clients.** In 1994, estimate the number of trips on line 1, that you provided to clients of local social service agencies (SSA), who prior to the ADA, provided SSA paratransit service for their clients. Provide an estimate for 1997. (Optional)

7. **Trip Denials.** In 1994, estimate the number of requested ADA paratransit trips that were "denied" because of capacity limitations. (Please do not include trips missed because of traffic or vehicle breakdowns, trips negotiated outside the 1 hour window, "no-shows," etc.) How many by 1997? (Required)

8. **Destinations.** Clearly, it is discrimination under the ADA to prioritize trip requests based on trip purpose. However, for 1994, please estimate the percent of trips on line 1 that were for the following purposes: (Optional)

<table>
<thead>
<tr>
<th></th>
<th>%</th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Trips</td>
<td></td>
<td>Food/Shopping</td>
<td></td>
</tr>
<tr>
<td>Dialysis</td>
<td></td>
<td>Medical Trips (Other Than Dialysis)</td>
<td></td>
</tr>
<tr>
<td>Educational</td>
<td></td>
<td>Other Trips</td>
<td></td>
</tr>
</tbody>
</table>

Note: Percentages above should total 100%.
### ADA Paratransit Capital & Operating Budget Summary (Table 5)
(projections in thousands of 1994 dollars)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADA Paratransit Expenses</strong> *</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Capital Expenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2. Operating Expenses</td>
<td>692</td>
<td>620</td>
<td>729</td>
<td>737</td>
<td>746</td>
<td>756</td>
<td>4280</td>
</tr>
<tr>
<td>3. Subtotal ADA Paratransit Expenses</td>
<td>692</td>
<td>620</td>
<td>729</td>
<td>737</td>
<td>746</td>
<td>756</td>
<td>4280</td>
</tr>
</tbody>
</table>

**Total Paratransit Expenses** **
(ADA & Non-ADA combined)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Capital Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Operating Expenses</td>
<td>1108</td>
<td>992</td>
<td>1167</td>
<td>1170</td>
<td>1170</td>
<td>1170</td>
<td>6777</td>
</tr>
<tr>
<td>6. Total Paratransit Expenses</td>
<td>1108</td>
<td>992</td>
<td>1167</td>
<td>1170</td>
<td>1170</td>
<td>1170</td>
<td>6777</td>
</tr>
</tbody>
</table>

In 1991, total paratransit costs (Line 6) for our transit system were $920,334.00

* Using a ratio to break out ADA from total paratransit expenses is acceptable. Do not include any ADA fixed-route costs.

** If non-ADA paratransit service is provided, add ADA to non-ADA costs to obtain Total Paratransit Expenses.
TOTAL TRANSIT SYSTEM COST ESTIMATES (Table 6)  
(projections in thousands of 1994 dollars)

|--------------|------|------|------|------|------|------|--------|

### 1. Capital Expenses
- 635
- 1141
- 403
- 1400
- 1589
- 200
- 5638

### 2. Operating Expenses
- 4577
- 5580
- 5451
- 5615
- 5783
- 5957
- 32,963

### 3. TOTAL SYSTEM COSTS (lines 1 + 2)
- 5212
- 6211
- 5854
- 7015
- 7372
- 6157
- 30,601

### 4. ADA PARATRANSIT EXPENSES (line 3, Table 5)
- 692
- 620
- 729
- 737
- 746
- 756
- 4,280

### 5. ADA PARATRANSIT AS PERCENT OF TOTAL COSTS (line 4 divided by line 3)
- 13%  
- 9%  
- 12%  
- 11%  
- 10%  
- 12%  
- 11%

IN 1991, TOTAL SYSTEM COSTS (line 3) FOR OUR TRANSIT SYSTEM WERE $4,270

---

* Total transit system costs encompass all system costs, not just ADA-related costs. These transit system costs must include: (1) all fixed-route costs (bus, rail, etc.), plus (2) all paratransit expenses (ADA and non-ADA).
ADA ACCESSIBILITY: FIXED-ROUTE BUSES

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Total Number of Buses</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>37</td>
<td>39</td>
</tr>
<tr>
<td>2. Duses Without Lifts/Ramps</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>7</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>3. Duses With Pre-ADA Lifts/Ramps</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>4. Duses With ADA Lifts/Ramps (meets Part 38 lift specifications)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>(Note: The sum of lines 2, 3, and 4 should equal line 1.)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5. Percent With Lifts/Ramps (sum of lines 3 and 4, divided by line 1)</td>
<td>41%</td>
<td>41%</td>
<td>41%</td>
<td>41%</td>
<td>41%</td>
<td>79%</td>
<td>81%</td>
<td>100%</td>
</tr>
</tbody>
</table>

For 1994, provide an approximate estimate of the number of boardings where lifts/ramps were deployed on the fixed-route system: 1,200

For an average day, can you estimate the total number of persons with any disabilities that use your fixed-route service? (Do not include customers who normally use ADA paratransit service.) (Optional): Not Available
### TOTAL "PARATRANSIT" VEHICLES USED BY YOUR SYSTEM *(Table 8)*

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. All Paratransit - Vans and Minivans *</td>
<td>10</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>2. All Paratransit - Buses *</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. Paratransit - Sedans/Wagons *</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>(other than taxis)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>LIFT-EQUIPPED PARATRANSIT VEHICLES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Paratransit - Buses, Vans and Minivans *</td>
<td>8</td>
<td>8</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>(with lifts/ramps from lines 1 and 2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### CONTRACTOR VEHICLES

5. For 1994, from lines 1 and 2, estimate the number of buses, vans, and minivans, etc., "OWNED" by your contractors that routinely provide paratransit (ADA and non-ADA) for your system. 12

Please estimate 1997 12

---

*Please include all dedicated paratransit vehicles (ADA or non-ADA service combined) used on your system. Include all paratransit vehicles your system owns or leases, as well as vehicles used from your contractors' fleet. Do not include any accessible vehicles used on the fixed-route.
YOUR ADA "PARATRANSIT" CUSTOMERS (Table 9)
(Please Make An Estimate Based On Actual Eligibility Determinations)

1. By 1994, how many persons had been certified as ADA paratransit eligible by your system? 357
   By 1997, please project how many people will be certified? 450

2. Using the 1990 Census, what is the total population of your service area? 191,400

3. Of those certified, can you estimate the percent who are ages... (Optional)
   0 to 16 years old _______%  17 to 61 _______%  62 to 70 _______%  Over 70 _______%

4. Of those eligible for ADA paratransit, how many are employed? (Optional)

5. Of those ADA paratransit eligible, what percent have as their most limiting or qualifying impairment... (Optional, should total 100%)
   Sensory Impairments (Visual, Hearing) _______ %
   Mobility Impairments Requiring Adaptive Devices (Devices: Wheelchairs, Walkers, etc.) _______ %
   Mental, Cognitive or Developmental Impairments (including Alzheimers) _______ %
   Health Impairments (Heart Disease, MS, CP, Arthritis, Kidney Dysfunction, etc.) _______ %
MODESTO CITY COUNCIL
RESOLUTION NO. 95-28

A RESOLUTION GRANTING THE APPEAL OF MODESTO SHERWOOD FOREST HOMEOWNERS ASSOCIATION, INC., TO A BOARD OF ZONING ADJUSTMENT DECISION REGARDING THE APPLICATION OF MELENDEZ DESIGN GROUP FOR A CONDITIONAL USE PERMIT IN THE C-3 ZONE TO ALLOW REPLACEMENT OF THE EXISTING CHEVRON SERVICE STATION WITH A NEW CONVENIENCE STORE AND AUTO SERVICE CENTER LOCATED AT 3300 MC HENRY AVENUE, ON THE NORTHEAST CORNER OF MC HENRY AVENUE AND ROBIN HOOD DRIVE.

WHEREAS, an application for a conditional use permit for replacement of a service station with a new convenience store and auto service center with covered gas pump island at 3300 McHenry Avenue, at the northeast corner of McHenry Avenue and Robin Hood Drive, was filed by Melendez Design Group on October 12, 1994, and

WHEREAS, Sections 10-1.202(a) and 10-2.2503 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on December 15, 1994, 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, on December 15, 1994, by Resolution No. 1543, the Board of Zoning Adjustment granted said application, subject to certain conditions, for a conditional use permit in the C-3 Zone to allow a new convenience store along with an auto service center and covered gas pump island, located at 3300 McHenry Avenue on the northeast corner of Mc Henry Avenue and Robin Hood Drive, and
WHEREAS, by letter dated December 22, 1994, which was received in the City Clerk's Office on December 27, 1994, from the Modesto Sherwood Forest Homeowners Association, Inc., an appeal to the decision of the Board of Zoning Adjustment was filed with the City Clerk, and

WHEREAS, said appeal was set for a public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to be held at 7:00 p.m. on January 17, 1995, and

WHEREAS, on January 17, 1995, at 7:00 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, the Council held said public hearing on said appeal, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of the Modesto Sherwood Forest Homeowners Association, Inc., to the decision of the Board of Zoning Adjustment, should be granted, for the following reasons:

1. The site is immediately adjacent to an established residential neighborhood and the adverse secondary side effects associated with convenience stores and alcohol sales, such as increased traffic congestion, noise, and crime, make this proposed use incompatible with the nearby and adjacent residential uses.

2. There is no need for an additional convenience store in this neighborhood because the area is already adequately served by convenience stores located one block south and three blocks north on McHenry Avenue.
3. Approval of this proposed use would establish a convenience store too close to a residential area without the logic of it being at the intersection of a major street and either another major street or a collector street.

4. For all of the reasons set forth above, the social and public advantages of the proposed use are outweighed by the disadvantages associated with the proposed use. And, in order to protect the public health, safety, and welfare, the appeal is granted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, for the reasons set forth above, the decision of the Board of Zoning Adjustment, which granted an application for a conditional use permit in the C-3 Zone to allow a new convenience store along with an auto service center and covered gas pump island, located at 3300 McHenry Avenue on the northeast corner of Mc Henry Avenue and Robin Hood Drive, is hereby overruled, and the appeal of the Modesto Sherwood Forest Homeowners Association, Inc., to the decision of the Board of Zoning Adjustment, is hereby granted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-29
CORRECTED 5-19-95

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE JENNINGS ROAD NO. 2 REORGANIZATION 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, as revised November 1994, commencing with Section 56000 of the California Government Code, for the Jennings Road Reorganization No. 2 to the City of Modesto, 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 not within the sphere of influence of any city, 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 to the City of Modesto;

(b) The detachment of said territory from the Westport 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 Jennings Road No. 2 Reorganization to the City of Modesto is to provide for a co-composting operation at the Sewerage Treatment Facility and to ensure any future improvements or additional processing operations conducted on site are done within the City limits, and

WHEREAS, on November 9, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the proposed reorganization might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the reorganization, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project, and

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, Community Services Division, shall be the chief petitioner,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The City Council has reviewed and considered the negative declaration proposed by the Environmental Assessment Committee including the comments received in response to such proposed negative declaration.

2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

BE IT FURTHER RESOLVED by the Council 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, as revised November 1994.

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 Jennings Road Reorganization No. 2.

BE IT FURTHER RESOLVED by the Council that the Community Development Services Manager of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination as required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, 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, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By, MICHAEL D. MILICH, City Attorney
A-2-40 to P-PD(506)

All that certain real property situate in Section 3, Township 5 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the northeast corner of Parcel No. 1 of the Jennings Addition to the City of Modesto recorded December 29, 1969, as Instrument No. 42699 in Volume 2308 of Official Records, Page 377, Stanislaus County Records, said point being on the north line of said Section 3, South 89° 34' 35" East 1,720.00 feet from the northwest corner of said Section 3; thence South 27° 08' 03" East on the easterly line of said Jennings Addition, 563.98 feet to the southeast corner of said Jennings Addition; thence continue South 27° 08' 03" East 921.76 feet to a point on the westerly extension of a fence line running easterly; thence along said fence line and its westerly extension South 89° 35' 07" East 1,304.17 feet to the intersection with a fence line running northerly; thence northerly on said fence line the following three (3) courses: 1) North 2° 42' 24" East 593.76 feet; 2) North 89° 53' 19" East 51.49 feet; 3) North 0° 00' 30" West 722.64 feet to the north line of said Section 3; thence on said north line, North 89° 33' 37" West 2,061.24 feet to the point of beginning.

Containing 51.18 acres, more or less.

EXHIBIT "A"
Upon completion of reorganization to the City of Modesto, the following services will be made available or extended to properties within the area in the manner indicated:

1. **Fire Protection**: Upon reorganization the property will be withdrawn from the Westport Fire Protection District and fire protection will be provided by the Modesto Fire Department.

2. **Police Protection**: Modesto City Policy would assume responsibility for police protection upon the effective date of reorganization.

3. **Sanitary Sewer Service**: No sewer service will be provided.

4. **Water Service**: The reorganization area would have no primary or potable water services.
RESOLUTION NO. 95-29

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(506).
(PUBLIC WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, a verified application for an amendment to Section 3-5-8 of the Zoning Map was filed by City of Modesto Public Works and Transportation Department on November 9, 1994, to prezone from A-2-40 Zone (County), to Planned Development Zone, P-D, to allow an expansion of the sewer treatment facility and co-composting operation, property located on the west side of Jennings Road, described as follows:

A-2-40 to P-PD(506)

All that certain real property situate in Section 3, Township 5 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the northeast corner of Parcel No. 1 of the Jennings Addition to the City of Modesto recorded December 29, 1969, as Instrument No. 42699 in Volume 2308 of Official Records, Page 377, Stanislaus County Records, said point being on the north line of said Section 3, South 89° 34' 35" East 1,720.00 feet from the northwest corner of said Section 3; thence South 27° 08' 03" East on the easterly line of said Jennings Addition, 563.98 feet to the southeast corner of said Jennings Addition' thence continue South 27° 08' 03" East 921.76 feet to a point on the westerly extension of a fence line running easterly; thence along said fence line and its westerly extension South 89° 35' 07" East 1,304.17 feet to the intersection with a fence line running northerly; thence northerly on said fence line the following three (3) courses: 1) North 2° 42' 24" East 593.76 feet; 2) North 89° 53' 19" East 51.49 feet; 3) North 0° 00' 30" West 722.64 feet to the north line of said Section 3; thence on said north line, North 89° 33' 37" West 2,061.24 feet to the point of beginning.
Containing 51.18 acres, more or less.

and

WHEREAS, after a public hearing held on December 19, 1994, 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. 94-58, that prezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. LAFCO requires prezoning prior to consideration of all reorganizations.

and

WHEREAS, after a public hearing held on January 17, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of City of Modesto Public Works and Transportation Department for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 94-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2940 -C.S. on the 17th day of January, 1995, prezoning the above-described property from A-2-40 Zone (County), to Prezoned Planned Development Zone, P-PD(506).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. DEVELOPMENT PLAN. The development plan for
Prezoned Planned Development Zone, P-PD(506), is hereby approved
subject to the following conditions:

1. All development shall conform to the plot plan
titled "Jennings Road Reorganization No. 2" as
amended in red, stamped approved by the City

2. All measures that will be required by the Regional
Water Quality Control Board and if applicable, the
California Integrated Waste Management Board, in
order to secure the required permits.

SECTION 2. DEVELOPMENT SCHEDULE. The following
development schedule is hereby approved for said Prezoned Planned
Development Zone, P-PD(506):

The entire construction program be accomplished in one
phase, construction to begin on or before December 31,
1995, and completion to be not later than December 31,
1997.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes
in the above approved development plan shall be made in
accordance with the provisions of Section 10-2.1709 of the
Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In
all other respects said planned development shall be accomplished
in accordance with and in strict adherence to the provisions of
Article 17 of Title X of the Modesto Municipal Code relating to
Planned Development Zones and other applicable City laws, rules,
regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not
become effective unless and until the ordinance prezoning the
above-described property to Prezoned Planned Development Zone, P-PD(506), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, 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, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 95-29

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(506). (PUBLIC
WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, a verified application for an amendment to
Section 3-5-8 of the Zoning Map was filed by City of Modesto
Public Works and Transportation Department on November 9, 1994,
to prezone from A-2-40 Zone (County), to Planned Development
Zone, P-D, to allow an expansion of the sewer treatment facility
and co-composting operation, property located on the west side of
Jennings Road, described as follows:

A-2-40 to P-D(506)

All that certain real property situate in Section 3,
Township 5 South, Range 8 East, Mount Diablo Base and
Meridian, County of Stanislaus, State of California,
described as follows:

BEGINNING at the northeast corner of Parcel No. 1 of
the Jennings Addition to the City of Modesto recorded
December 29, 1969, as Instrument No. 42699 in Volume
2308 of Official Records, Page 377, Stanislaus County
Records, said point being on the north line of said
Section 3, South 89° 34' 35" East 1,720.00 feet from
the northwest corner of said Section 3; thence South
27° 08' 03" East on the easterly line of said Jennings
Addition, 563.98 feet to the southeast corner of said
Jennings Addition' thence continue South 27° 08' 03"
East 921.76 feet to a point on the westerly extension
of a fence line running easterly; thence along said
fence line and its westerly extension South 89° 35' 07"
East 1,304.17 feet to the intersection with a fence
line running northerly; thence northerly on said fence
line the following three (3) courses: 1) North 2° 42' 24"
East 593.76 feet; 2) North 89° 53' 19" East 51.49
feet; 3) North 0° 00' 30" West 722.64 feet to the north
line of said Section 3; thence on said north line,
North 89° 33' 37" West 2,061.24 feet to the point of
beginning.

Containing 51.18 acres, more or less.
WHEREAS, after a public hearing held on December 19, 1994, 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. 94-58, that prezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. LAFCO requires prezoning prior to consideration of all reorganizations.

and

WHEREAS, after a public hearing held on January 17, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of City of Modesto Public Works and Transportation Department for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 94-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2940 -C.S. on the 17th day of January, 1995, prezoning the above-described property from A-2-40 Zone (County), to Planned Development Zone, P-D(506).

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

1. All development shall conform to the plot plan titled "Jennings Road Reorganization No. 2" as amended in red, stamped approved by the City Council on January 17, 1995.

2. All measures that will be required by the Regional Water Quality Control Board and if applicable, the California Integrated Waste Management Board, in order to secure the required permits.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(506):

The entire construction program be accomplished in one phase, construction to begin on or before December 31, 1995, and completion to be not later than December 31, 1997.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance prezoning the
above-described property to Planned Development Zone, P-D(506), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, 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, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 95-30
Corrected 1/19/95

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 3-5-8 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON FROM A-2-40 TO P-PD(506). (PUBLIC WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, on November 9, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 3-5-8 of the Zoning Map of the City of Modesto to prezone from A-2-40 Zone (County), to Prezoned Planned Development Zone, P-PD(506), property located on the west side of Jennings Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, 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, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-30

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 3-5-8 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON FROM A-2-40 TO P-D(506). (PUBLIC WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, on November 9, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 3-5-8 of the Zoning Map of the City of Modesto to prezone from A-2-40 Zone (County), to Planned Development Zone, P-D(506), property located on the west side of Jennings Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended mitigated negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed mitigated negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed mitigated negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-31

A RESOLUTION CONSENTING TO THE WITHDRAWAL OF THE BID FROM B.G. PIPELINE AND APPROVING AWARD OF CONTRACT TO ROLFE CONSTRUCTION COMPANY FOR THE CLARATINA AVENUE WATERLINE PROJECT

WHEREAS, Resolution No. 94-676, adopted by the Council of the City of Modesto on December 6, 1994, approved the plans and specifications for the Claratina Avenue waterline project; and

WHEREAS, the bids received for the Claratina Avenue waterline project were opened on December 27, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the apparent low bidder, B.G. Pipeline, Inc. has notified the City that they made a clerical error in their bid of $790,776.00, and have requested that they be allowed to withdraw their bid; and

WHEREAS, City staff has reviewed the request and has determined that it is consistent with the provisions of the Public Contracts Code addressing bid errors, and recommends allowing the withdrawal of B.G. Pipeline, Inc.'s bid and awarding the bid to the second low bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction Company in the amount of $957,169.00, be accepted as the lowest responsible bid 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 17th day of January, 1995, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**ATTEST:**

NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $137,000 TO FUND THE CLARATINA AVENUE WATERLINE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Tank No. 4 waterline (612 480 C120 6040) $137,000

TO: Coffee to TSRR waterline (612 480 C183 6040) $137,000

The project scope was increased to include a 12-inch parallel main to provide service to a new development at the corner of Coffee and Claratina. Also, project costs were higher than the original estimate because of the larger number of existing gas lines in the area which were not identified in the original estimate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-33

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING OF ANNUAL RECYCLED JANITORIAL PAPER PRODUCTS UNDER A LOCAL GOVERNMENT AGENCY BID

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the furnishing of annual recycled janitorial paper products under a local government agency bid, 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 February 7, 1995, 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 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahann, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-34

A RESOLUTION ACCEPTING THE BID OF IRELAND’S FOR THE MILDRED PERKINS PARK BALLFIELD IMPROVEMENT PROJECT

WHEREAS, Resolution No. 94-689, adopted by the Council of the City of Modesto on December 13, 1994, approved the plans and specifications for the Mildred Perkins Park ballfield improvement project; and

WHEREAS, the bids received for the Mildred Perkins Park ballfield improvement project were opened at 11:00 a.m. on January 3, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Ireland's, in the amount of $35,532, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ireland's, 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 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-35

A RESOLUTION APPROVING A DEFERRED COMPENSATION PLAN WITH THE PUBLIC AGENCY RETIREMENT SYSTEM (PARS) FOR PART-TIME, SEASONAL AND TEMPORARY (PST) EMPLOYEES AND APPROVING THE TRUST AGREEMENT DOCUMENT.

WHEREAS, the City of Modesto (the "Agency") participates in the City of Modesto Deferred Compensation Funds for Part-time, Seasonal and Temporary Employees (the "Plan"), a plan which meets the requirements of Section 547 of the Internal Revenue Code, for the benefit of eligible employees, and

WHEREAS, the Agency has determined that it is in the best interests of these employees, their beneficiaries and the Agency that the Agency cease participation in the City of Modesto Deferred Compensation Funds for Part-time, Seasonal and Temporary Employees, retroactive to January 9, 1995, and

WHEREAS, the Agency has determined that an irrevocable grantor trust shall be established to hold assets to provide the benefits such employees shall be entitled to based on the provisions of the Plan for service prior to January 9, 1995,

NOW, THEREFORE, BE IT RESOLVED that:

(1) Assets equal to the amount required to pay the benefits earned by employees based upon their participation in the Plan for service prior to January 9, 1995, shall be transferred to a non-qualified grantor trust to be established, such trust to be known as the PARS Benefit Trust FBO City of Modesto Non-Qualified Alternative Retirement Plan for Service Prior to January 9, 1995, ("Trust"); and
The City Manager or the designee of the City Manager is hereby appointed Agency Plan Administrator for the Trust; and

The Agency Plan Administrator is hereby authorized to execute the Trust Agreement document; and

The Agency Plan Administrator is authorized to take whatever additional actions are necessary to effectuate the intent of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember _, Friedman, who moved its adoption, which motion being duly seconded by Councilmember _, Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-36

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS PARTNERS IN EDUCATION.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to fund an agreement with Stanislau Partners in Education to support their 94-95 Business Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

<table>
<thead>
<tr>
<th>FUND/ACCOUNT</th>
<th>DESCRIPTION</th>
<th>CURRENT BUDGET</th>
<th>ADJUSTMENT</th>
<th>REVISED BUDGET</th>
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<tr>
<td>010-140-1421-035</td>
<td>Professional Services, Other</td>
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<td>10,000</td>
<td>22,150</td>
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<td>010-800-8000-8003</td>
<td>Contingency Reserve</td>
<td>2,970,080</td>
<td>(10,000)</td>
<td>2,960,080</td>
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BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ___________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ___________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-37

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS PARTNERS IN EDUCATION TO SUPPORT THEIR 1994-95 BUSINESS PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Partners in Education to support their 1994-95 business plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-38

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady Associates to prepare an Environmental Impact Report and Specific Plan to develop a business park in the Kiernan-Pelandale corridor be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-39

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994–95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to fund an agreement with Brady and Associates for an Environmental Impact Report and Specific Plan to develop a 980-acre Business Park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994–95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

<table>
<thead>
<tr>
<th>FUND/ACCOUNT</th>
<th>DESCRIPTION</th>
<th>CURRENT BUDGET</th>
<th>ADJUSTMENT</th>
<th>REVISED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Kiernan Business Park</td>
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<td></td>
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<tr>
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<td>211,241</td>
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<td>Contingency Reserve</td>
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</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORTINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION CONSENTING TO THE WITHDRAWAL OF THE BID FROM JARDIN PIPELINE, INC., AND APPROVING AWARD OF CONTRACT TO ROLFE CONSTRUCTION COMPANY FOR THE MAZE BOULEVARD LIFT STATION INFLECT LINE PROJECT

WHEREAS, Resolution No. 94-677, adopted by the Council of the City of Modesto on December 6, 1994, approved the plans and specifications for the Maze Boulevard lift station influent line project; and

WHEREAS, the bids received for the Maze Boulevard lift station influent line project were opened on January 3, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the apparent low bidder, Jardin Pipeline, Inc. has notified the City that they made a clerical error in their bid of $30,863.00, and have requested that they be allowed to withdraw their bid; and

WHEREAS, City staff has reviewed the request and has determined that it is consistent with the provisions of the Public Contracts Code addressing bid errors, and recommends allowing the withdrawal of Jardin Pipeline, Inc.'s bid and awarding the bid to the second low bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction Company in the amount of $49,125.00, be accepted as the lowest responsible bid and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-41

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $56,000 TO FUND THE MAZE BOULEVARD LIFT STATION INFLENT LINE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: DAF-Recoating of Equipment and Tank $56,000 (621-480-D308-6040 and 6050)
TO: Maze Blvd. Lift Station Influent Line $56,000 (621-480-E616-6040,6050 and 6060)

This work was originally part of the project to install the lift station. During construction, subsurface site conditions changed the scope of work significantly and the work was removed from the original contract. This transfer will establish a new account for the project to allow proper accounting of costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-42

A RESOLUTION ACCEPTING PROJECT NO. 20 - REPLACEMENT OF CURB, DRIVE APRONS AND SIDEWALKS, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that Project No. 20 - replacement of curb, drive aprons and sidewalks, has been completed by D & L Concrete Pumping, Inc., in accordance with the contract agreement dated July 19, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for Project No. 20 - replacement of curb, drive aprons and sidewalks be accepted from said contractor, D & L Concrete Pumping, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $96,702.45, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember ______Friedman______, who moved its adoption, which motion being duly seconded by Councilmember ______Dobbs______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: _____________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE ENCINA AVENUE STORM DRAIN UPGRADE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Encina Avenue storm drain upgrade project, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated June 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Encina Avenue storm drain upgrade project 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 $107,478.80, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember __Friedman____, who moved its adoption, which motion being duly seconded by Councilmember ____Dobbs____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST:  NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-44

A RESOLUTION APPROVING THE CITY OF MODESTO'S CO-SPONSORSHIP AND AUTHORIZING FUNDING ASSISTANCE FOR THE "GARbage...AND ALL THAT TRASH!" EXHIBIT AT GREAT VALLEY MUSEUM OF NATURAL HISTORY.

WHEREAS, in January, 1994, the Council adopted the City's Source Reduction and Recycling Element (SRRE) which was required by AB 939, and

WHEREAS, the SRRE includes an Education and Public Information Component which states that the City will develop and implement a comprehensive, multi-media campaign to increase source reduction, recycling, and composting, and

WHEREAS, the Recycling component of the SRRE calls for expansion of existing education/information efforts for Public Education/Information/School Recycling, and

WHEREAS, both components estimate the costs of carrying out programs to attain the State-mandated diversion levels, and funds for public information and education have been budgeted for FY 1994-95 in the Solid Waste Office's budget, and

WHEREAS, Great Valley Museum contacted City staff with a request for co-sponsorship of an interactive recycling exhibit, "Garbage...and all that trash" which will be housed at the Museum from March 1, 1995, through December 1, 1995, and then permanently displayed in Sacramento in 1996, and

WHEREAS, hundreds of children from local school
classrooms are expected to tour the exhibit and visitors will learn the 4 R's: Rethink, Reduce, Reuse, and Recycle, and

WHEREAS, the Museum has requested that the City provide staff assistance and funding for revision and printing of the exhibit's "Teacher Resource Guide", which will be revised to reflect the collection and disposal infrastructure specific to our geographic area, including information on the Waste-to-Energy Facility, at an estimated cost of $1,200, and

WHEREAS, the Museum has also requested assistance with shipping costs for the exhibit, which are approximately $1,500, and with exhibit promotion through the City bill inserts and through highlights in the next used motor oil recycling brochure scheduled for distribution in March, 1995, and

WHEREAS, City sponsorship will be acknowledged in all publicity and informational materials,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's co-sponsorship and authorizes funding assistance for the "Garbage...and all that Trash!" exhibit at Great Valley Museum of Natural History.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-45

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR CONTINUED GRANT FUNDING TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT FOR THE TELEWORK CENTER FOR FISCAL YEAR 1995-96.

WHEREAS, in 1994 the City opened its first telework center with grant funding from the California Department of Transportation (CALTRANS) and the San Joaquin Valley Unified Air Pollution Control District, and

WHEREAS, City staff has recommended that Council adopt a resolution approving the submittal of an application for continued grant funding to CALTRANS and the San Joaquin Valley Unified Air Pollution Control District for the Telework Center for Fiscal Year 1995-96,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to CALTRANS and the San Joaquin Valley Unified Air Pollution Control District for the Telework Center for Fiscal Year 1995-96.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: __________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-46

A RESOLUTION APPROVING A GRANT AGREEMENT FOR $1,500 TO MODESTO GOSPEL MISSION FOR PRODUCTION OF A CABLE TELEVISION PROGRAM ON HOMELESSNESS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement for $1,500 to Modesto Gospel Mission for production of a cable television program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: /s/ NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-47

A RESOLUTION APPROVING AND ACCEPTING AN EASEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE CONSTRUCTION OF A WATERLINE IN LATERAL NO. 6 RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement agreement between the City of Modesto and Modesto Irrigation District for the construction of a waterline in Lateral No. 6 right of way be, and it is hereby approved and accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-48

A RESOLUTION ADOPTING A REVISED RECORDS MANAGEMENT MANUAL AND RECORDS RETENTION SCHEDULE FOR THE CITY OF MODESTO AND AUTHORIZING DESTRUCTION OF USELESS RECORDS.

WHEREAS, the destruction of certain old and useless papers and records of the City of Modesto has been authorized by the retention and destruction schedule of the "Records Management Manual," including the City of Modesto Records Retention Schedule," adopted by the City Council by Resolution No. 77-998 on September 29 1977, and

WHEREAS, said "Records Management Manual" and "City of Modesto Records Retention Schedule" were amended by City Council Resolution No. 79-644, adopted on June 26, 1979, Resolution No. 82-226, adopted on March 4, 1982, and Resolution No. 84-194, adopted on April 10, 1984, Resolution No. 86-593, adopted on June 17, 1986, and Resolution No. 88-508, adopted on July 5, 1988, and

WHEREAS, the Council desires to adopt a revised "Records Management Manual and Records Retention Schedule for the City of Modesto",

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

1. The "Records Management Manual and Records Retention Schedule of the City of Modesto" dated January 24, 1995, copies of which are on file in the office of the City Clerk, is hereby adopted.
2. Records of the City of Modesto shall be maintained in accordance with said "Records Management Manual and Records Retention Schedule for the City of Modesto".

3. In accordance with the procedures set forth in the "Records Management Manual and Records Retention Schedule for the City of Modesto", useless records of each office, department, board or commission may be destroyed after the expiration of the total retention period set forth in said "Records Management Manual and Records Retention Schedule for the City of Modesto."

4. Records designated to be kept permanently, as well as the signed "Destruction of Records Not Sent to Records Center Notice" for all records destroyed, shall be retained permanently.

5. File Categories contained in the Records Management Manual and Records Retention Schedule may be added or deleted, subject to approval by the City Attorney.

6. Department minimum retention periods contained in the Records Management Manual and Records Retention Schedule may be modified, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED that the above referred to "Records Management Manual and Records Retention Schedule for the City of Modesto" dated January 24, 1995, supersedes all others previously adopted.
2. Records of the City of Modesto shall be maintained in accordance with said "Records Management Manual and Records Retention Schedule for the City of Modesto".

3. In accordance with the procedures set forth in the "Records Management Manual and Records Retention Schedule for the City of Modesto", useless records of each office, department, board or commission may be destroyed after the expiration of the total retention period set forth in said "Records Management Manual and Records Retention Schedule for the City of Modesto".

4. Records designated to be kept permanently, as well as the signed "Notice of Records to be Destroyed" for all records destroyed, shall be retained permanently.

BE IT FURTHER RESOLVED that the above referred to "Records Management Manual and Records Retention Schedule for the City of Modesto" dated January 24, 1995, supersedes all others previously adopted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Patterson

ATTEST:  

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF $745,913 TO COMPLETE THE AIRPORT'S FY 1995/96 CAPITAL IMPROVEMENTS

WHEREAS, on January 25, 1994, the City Council approved the submittal of a six-year federal fund request to complete the Airport's FY 1995/96 capital improvements consisting of resurfacing Airport Way, completion of the general aviation apron slurry seal, construction of a new 100-space parking lot at the passenger terminal, improvement to the general aviation and terminal security lights, and the rewiring of runway 10L/28R and its parallel taxiway lights.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that submittal of a grant application on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of $745,913 for the above-mentioned projects be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL M. ZAGARIS REAL ESTATE AGENTS RICHARD RAND AND BOB WOOD TO MARKET AIRPORT PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Paul M. Zagaris Real Estate Agents Richard Rand and Bob Wood to market airport property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
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 AND A RURAL TRANSIT FEE CREDIT.

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund other than farebox revenues is the Local Transportation Fund, and

WHEREAS, 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, on June 7, 1994, the City of Modesto submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Act Funds, and

WHEREAS, SAAG has informed the City of Modesto of an additional $254,266 of Local Transportation funding resulting from a supplemental apportionment and a credit in our Rural Transit Fee, and

WHEREAS, the Bus Service Fund will claim the greatest portion of these additional monies to replace reductions in their Federal Transit Administration operating grant ($112,688) and State Transit Assistance funds ($70,688), a portion is allocated for bicycle lanes and the remainder for street maintenance.
purposes, and

WHEREAS, Council action authorizing the 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 Revised 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 $254,266 of Local Transportation funding resulting from a supplemental apportionment and a credit in the City's Rural Transit Fee is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A resolution amending the fiscal year 1994-95 annual budget to estimate and appropriate additional local transportation funds (LTF).

WHEREAS, on June 7, 1994, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Act Funds.

WHEREAS, SAAG has informed the City of an additional $254,266 of local transportation funding resulting from a supplemental apportionment and a credit in our Rural Transit Fee. The Bus Service Fund will claim the greatest portion of these additional monies ($183,368) to replace reductions in their Federal Transit Administration operating grant ($112,688) and State Transit Assistance funds ($70,688). The remaining portion is allocated for bicycle lanes ($3,303) and for street maintenance purposes ($67,595).

WHEREAS, the following adjustments are necessary:

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>651-510-9510-3158</td>
<td>LTF Transit Operating Revenue</td>
</tr>
<tr>
<td>651-510-9510-3161</td>
<td>STAF Transit Operating Revenue</td>
</tr>
<tr>
<td>651-510-9510-3525</td>
<td>FTA Operating Revenue</td>
</tr>
<tr>
<td>652-510-9510-3158</td>
<td>LTF Transit Operating Revenue</td>
</tr>
<tr>
<td>652-510-9510-3525</td>
<td>FTA Operating Revenue</td>
</tr>
</tbody>
</table>

**Increase**

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>051-510-9510-1213</td>
<td>LTF Allocation</td>
</tr>
<tr>
<td>052-510-9510-1216</td>
<td>LTF Allocation - non Motorized</td>
</tr>
</tbody>
</table>

**Increase**

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>051-800-8000-8003</td>
<td>LTF Contingency Reserve</td>
</tr>
<tr>
<td>052-800-8000-8003</td>
<td>LTF Contingency Reserve - non Motorized</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-53


WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 94–95 to fund additional contributions to McClatchy Square.

NOW, THEREFORE, BE IT RESOLVED by the Members of the Redevelopment Agency of the City of Modesto that changes to the Annual Budget of the City of Modesto for Fiscal Year 94–95 are as follows:

REDEVELOPMENT FUND
APPROPRIATION ADJUSTMENTS

<table>
<thead>
<tr>
<th>FUND/ACCOUNT DESCRIPTION</th>
<th>CURRENT BUDGET</th>
<th>ADJUSTMENT</th>
<th>REVISED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown Park</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>908-020-E599-604</td>
<td>31,000</td>
<td>9,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Master Plan CIP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>908-700-7000-9010 Transfer Out</td>
<td>250,283</td>
<td>9,000</td>
<td>259,283</td>
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<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>010-700-7000-7908 Transfer Out</td>
<td>250,283</td>
<td>9,000</td>
<td>259,283</td>
</tr>
<tr>
<td>010-800-8000-803 Contingency Reserve</td>
<td>2,960,080</td>
<td>(9,000)</td>
<td>2,951,080</td>
</tr>
<tr>
<td>Total Appropriation Adjustment</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-54

A RESOLUTION APPOINTING GIL WYMOND AND CHARLES BRANDT AND REAPPOINTING JEFF HILL 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. Appointing Gil Wymond and Charles Brandt, and reappointing Jeff Hill to the Airport Advisory Committee, terms to expire on 1/1/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: /Norrine Coyle, City Clerk
A RESOLUTION APPOINTING STEVE BAILEY AND NANCY BRONSTEIN AND REAPPOINTING JOAN CHECK, STERLING FOUNTAIN AND ROBERT ANDREWS TO THE AFFIRMATIVE ACTION COMMISSION

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

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


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-56

A RESOLUTION REAPPOINTING JERRY MATSUNAGA 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. Reappointing Jerry Matsunaga to the Board of Zoning Adjustment, term to expire 1/1/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-57

A RESOLUTION APPOINTING GUNTHER BALDAUF AND ED WASHINGTON 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. Appointing Gunther Baldauf and Ed Washington to the Citizens Advisory Committee on Recycling, terms to expire 1/1/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-58

A RESOLUTION REAPPOINTING HELEN WHITE 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. Reappointing Helen White to the Culture Commission, term to expire 1/1/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Morrine Coyle
NORRINE COYLE, City Clerk
A RESOLUTION REAPPOINTING FRANK BOOTS AND DAVID BORING 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. Reappointing Frank Boots and David Boring to the Downtown Improvement District Advisory Board, terms to expire 3/28/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-60

A RESOLUTION APPOINTING FRED SATARIANO AND REAPPOINTING BRAD PITTS 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. Appointing Fred Satariano and reappointing Brad Pitts to the Housing Rehabilitation Loan Committee, terms to expire 6/30/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-61

A RESOLUTION REAPPOINTING DIRK HOEK 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. Reappointing Dirk Hoek to the Landmark Preservation Commission, term to expire 1/1/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________

NORRINE COYLE, City Clerk
A RESOLUTION REAPPOINTING DOUGLAS HILLBLOM TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. Reappointing Douglas Hillblom to the Local Cable programming Committee, term to expire 1/1/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-63

A RESOLUTION REAPPOINTING FRED CRUZ TO THE PLANNING COMMISSION

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

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

SECTION 1. Reappointing Fred Cruz to the Planning Commission, term to expire 1/1/99.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-64

A RESOLUTION APPOINTING RICHARD TATOYAN AND REAPPOINTING ROBERT WIRTH AND TONY VARNI 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 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING CENTRE PLAZA HEATING, VENTILATING AND AIR CONDITIONING (HVAC) MODIFICATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for furnishing Centre Plaza heating, ventilating and air conditioning (HVAC) modifications, 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 13, 1995, 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 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF SAFETY ELECTRIC CORPORATION FOR THE TRAFFIC SIGNAL MODIFICATION AT THE McHENRY AVENUE AND ORANGEBURG AVENUE INTERSECTION

WHEREAS, Resolution No. 95-1, adopted by the Council of the City of Modesto on January 3, 1995, approved the plans and specifications for the traffic signal modification at the McHenry Avenue and Orangeburg Avenue intersection; and

WHEREAS, the bids received for the traffic signal modification at the McHenry Avenue and Orangeburg Avenue intersection were opened at 11:00 a.m. on January 24, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Safety Electric Corporation, in the amount of $48,573, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-67

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR THE TRAFFIC SIGNAL MODIFICATIONS AT TULLY ROAD AND ORANGEBURG AVENUE

WHEREAS, Resolution No. 95-2, adopted by the Council of the City of Modesto on January 3, 1995, approved the plans and specifications for the traffic signal modifications at Tully Road and Orangeburg Avenue; and

WHEREAS, the bids received for the traffic signal modification at Tully road and Orangeburg Avenue opened at 11:00 a.m. on January 24, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical, in the amount of $102,350, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-68

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $30,000 TO FUND THE TRAFFIC SIGNAL MODIFICATIONS AT TULLY ROAD AND ORANGEBURG AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Traffic signal modifications various $30,000
(070 160 E470 6040 and 6060)

TO:  Orangeburst/Tully Traffic Signal modification (070 160 D280 6040)

The cost increase over the budgeted amount is the result of not being able to use as much existing equipment as originally expected. Also, some existing utility lines will have to be relocated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-69

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE GATE MODIFICATION FOR CLARIFIER Nos. 1 AND 2 AT THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 94-665, adopted by the Council of the City of Modesto on November 22, 1994, approved the plans and specifications for the gate modification for clarifier nos. 1 and 2 at the Water Quality Control Plant; and

WHEREAS, the bids received for the gate modification for clarifier Nos. 1 and 2 at the Water Quality Control Plant were opened at 11:10 a.m. on January 24, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco-West, Inc., in the amount of $96,000, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,000 TO FUND THE GATE MODIFICATION FOR CLARIFIER NOS. 1 AND 2 AT THE WATER QUALITY CONTROL PLANT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Bar screen replacement $4,000
(621 480 D304 6000)
TO: Clarifier No. 1 gate modification $4,000
(621 480 E538 6000)

The transfer is required to fully fund the clarifier gate project. Additional funding is needed due to the clarifier gate being separated from a larger odor control project. Costs increase when funding individual phases of a larger 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, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-71

A RESOLUTION ACCEPTING THE GLENN AVENUE WATERLINE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Glenn Avenue waterline project, has been completed by Mid Cal Pipeline, in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Glenn Avenue waterline project be accepted from said contractor, Mid Cal Pipeline; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $142,530, 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 February, 1995, by Councilmember ______Friedman______, who moved its adoption, which motion being duly seconded by Councilmember ______Dobbs______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-72

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TREE TRIMMING SERVICES AT THE CITY-COUNTY AIRPORT FROM DAVEY TREE SERVICE

WHEREAS, the Public Works and Transportation Department has requested tree trimming to bring several trees below the runway approach clear zone as required by F.A.A.; and

WHEREAS, informal bids were solicited with the lowest responsive bidder being Davey Tree Service at $26,140.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for purchase of tree trimming services at the City County Airport be, and it is hereby waived.

BE IT FURTHER RESOLVED that purchase of tree trimming services at the City County Airport from Davey Tree Service in the amount of $26,140, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ______ Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-73

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH SAID GRANT, TO PROVIDE FOR PUBLICIZING THE MODESTO AREA EXPRESS/MAX SERVICE.

WHEREAS, City staff has recommended that the City of Modesto apply for an education grant from the San Joaquin Valley Unified Air Pollution Control District in the amount of $72,000 to be used to increase public awareness of the Modesto Area Express/MAX service in an effort to increase ridership and reduce single occupant vehicle trips, and

WHEREAS, the public information effort will include various types of advertising such as radio, television and print, and will also include improving the quality of the route map which is distributed to the public, and

WHEREAS, the City of Modesto will be required to match City funds to said grant funds, and City funds are available in the account budgeted for printing of public information material and advertising,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute, on behalf of the City of Modesto, an application to apply for grant funding from the San Joaquin Valley Unified Air Pollution Control District to provide for publicizing the Modesto Area Express/Max
service. The City Manager is further authorized to execute any and all documents associated with said grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(Approved as to form:

By MICHAEL D. MILICH, Acting City Attorney)
A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH SAID GRANT RELATING TO CONVERTING VEHICLES TO DEDICATE USE OF ALTERNATIVE FUEL.

WHEREAS, City staff has recommended that the City of Modesto apply for a grant from the San Joaquin Valley Unified Air Pollution Control District in the amount of $44,391 to be used to convert vehicles to dedicate use of alternative fuel, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute, on behalf of the City of Modesto, an application to apply for grant funding from the San Joaquin Valley Unified Air Pollution Control District relating to converting vehicles to dedicate use of alternative fuel. The City Manager is further authorized to execute any and all documents associated with said grant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-75

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH SAID GRANT RELATING TO TWO ELECTRIC VEHICLES.

WHEREAS, City staff has recommended that the City of Modesto apply for a grant from the San Joaquin Valley Unified Air Pollution Control District to be used for two electric vehicles to utilize the vehicles and evaluate their suitability for use in a municipal fleet,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute, on behalf of the City of Modesto, an application to apply for grant funding from the San Joaquin Valley Unified Air Pollution Control District relating to acquiring two electric vehicles to utilize the vehicles and evaluate their suitability for use in a municipal fleet. The City Manager is further authorized to execute any and all documents associated with said grant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-76

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY & ASSOCIATES FOR PREPARATION OF A NON-MOTORIZED TRANSPORTATION MASTER PLAN FOR THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady & Associates for preparation of a Non-motorized Transportation Master Plan for the City of Modesto 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 February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:  None

ABSENT: Councilmembers:  Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-77

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ESPERANZA JAIME IN THE AMOUNT OF $82,452 FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO’S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Esperanza Jaime in the amount of $82,452 for rehabilitating his property at 124 Merced Avenue pursuant to the City of Modesto’s Housing Rehabilitation program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-78

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CORINNE ROWE FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE FEBRUARY 7, 1995

WHEREAS, Corinne Rowe was appointed a member of the Landmark Preservation Commission on February 21, 1989; and

WHEREAS, Corinne Rowe has tendered her resignation from the Landmark Preservation Commission, effective February 7, 1995; and

WHEREAS, Corinne Rowe 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 Corinne Rowe 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 Corinne Rowe 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 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-79

A RESOLUTION SUPPORTING MEASURE C TO PROVIDE
A DEDICATED FUNDING SOURCE FOR THE STANISLAUS
COUNTY FREE LIBRARY THROUGH A 1/8¢ SALES TAX.

WHEREAS, the Modesto City Council appointed an ad hoc
committee known as the Modesto City Library Committee for the
purpose of providing recommendations to the City Council related
to the Stanislaus County Free Library (the "Library"), and

WHEREAS, the Stanislaus County Library Advisory Board
has recommended that a dedicated funding source be identified for
the Library, and

WHEREAS, the Stanislaus County Board of Supervisors has
placed on the ballot a measure funding a 1/8¢ sales tax increment
dedicated to funding for the Library, known as Measure C, and

WHEREAS, the election will be held on March 7, 1995,
and

WHEREAS, the Modesto City Library Committee has adopted
Resolution No. 95-1, entitled "A Resolution Supporting Measure C
to Provide a Dedicated Funding Source for the Stanislaus County
Free Library Through a 1/8¢ Sales Tax",

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the City Council does hereby support Measure
C, the 1/8¢ Sales Tax Measure on the March 7, 1995 ballot, for
the purpose of providing a dedicated funding source to the
Stanislaus County Free Library.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-80

A RESOLUTION APPROVING THE APPLICATION OF
ESCALON COMMUNITY AMBULANCE COMPANY FOR A
PERMANENT PERMIT TO OPERATE A LIMITED
AMBULANCE SERVICE IN THE CITY OF MODESTO.

WHEREAS, on October 1, 1994, Escalon Community
Ambulance Company, Inc., submitted an application and paid the
appropriate fees to provide non-emergency ambulance services
within the City limits of the City of Modesto, and

WHEREAS, Chapter 9 of Title III of the Modesto
Municipal Code regulates the licensing of limited ambulances in
the City of Modesto, and Section 3-9.05 of the Modesto Municipal
Code requires that in determining whether the public convenience
and necessity require the operation of a limited ambulance
service for which application is made, the Council shall hold a
public hearing as may be necessary to for the purpose of making
such determination, and

WHEREAS, as required by Section 3-9.05 of the Modesto
Municipal Code, the City Manager has caused the Police Chief of
the City of Modesto to make an investigation and report, in
writing, to the City Council on said application for a permit to
operate a limited ambulance service in the City of Modesto, and

WHEREAS, on February 14, 1995, the City Council held a
duly noticed public hearing at 4:00 p.m., in the City Council
Chambers in City Hall, located at 801 11th Street, Modesto,
California, to consider the application of Escalon Community
Ambulance Company for a permit to operate a limited ambulance service in the City of Modesto, and

WHEREAS, the City Attorney has determined that the California Department of Motor Vehicles licenses all ambulance drivers regardless of whether or not they are characterized as emergency or nonemergency vehicles and that the California Highway Patrol and/or the regional EMS agencies provide safety inspections for both emergency and nonemergency vehicles,

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

1. That the public convenience and necessity requires the operation of the limited ambulance service which will be furnished by Escalon Community Ambulance Company, because the City of Escalon does not have a hospital and the majority of care patients come to Modesto for medical services, and that such limited ambulance service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting injured or sick persons.

3. That the name "Escalon Community Ambulance Company" and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing
characteristics used by any other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such limited ambulance service in the City is required by the public convenience and necessity and that Escalon Community Ambulance Company is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 9 of Title III of the Modesto Municipal Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the application of Escalon Community Ambulance Company for a permanent permit to operate a limited ambulance service in the City of Modesto is hereby approved for the reasons set forth above. Said ambulance service shall operate under the name of "Escalon Community Ambulance Company", and a total number of two (2) ambulances may be operated under said permit.

BE IT FURTHER RESOLVED that after Escalon Community Ambulance Company has complied with all of the requirements of Chapter 9 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a permanent Certificate of Public Convenience and Necessity to Escalon Community Ambulance Company for the purpose of operating two (2) ambulances as set forth herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-81

A RESOLUTION ACCEPTING THE CLAUS ROAD BRIDGE WIDENING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Claus Road bridge widening, has been completed by Agee Construction Company, in accordance with the contract agreement dated April 27, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Claus Road bridge widening be accepted from said contractor, Agee Construction Company; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $2,019,029.48, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: __________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE NEECE DRIVE WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Neece Drive waterline, has been completed by Allen A. Waggoner Construction, in accordance with the contract agreement dated August 16, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Neece Drive waterline be accepted from said contractor, Allen A. Waggoner Construction; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $393,832.96, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST:
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-83

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR FY 1994-95 AND RE-
ESTIMATING REVENUE FOR FY 1994-95.

WHEREAS, it has been determined that certain
adjustments are required to the Annual Budget of the City of
Modesto for Fiscal Year 1994-95,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in Schedule "A", attached
hereto and incorporated herein by reference, are hereby approved
for the purpose of amending the Annual Budget of the City of
Modesto for FY 1994-95 and to re-estimate revenue for said FY
1994-95.
The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 14th
day of February, 1995, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by
Councilmember McClanahan, was upon roll call carried and
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
## MIDYEAR ADJUSTMENT SCHEDULE A

<table>
<thead>
<tr>
<th>VARIOUS REVENUES &amp; APPROPRIATIONS</th>
<th>Current Budget</th>
<th>Revenue Increase/ (Decrease) Amount</th>
<th>Appropriations Increase/ (Decrease) Amount</th>
<th>Revised Budget</th>
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<td>In Lieu Property Tax</td>
<td>010 510 9510 1101</td>
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<td>10,000 (7,000) 20,000</td>
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<td>Used Motor Oil Grant</td>
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<td>010 190 1961 3172</td>
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## GRANT VEHICLES

| 5 Grant Vehicles-Transfer Out    | 010 700 7000 7720 | 33,910 169,715 203,625 | 169,715 203,625 | 0 |
| 16 Additional Radios             | 010 190 1962 5000 | 0 18,919 18,919 | 18,919 18,919 | 0 |
| 1 ABC Grant Vehicle-Transfer     | 010 700 7000 7720 | 203,625 20,056 223,681 | 20,056 223,681 | 0 |
| Contingency Reserve              | 010 800 8000 8003 | 2,938,400 (208,690) 2,729,710 | 208,690 2,729,710 | 2,938,400 |
| 5 Grant Vehicles-Transfer In     | 720 700 7000 7010 | 33,910 169,715 203,625 | 169,715 203,625 | 0 |
| 5 Grant Vehicles                 | 720 480 5814 5000 | 0 169,715 169,715 | 169,715 169,715 | 0 |
| 1 ABC Grant Vehicle-Transfer I   | 720 700 7000 7010 | 203,625 233,681 | 233,681 233,681 | 0 |
| 1 ABC Grant Vehicle              | 720 480 5814 5000 | 0 | 233,681 233,681 | 0 |

## PROPERTY OUTFITTING

---

Page 1
<table>
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<th>Appropriations Increase/ (Decrease)</th>
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<td>Services Centre Plaza</td>
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Page 2
MIDYEAR ADJUSTMENT SCHEDULE A

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<tr>
<th>NEW FAA GRANTS &amp; MISC ADJUSTMENTS</th>
<th>Current Budget</th>
<th>Revenue Increase/ (Decrease) Amount</th>
<th>Appropriations Increase/ (Decrease) Amount</th>
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### MIDYEAR ADJUSTMENT SCHEDULE A

#### INCREASE IN OVERHEAD FOR MAIL SVC

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#### NEIGHBORHOOD TELECENTER GRANT ADJ

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#### RDA SERVICE CREDIT ADJ

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## MIDYEAR ADJUSTMENT SCHEDULE A

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## MIDYEAR ADJUSTMENT SCHEDULE A

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## MIDYEAR ADJUSTMENT SCHEDULE A

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## MIDYEAR ADJUSTMENT SCHEDULE A

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### MIDYEAR ADJUSTMENT SCHEDULE A

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### CDBG & HOME CARRYOVER, APPROPRIATION & CONTINGENCY RESERVE ADJUSTMENTS

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## MIDYEAR ADJUSTMENT SCHEDULE A

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<tr>
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<th>Budget Amount</th>
<th>Revenue Increase/ (Decrease) Amount</th>
<th>Appropriations Increase/ (Decrease) Amount</th>
<th>Revised Budget</th>
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<td>Conference Exp</td>
<td>0207</td>
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MODESTO CITY COUNCIL  
RESOLUTION NO. 95-84  

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED WAY FOR ADMINISTRATION OF THE CENTRAL VALLEY INFORMATION AND REFERRAL SYSTEM TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS DURING 1994-95  

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and United Way in the amount of $10,000 for administration of the Central Valley Information and Referral System to be funded with Community Development Block Grant Funds during 1994-95 be, and it is hereby approved.  

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, 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, Muratore, Mayor Lang  

NOES:  
Councilmembers:  None  

ABSENT:  
Councilmembers:  Patterson  

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-85

A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT ONLY WITH RESPECT TO MEMBERS OF A SPECIFIC EMPLOYEE ORGANIZATION AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT AT OR GREATER THAN THAT PRESCRIBED BY SECTION 22825 OF THE GOVERNMENT CODE.

WHEREAS, Government Code Section 22850.3 provides that a contracting agency may elect upon proper application to participate under the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization only, and

WHEREAS, the City of Modesto hereinafter referred to as Public Agency is a local agency contracting with the Public Employees' Retirement System, and

WHEREAS, the Public Agency desires to obtain for the members of the Modesto City Firefighters Association, who are employees and annuitants of the Public Agency, the benefit of the Act and to accept the liabilities and obligations of an employer under the Act and Regulations,

NOW, THEREFORE, BE IT RESOLVED that the Public Agency elect, and it does hereby elect, to be subject to the provisions of the Act.

BE IT FURTHER RESOLVED that the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a
maximum of sixteen ($16.00) dollars per month plus administrative fees and Contingency Reserve Fund assessments.

BE IT FURTHER RESOLVED that the executive body appoint and direct, and it does hereby appoint and direct the Risk Manager to file with the Board of Administration of the Public Employees' Retirement System a verified copy of this Resolution, and to perform on behalf of said Public Agency all functions required of it under the Act and Regulations of the Board of Administration.

BE IT FURTHER RESOLVED that coverage under the Act shall become effective on August 1, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A THIRD AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER FOR CORPORATE HANGAR PLOTS 1 AND 2 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the third amendment to lease agreement between the City of Modesto and Modesto Executive air Charter for corporate hangar plots 1 and 2 at the Modesto City/county Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 February, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-87  

A RESOLUTION APPROVING THE THIRD AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EXECUTIVE AIR CHARTER FOR THE LEASE OF CORPORATE HANGAR PLOTS 3, 4 AND 5 AT THE MODESTO CITY/COUNTY AIRPORT

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

BE IT FURTHER RESOLVED that the execution of said 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 February, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 95-88

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MATT VELLA FOR THE PAYMENT OF CROP DAMAGES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Matt Vella for the payment of crop damages caused by the City's installation of a waterline be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-89

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A USED OIL OPPORTUNITY GRANT.

WHEREAS, the California Oil Recycling Enhancement Act (Act) (Statutes of 1991, Chapter 817) authorizes the California Integrated Waste Management Board to issue annual grants to enhance the collection and recycling of used lubricating oil, and

WHEREAS, Opportunity Grants will be awarded to local governments on a competitive basis for the establishment of new programs or the enhancement of existing programs that encourage recycling or appropriate disposal of used lubricating oil by the public or small businesses, and

WHEREAS, matching funds by the City is not required to obtain an Opportunity Grant, and

WHEREAS, Opportunity Grants will be awarded to local governments on a competitive basis for the establishment of new programs or the enhancement of existing programs that encourage recycling or appropriate disposal of used lubricating oil by the public or small businesses, and

WHEREAS, City staff has recommended that the Council adopt a resolution approving the submittal of an application for the 1994/95 Local Government Used Oil Opportunity Grant so that the City can obtain funds to continue its comprehensive public education program on used oil and assist local businesses in
establishing or enhancing collection services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all necessary applications, contracts, payment requests, agreements, and amendments thereto for submittal to the California Integrated Waste Management Board for a 1994-95 Local Government Used Oil Opportunity Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, 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, Freidman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING RAJU MATHEW, BETTY LEWIS AND GEOFFREY HUTCHESON TO THE INTERNATIONAL FRIENDSHIP COMMITTEE, AND REAPPOINTING HANNAH PARRIS, TERRY KATZAKIAN AND DONALD KNIES

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

SECTION 1. The following persons are hereby appointed to the International Friendship Committee:

Appointed:
- Raju Mathew - term to expire 1/1/96
- Betty Lewis - term to expire 1/1/99
- Geoffrey Hutcheson - term to expire 1/1/99

Reappointed:
- Hannah Parris - term to expire 1/1/99
- Terry Katzakian - term to expire 1/1/99
- Donald Knies - term to expire 1/1/99

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members of the International Friendship 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 February, 1995, Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-91

A RESOLUTION CONSENTING TO THE TRANSFER OF THREE CERTIFICATES OF CONVENIENCE AND NECESSITY TO OPERATE TAXICABS FROM ARNOLD ARRAMBIDE, DOING BUSINESS AS "A TOUCH OF CLASS TAXICAB COMPANY", TO MICHAEL QUINN.

WHEREAS, an application was filed with the City Clerk's Office requesting Council approval of the transfer of three (3) certificates of convenience and necessity to operate taxicabs from Arnold Arrambide, doing business as "A Touch of Class Taxicab Company, to Michael and Karen Quinn,, and

WHEREAS, pursuant to Modesto Municipal Code Section 4-6.205, the City of Modesto Police and Finance Departments conducted background checks on Michael and Karen Quinn, and both departments were unable to find any negative information against Michael or Karen Quinn which would result in the denial of the transfer, and

WHEREAS, pursuant to Modesto Municipal Code Section 4-6.209, City Council approval is required for the purchase and transfer of Certificates of Convenience and Necessity to operate taxicabs in the City of Modesto, and

WHEREAS, said application was duly noticed and set for a public hearing before the Cit Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 21, 1995, at 7:00 p.m., and

WHEREAS, said public hearing was held at the date and
time noted above, and after hearing evidence both oral and documentary, the Council found and determined that the application requesting Council approval of the transfer of three (3) certificates of convenience and necessity to operate taxicabs from Arnold Arrambide, doing business as "A Touch of Class Taxicab Company, to Michael and Karen Quinn, should be granted for the reason that it would serve the best interests of the public safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the transfer of three (3) certificates of public convenience and necessity to operate taxicabs in the City of Modesto from Arnold Arrambide, doing business as "A Touch of Class Taxicab Company, to Michael and Karen Quinn, is hereby authorized in accordance with Section 4-6.209 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 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-92

A RESOLUTION ACCEPTING THE BID OF INFINET FOR FURNISHING A FIRE DEPARTMENT COMPUTER NETWORK SYSTEM

WHEREAS, Resolution No. 94-655, adopted by the Council of the City of Modesto on November 15, 1994, approved the plans and specifications for the purchase of a Fire Department computer network system; and

WHEREAS, the bids received for the Fire Department computer network system were opened at 11:00 a.m. on December 12, 1994, 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 InfiNet, in the amount of $64,163, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-93

A RESOLUTION APPROVING A PARKING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WITHROW, CRONIN AND CICCARELLI FOR LEASE OF TWO PARKING SPACES AT THE McHENRY MANSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the parking lease agreement between the City of Modesto and Withrow, Cronin and Ciccarelli for lease of two parking spaces at the McHenry Mansion 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 February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-94

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLANNING CENTER, PRIMARY CONSULTANT ASSISTED BY THE WHITNEY RESEARCH GROUP, SUBCONSULTANT, TO PREPARE A VILLAGE ONE SPECIFIC PLAN AND FINANCE PLAN FEASIBILITY ANALYSIS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The Planning Center, primary consultant assisted by The Whitney Research Group, subconsultant to prepare a Village One Specific Plan and Finance Plan Feasibility Analysis 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 February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-95

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994–95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLANNING CENTER FOR CONSULTING SERVICES.

WHEREAS, the Community Development and Housing Committee asked for a 30-day critique of the Village One Specific Plan and,

WHEREAS, the action is recommended to determine what amendments should be made in the Village One Specific Plan and what other actions should be taken to facilitate development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994–95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION ADJUSTMENTS

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<td>Total Appropriation Adjustment</td>
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BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION TERMINATING THE EMERGENCY PREPAREDNESS AGREEMENT WITH THE COUNTY OF STANISLAUS.

WHEREAS, by an Agreement which commenced on July 1, 1984, and which was entered into on March 19, 1985, the City of Modesto and the County of Stanislaus entered into an Agreement for Emergency Preparedness services, and

WHEREAS, Paragraph VI of said Agreement provided that either party may terminate the Agreement by written notice to do so on or before March 31st of any year, and

WHEREAS, by a memo dated February 6, 1995, the Fire Chief has recommended to the City Council that the City Manager be authorized to terminate said Agreement for Emergency Preparedness services, as there has been a reorganization of the mid-management positions within the Fire Department which would enable the City to be better served by assigning the duties associated with Emergency Preparedness to a Fire Battalion Chief within the Fire Department, and

WHEREAS, at its meeting of February 21, 1995, the City Council considered the recommendation of the Fire Chief to terminate said Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emergency Preparedness Agreement between the City of Modesto and the County of Stanislaus entered into on March 19, 1985, which commenced on July 1, 1984, is hereby
terminated, and the City Manager is authorized to take any action that might be necessary to accomplish said termination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

(SEAL)

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-97

A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTPORT FIRE PROTECTION DISTRICT FOR FIRE SERVICE PROTECTION TO THE SECONDARY WATER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid Agreement between the City of Modesto and Westport Fire Protection District for fire service protection to the Secondary Water Treatment 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 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-98

A RESOLUTION APPROVING A HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE OF FACILITIES AT MODESTO JUNIOR COLLEGE FOR THE CITY OF MODESTO'S RECREATION ACTIVITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Hold Harmless Agreement between the City of Modesto and Yosemite Community College District for use of facilities at Modesto Junior College for the City of Modesto's recreation activities 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 February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL

RESOLUTION NO. 95-99

RESOLUTION OF THE CITY OF MODESTO DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, City of Modesto (the "Issuer") is a municipal corporation, public body, corporate and politic, duly created, established and authorized to transact business and exercise its powers, all under and pursuant to its Charter and the laws of the State of California; and

WHEREAS, the Issuer, on May 10, 1994, adopted Resolution No. 94-264 (the "Prior Resolution") declaring its intention to reimburse itself from proceeds of certain tax-exempt financings made and/or to be made in connection with the acquisition, construction and equipping of certain capital improvements, and now desires to supplement the Prior Resolution, as described herein; and

WHEREAS, the Issuer has paid, beginning no earlier than December 23, 1994, which date is not more than sixty (60) days prior to the adoption of this resolution, and will pay, on and after the date hereof, certain expenditures not described in the Prior Resolution (the "Expenditures") in connection with the acquisition, construction and/or equipping of City Hall, which shall be an additional component of the Plaza Project (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the City Council of the Issuer (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

Section 1. The City Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after December 23, 1994, a date which is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.
Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. Recognizing that portions of the Project may not be eligible for financing on a tax-exempt basis, the maximum principal amount of the Bonds expected to be issued for the Project is $15,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, 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, Muratore, Mayor Lang Friedman

NOES: Councilmembers:

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle City Clerk

(SEAL)
APPROVED AS TO FORM:

By: 

Michael D. Milich
City Attorney
Description of the Plaza Project

The Plaza Project is a mixed-use development proposed for development in downtown Modesto. It is to be located between 9th, 11th, J and K Streets, immediately south of the Red Lion Hotel and Modesto Centre Plaza.

The project has several major components, beginning with one or more office buildings. One office building is envisioned as a 5-story structure with roughly 163,000 square feet of office space. This building is to be home to Modesto City Schools and the Stanislaus County Office of Education. A second building of roughly 90,000 square feet is to be a new City Hall for the City of Modesto. It is also possible that additional office space could be built into the project depending upon market demand.

A second major component of the project is entertainment uses, including a multi-screen cinema complex. Other possible entertainment uses are being explored.

A third major component is retail space. Current plans include roughly 73,000 square feet of retail space. Some of the retail space is freestanding, some located within the same buildings as the office space and the cinemas.

The fourth component of the project is parking. A major parking structure is contemplated to serve all the uses in the project.

Exhibit "A"
RECORDING REQUESTED BY
AND RETURN TO:
CITY OF MODESTO
PO BOX 642
MODESTO CA 95353

MODESTO CITY COUNCIL
RESOLUTION NO. 95-100

A RESOLUTION SUMMARILY VACATING AND
ABANDONING EXCESS ALLEY RIGHT-OF-WAY AND
RESERVING A 20-FOOT PUBLIC UTILITY EASEMENT
IN BLOCK 38 BETWEEN 7TH AND 8TH STREETS,
NORTH OF M STREET, IN THE CITY OF MODESTO
PURSUANT TO THE CALIFORNIA STREETS AND
HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request
from Dr. Kenneth Lemings, the property owner at 1313 8th Street,
to abandon the excess alley right-of-way in Block 38 between 7th
and 8th Streets, North of M Street, in the City of Modesto, and

WHEREAS, the California Streets and Highways Code
authorizes a city council, by resolution, to summarily vacate
alleys, and

WHEREAS, said excess alley right-of-way is located in
Block 38 in the City of Modesto, and is more particularly
described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and
declares that:

1. The vacation is made pursuant to Section 8334 of
the California Streets and Highways Code.
2. Section 8334 of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes, and

WHEREAS, the Council finds and declares that the excess alley right-of-way in Block 38 of the City of Modesto, between 7th and 8th Streets, North of M Street, is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the excess alley right-of-way located in Block 38 of the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's office.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves an easement for utility services located in Block 38 of the City of Modesto located between 7th and 8th Streets, North of M Street.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ____________________________
NORRINE COYLE, City Clerk
EXHIBIT "A"

VACATE AND ABANDON THE ALLEY BETWEEN 7TH STREET AND 8TH STREET NORTH OF "M" STREET INCLUDING A PORTION OF "N" STREET BETWEEN BLOCK 38 AND BLOCK F

All that portion of the Southwest quarter of Section 29, Township 3 South, Range 9 East, Mound Diablo Base and Meridian, described as follows:

Commencing at the intersection of the Northwesterly line of "M" Street with the Northeasterly line of alley adjacent to Lots 1 through 16 of Block 38 as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence North 43° 29' 30" East 400.00 feet to the beginning of a nontangent curve concave to the Northeast, said curve being the Northeasterly line of a 17-foot strip of the Southern Pacific Railroad Company abandoned spur track; thence, continuing along said curve to the intersection with the Southeasterly line of Block F; thence South 46° 30' 30" West, 30 feet more or less to the Northeasterly line of Washington Street; thence, South 0° 52' East along the projection of said right of way line to a point on the Northwesterly line of Block 38; thence North 46° 30' 30" East 57.15 feet; thence, South 43° 29' 30" East 400.00 feet; thence, North 46° 30' 30" East 20 feet to the true point of beginning.

Reserving from above, the entire area described, as a Public Utility Easement and right necessary to maintain, operate, replace, remove or renew the public utility facilities.

Further, that access to public facilities shall be required at all times for maintenance, inspection, testing and reading. Any gates installed shall be a minimum of 14' in width and shall allow for required locks. Gates installed at the "M" Street entrance shall not connect to the District's existing substation fence and plans should be reviewed by the District's Electrical Department prior to construction.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the freeway maintenance agreement between the City of Modesto and the State of California, defining the City’s responsibilities regarding maintenance of the portions of Crows Landing Road, Kansas Avenue and Pelandale Avenue overcrossings over SR99 which fall within the City limits 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 February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-102

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF CERES TO MANAGE CERES' PART OF THE MODESTO CLOSED CIRCUIT TELEVISION (CCTV)/CERES ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Ceres to manage Ceres' part of the Modesto Closed Circuit Television (CCTV)/Ceres Advanced Traffic Management System (ATMS) Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-103

A RESOLUTION APPOINTING ROBERT HAUFF TO THE AIRPORT ADVISORY COMMITTEE

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

SECTION 1. The following person is hereby appointed to the
Airport Advisory Committee:

Robert Hauff - term to expire on 1/1/99

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the new 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 21st day of February, 1995,
Councilmember Dobbs , who moved its adoption, which motion being
duly seconded by Councilmember Muratore , was upon roll call carried
and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-104

A RESOLUTION APPOINTING ERNEST FOOTE AND REAPPOINTING GEORGE PETTYGROVE TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

SECTION 1. The following persons are hereby appointed or reappointed to the Local Cable Programming Committee:

Appointed: Ernest Foote, term to expire 1/1/99
Reappointed: George Pettygrove, term to expire on 1/1/99

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members of the Local Cable programming Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-105

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE SELF-PROPELLED LIFT FOR DISABLED AIRCRAFT PASSENGERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for one self-propelled lift for disabled aircraft passengers, 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 April 3, 1995, 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 28th day of February, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-106

A RESOLUTION ACCEPTING THE BID OF CIMARRON CONSTRUCTION FOR SEWER
REHABILITATION 1995 - NORWEGIAN AVENUE, FLOYD AVENUE, AND E. MORRIS
AVENUE

WHEREAS, the bids received for sewer rehabilitation 1995 -
Norwegian Avenue, Floyd Avenue, and E. Morris Avenue, were opened at
11:00 a.m. on February 14, 1994, 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
Cimarron Construction, in the amount of $111,496, be accepted as the
lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of February,
1995, by Councilmember Muratore , 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,
        Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-107

A RESOLUTION ACCEPTING THE BID OF THE MCDONALD GLENN COMPANY FOR HANDICAP RESTROOM REMODEL, ROOSEVELT, DOWNEY AND DAVIS PARKS

WHEREAS, Resolution No. 94-690, adopted by the Council of the City of Modesto on December 13, 1994, approved the plans and specifications for handicap restroom remodel, Roosevelt, Downey and Davis Parks, and authorized the calling for bids; and

WHEREAS, the bids received for the handicap restroom remodel, Roosevelt, Downey and Davis Parks were opened at 11:00 a.m. on January 10, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of The McDonald Glenn Company in the amount of $104,182, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE CLAUS ROAD SIDEWALK AND LANDSCAPING MODIFICATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Claus Road sidewalk and landscaping modifications, has been completed by Grover Landscaping Inc., in accordance with the contract agreement dated August 9, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Claus Road sidewalk and landscaping modifications be accepted from said contractor, Grover Landscaping Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $43,668.62, 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 February, 1995, by Councilmember Muratore, 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:

<table>
<thead>
<tr>
<th>AYES:</th>
<th>Councilmembers:</th>
<th>Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang</th>
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<tbody>
<tr>
<td>NOES:</td>
<td>Councilmembers:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Councilmembers:</td>
<td>Patterson</td>
</tr>
</tbody>
</table>

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE GAC ADSORBER SYSTEM INSTALLATION AT WELLS 14 AND 40 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the GAC adsorber system installation at Wells 14 and 40, has been completed by Conco-West, Inc., in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the GAC adsorber system installation at Wells 14 and 40 be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $88,060, 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 February, 1995, by Councilmember _____Muratore______, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-110

A RESOLUTION ACCEPTING THE CAPE SEAL OF VARIOUS CITY STREETS, 1994, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the cape seal of various city streets, 1994, has been completed by Graham Contractor, Inc., in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the cape seal of various city streets, 1994 be accepted from said contractor, Graham Contractor, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $220,519.38, 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 February, 1995, by Councilmember __Muratore__, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-111

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $11,000 TO FUND THE CAPE SEAL VARIOUS CITY STREETS 1994 PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Scenic Drive widening (070 430 B912 6040) $11,000
TO: Cape seals 1994 (070 430 D282 6040) $11,000

During the course of construction, the contractor was required to replace more materials than originally anticipated. This resulted in additional costs which were not anticipated under the original contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-112

A RESOLUTION APPROVING AN ESCROW AGREEMENT BETWEEN THE CITY OF MODESTO AND GSE CONSTRUCTION CO., CONTRACTOR FOR THE THOUSAND OAKS LIFT STATION, ALLOWING THE NORMAL 10% RETENTION HELD ON A PUBLIC WORKS PROJECT TO BE DEPOSITED INTO AN ESCROW ACCOUNT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the escrow agreement between the City of Modesto and GSE Construction Co., contractor for the Thousand Oaks lift station, allowing the normal 10% retention held on a public works project to be deposited into an escrow account be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-113

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY MANAGER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the employment agreement between the City of Modesto and the City Manager be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature] NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-114

A RESOLUTION ACCEPTING THE RESIGNATION OF STEVE BAILEY FROM THE AFFIRMATIVE
ACTION COMMISSION, EFFECTIVE FEBRUARY 28, 1995

WHEREAS, Steve Bailey was appointed a member of the Affirmative Action
Commission on January 24, 1995; and

WHEREAS, because other commitments do not allow the time to take on
additional responsibilities at this time, Steve Bailey is not able to accept the
appointment to the Affirmative Action Commission, and his resignation is
effective February 28, 1995; and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Steve Bailey from
the Affirmative Action Commission be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 28th day of February, 1995, by Councilmember
Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-115

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(507). (SELF-HELP ENTERPRISES)

WHEREAS, a verified application for an amendment to
Section 6-4-9 of the Zoning Map was filed by Self-Help
Enterprises on December 13, 1994, to reclassify from Low Density
Residential Zone, R-1, and Neighborhood Commercial Zone, C-1, to
Planned Development Zone, P-D, to allow a multi- and single-
family development, property located on the southeast side of
Paradise Road at Mayette Avenue, described as follows:

R-1 to P-D(507)

ALL that portion of the Northeast quarter of Section 6,
Township 4 South, Range 9 East, Mount Diablo Base and
Meridian described as follows:

BEGINNING at the Northwest corner of Lot 4, Block 3060,
of the Southgate Subdivision as recorded in Volume 34
of Maps at Page 30, Stanislaus County Records; thence
North 89 degrees 00' 58" East along the North line of
said Southgate Subdivision a distance of 236.93 feet to
its East line; also known as the Southeast corner of
Parcel 1 as shown on the map filed in Volume 1 of
Parcel Maps at Page 63, Stanislaus County Records;
thence North 1 degree 06' 45" West along the East line
of said Parcel 1 and the West line of Luck Estates as
recorded in Volume 27 of Maps at Page 86, Stanislaus
County Records a distance of 158.63 feet to the
Northwest corner of said Luck Estates subdivision;
thence North 89 degrees 00' East along the North line
of said Luck Estates Subdivision a distance of 404.71
feet to the East line of said Luck Estates and the West
line of Uccello Manor as recorded in Volume 17 of Maps
at Page 56, Stanislaus County Records; thence North 1
degrees 00' West along said common line between Luck
Estates and Uccello Manor and the Northerly projection
thereof a distance of 374.37 feet to a point on the
present Westerly terminus of Vicksburg Street as shown
on the map recorded in Volume 19 of Maps at Page 9,
Stanislaus County Records; thence South 49 degrees 17'
West along a line parallel to and 222 feet distant Southeasterly from the present Southeasterly right-of-way line of Paradise Road and its Northeasterly projection thereof a distance of 834 feet more or less to the POINT OF BEGINNING.

C-1 to P-D(507)

ALL that portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at the Northwesterly corner of Parcel 1, as shown on the map recorded in Volume 1 at Page 63 of Parcel Maps, Stanislaus County Records; thence South 1 degrees 27' 34" East along the West line of said Parcel 1 a distance of 287.64 feet to the Northwest corner of Lot 4, Block 3060 of the Southgate Subdivision as recorded in Volume 34 of Maps at Page 30, Stanislaus County Records; thence North 49 degrees 17' East parallel to and 222 feet distance perpendicularly from the present Southeasterly right-of-way line of Paradise Road a distance of 834 feet ± to its intersection with the West line of Walnut Grove Subdivision as shown on the map recorded in Volume 19 of Maps at Page 9, Stanislaus County Records; thence North 1 degrees 00' West a distance of 325.62 feet, to the present Southeasterly right-of-way line of Paradise Road; thence in a Southwesterly direction along said Southeasterly right-of-way line of Paradise Road a distance of 861.19 feet to the POINT OF BEGINNING.

INCLUDING ALSO the Southeasterly one-half of Paradise Road immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on February 6, 1995, 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. 95-03, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:
1. To provide for the low-income housing needs within the City of Modesto.

2. To allow for a mixed density housing development that has different levels of low-income housing opportunities.

3. To provide a project that is compatible with the adjoining neighborhood, and with the goals and policies of the General Plan.

and

WHEREAS, after a public hearing held on March 7, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Self-Help Enterprises for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 95-03 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2943-C.S. on the 7th day of March, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(507).

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

1. All development shall conform to the plot plan and floor plans titled "Paradise Road Housing Project" as amended in red, stamped approved by the City Council on March 7, 1995.
2. The two access lanes onto Paradise Road shall be a minimum of 16 feet wide. The multi-family structure behind single-family lots 3, 4, and 5 shall be equipped with fire suppression devices (sprinklers) as per standards set forth by the City Fire Department.

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

4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-foot (6') high wood fence with decorative masonry pilasters at 16 foot on centers as shown on the approved plan.
   b. Eight-foot (8') high decorative masonry wall along the southwest property line adjoining the commercially-zoned property.
   c. Six-foot (6') wrought-iron fencing along street frontages as shown on the approved plan.
   d. Six-foot (6') high wood fence without gates to enclose all private patios to preclude all possible pedestrian access through units to the adjoining neighborhood to the southeast.

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

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

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

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

11. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.

12. All utilities shall be underground and cable television service shall be stubbed into all units.

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

14. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.

15. 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.

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

17. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set
aside, void, or annul, any approval by the City of Modesto of a development approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(507):

The entire construction program be accomplished in one phase, construction to begin on or before March 7, 1997, and completion to be not later than March 7, 1998.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(507), 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 __March____, 1995, by Councilmember __Cogdill_____, who moved its adoption, which motion being duly seconded by Councilmember __Friedman_____, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By 

Community Development Department

Development Services
MODESTO CITY COUNCIL
RESOLUTION NO. 95-116

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 6-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 AND C-1 TO P-D(507). (SELF-HELP ENTERPRISES)

WHEREAS, on January 4, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 6-4-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(507), property located on the southeast side of Paradise Road at Mayette Avenue might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING AND INSTALLING 32 RADIOS WITH P.A. SYSTEM IN MAX BUSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for furnishing and installing 32 radios with P.A. system in MAX buses, 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 April 3, 1995, 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 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-118

A RESOLUTION ACCEPTING THE BID OF LIONADAKIS REMOVAL SERVICE FOR CHIPPING/GRINDING AND SHORT TERM STORAGE OF GREEN WASTE, AND/OR TRANSPORTATION SERVICES FOR THE CHIPPED GREEN WASTE

WHEREAS, Resolution No. 94-691, adopted by the Council of the City of Modesto on December 13, 1994, approved the plans and specifications for purchase of chipping/grinding and short term storage of green waste, and/or transportation services for the chipped green waste for up to fifteen months, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of chipping/grinding and short term storage of green waste, and/or transportation services for the chipped green waste were opened at 11:00 a.m. on January 3, 1995, 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 Lionudakis Removal Service in the amount of $192,517, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-119

A RESOLUTION REJECTING BIDS FOR INSTALLATION OF WATER TANK 4 AND WELL 54 DUE TO EXPIRATION OF THE 30-DAY PERIOD TO AWARD THE BID

WHEREAS, Resolution No. 94-115, adopted by the Council of the City of Modesto on February 22, 1994, approved the plans and specifications for the installation of water tank 4 and well 54, and authorized the call for bids; and

WHEREAS, the bids received for the installation of water tank 4 and well 54, were opened at 11:00 a.m. on March 24, 1994; and

WHEREAS, award of bids was delayed because Stanislaus County Public Works showed an interest in excavating and taking the excess dirt from the project; and

WHEREAS, after soil tests, the County determined the dirt was not suitable for their purpose, but the 30-day period to award the bid had passed, thus the project needs to be rebid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the installation of water tank 4 and well 54, and opened in the office of the City Clerk on March 24, 1994, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-120

A RESOLUTION APPROVING A REDUCTION IN RETENTION MONIES RELATING TO THE DOWNTOWN TRANSPORTATION CENTER PROJECT FROM 10% TO 5% OF THE TOTAL CONTRACT AMOUNT, TITAN STRUCTURES, INC., PRIME CONTRACTOR.

WHEREAS, the City has received a request from Titan Structures, Inc., the prime contractor on the Downtown Transportation Center project, to reduce the retention of monies in relation to said project, and

WHEREAS, a reduction of retention monies to five (5%) percent is permissible under Section 9203 of the Public Contract Code, when it is deemed that satisfactory progress is being made on the work, and

WHEREAS, there are seven (7) stop notices currently on file with the City Clerk on the project, all construction work has been completed on this project by the contractor, and the City took beneficial use of the facility on December 6, 1993, and

WHEREAS, the only item remaining on this project is to resolve some labor and wage compliance issues in order to fulfill Federal Grant money requirements, thus said project cannot be closed-out and processed for acceptance by the City Council until said matter has been resolved, and

WHEREAS, currently, the City is retaining $282,100.10 in relation to said project, and the five (5%) percent requested reduction in the retention monies would reduce the amount retained by the City to $141,050.05,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request received from Titan Structures, Inc., to reduce the retention of monies relating to the Downtown Transportation Center project is hereby approved, said reduction in the retention of monies shall consist of a five (5%) percent reduction which is permissible under Section 9203 of the Public Contract Code, reducing the amount retained by the City from $282,100.10 to $141,050.05.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-121

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO INSTALL AUDIBLE PEDESTRIAN SIGNALS ALONG MCHENRY AVENUE AT SEVEN INTERSECTIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Cooperative Agreement between the City of Modesto and Caltrans to install audible pedestrian signals along McHenry Avenue at seven intersections 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 March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION 95-122

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATED AND APPROPRIATE ADDITIONAL FUNDING FOR AN EXISTING CIP PROJECT ENTITLED HANDICAP BARRIER REMOVAL-AUDIBLE PEDESTRIAN SIGNALS.

WHEREAS, in fiscal year 1993-94 the Community Development Block Grant (CDBG) provided funds to install Audible Pedestrian Signals (APS) at ten signalized intersections. Of these ten intersections seven are along McHenry Avenue which is under Caltrans jurisdiction.

WHEREAS, originally Caltrans did not participate, but now has funding applicable and available for this project and would like to reimburse the City.

WHEREAS, the Caltrans share of the project is $12,000. These funds will now go back into the project so that more APS can be installed.

WHEREAS, the following adjustments are necessary:

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Revenues</th>
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<tr>
<td>070-510-9510-3138</td>
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<table>
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<tr>
<th>Fund/Agy/Org</th>
<th>Expenditures</th>
<th>Increase/Decrease</th>
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</thead>
<tbody>
<tr>
<td>070-430-D273-6040</td>
<td>Handicapped Barrier Removal-APS</td>
<td>$12,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-123

A RESOLUTION REVISIONING 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, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, and

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

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

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

Senior Fire Equipment Mechanic
Maintenance Mechanic - Pumps
Maintenance Mechanic Crewleader - Pumps
Equipment Mechanic
Equipment Mechanic Crewleader
Coach Mechanic
Coach Mechanic Crewleader
The revised specifications for the classifications of Senior Fire Equipment Mechanic, as shown on the attached Exhibit "A", Maintenance Mechanic - Pumps, as shown on the attached Exhibit "B", Maintenance Mechanic Crewleader - Pumps, as shown on the attached Exhibit "C", Equipment Mechanic, as shown on the attached Exhibit "D", Equipment Mechanic Crewleader, as shown on the attached Exhibit "E", Coach Mechanic, as shown on the attached Exhibit "F", and Coach Mechanic Crewleader, as shown on the attached Exhibit "G", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Police Records Manager
Police Training and Records Technician
Fire Marshal

The new specifications for the classifications of Police Records Manager (Range 441), as shown on the attached Exhibit "H", Police Training and Records Technician (Range 419), as shown on the attached Exhibit "I", and Fire Marshal (Range 441), as shown on the attached Exhibit "J", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

- Police Records Supervisor
- Equipment Maintenance Superintendent
- Assistant Equipment Maintenance Superintendent
- Community Development Program Manager
- Office Services Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after March 7, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
DEFINITION

To perform the most difficult and complex maintenance and repair of fire suppression equipment including fire engines, water pumps and related equipment; and to provide technical assistance to other inspection staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Support Services Division Chief.

Exercises functional and technical supervision over fire equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Perform the most complex and difficult inspection, diagnostic and repair work on City fire suppression equipment.

Train, lead and assist journey level and semi-skilled mechanics; assist the Support Services Division Chief in the day-to-day supervision of activities.

Weld, fabricate and assemble parts and equipment for City fire suppression equipment; weld, braze, cut, shape and fasten metal parts; fabricate and weld hydraulic lines, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, metal brakes, metal shears, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, clutches, fire engine pumps and valves and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting carburetors.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Install, repair and replace two-way communication equipment.

Prepare and replace such components as generators, distributors, relays, lights and switches.

Diagnose and repair computerized control systems, ignition systems, power steering and cooling systems.

Exhibit "A"
EXAMPLES OF DUTIES, Continued

Repair, adjust and replace brake systems including disc, hydraulic and air brakes.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time and material records.

Perform smog certification on City-owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operating and repair characteristics of a wide variety of City fire suppression equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in routine welding and fabrication work.

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of gas and diesel powered equipment.

Safe work practices.

Ability to:

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repairs work.

Plan, lead and review the work of fire equipment maintenance staff.

Work independently in the absence of supervision.

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.
Abilities, Continued:

Understand and follow oral and written directions.

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

Experience and Training Guidelines

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

Experience:

Four years of responsible equipment maintenance and repair experience including practical experience in the maintenance of both diesel and gas powered equipment.

Training:

A high school diploma or equivalent (such as a GED Certificate) with additional specialized training in maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.
MAINTENANCE MECHANIC - PUMPS

DEFINITION

To perform a variety of skilled and semiskilled tasks in the maintenance, repair and service of water, sewer and storm drain lift stations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Public Works Supervisor I and Maintenance Mechanic Crewleader - Pumps.

Exercises technical supervision over lower level maintenance staff.

EXAMPLES OF DUTIES - may include, but are not limited to, the following:

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

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

Provide input on design blueprints and recommend changes before finalization.

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

Operate steam cleaner.

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

Perform preventive maintenance checks and servicing on equipment; develop maintenance schedules.

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

Spray pesticides, herbicides and insecticides as required.

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

Train maintenance staff in confined space entry procedures and lift station maintenance safety procedures.

Maintain inventory of supplies, parts and equipment used in pump station maintenance.

Respond to public concerns regarding water quality problems.
EXAMPLES OF DUTIES (Continued)

Collect state-mandated water and/or stormwater samples.
Perform plumbing, electrical, and carpentry duties as required.
Keep detailed maintenance records.
Perform related duties as assigned.

Additional duties when assigned to Water:

Operate portable sample pump.
Pack, lubricate, clean and paint pumping equipment and motors.
Flush distribution system to maintain water quality.
Initiate well and water distribution system disinfection procedures.
Install, maintain, and calibrate hypochlorinators.
Monitor and maintain Granular Activated Carbon (GAC) filters; assist in removal and replacement of carbon, backwashes as required.

Additional duties when assigned to Collections:

Maintain mechanical seals, lubricate, clean and paint pumping equipment and motors.

QUALIFICATIONS

Knowledge of:
Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.
Safety procedures for confined space entry.
Basic plumbing and electrical principles.
Principles and practices of hydraulics related to pumps.
Practices and techniques of metal cutting and welding.
Preventive maintenance and inspection methods.
Appropriate safety practices and regulations.
Knowledge of (Continued)

Supervisory Control and Data Acquisition (SCADA) computerized pump control system. Water and/or stormwater sampling methods.

Additional "Knowledge of" when assigned to Water Division:

Water disinfection procedures.
Safety procedures in handling chlorine.

Ability to:

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

Read and interpret blueprints.

Perform heavy manual labor, including but not limited to lifting up to 100 pounds, climbing, bending, and stooping.

Troubleshoot and diagnose malfunctions with pumping capacities, pneumatic controls, computerized controls and determine effective course of action for correcting them.

Work in confined work spaces.

Understand and carry out oral and written directions.

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

Experience and Training Guidelines

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

Experience:

One year of experience comparable to that of a Public Works Line Worker, a Meter Reader/Repair Worker, or a Wastewater Collection System Operator.

Training:

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

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

When assigned to Collections:

Possession of a Grade I Mechanical Technologist Certification is desirable.

When assigned to Water:

Possession of an AWWA Water Distribution Operator Grade I Certification is desirable.

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade I, Water Treatment Plant Operator Certificate is desirable.
MAINTENANCE MECHANIC CREWLEADER - PUMPS

DEFINITION

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

SUPERVISION RECEIVED AND EXERCISED

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

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

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

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

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

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

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

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

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

Provide input on design blueprints and recommend changes before finalization.

Operate steam cleaner and/or portable sample pump.

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

Exhibit "C"
EXAMPLES OF DUTIES (Continued)

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

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

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

Backflush plugged pumps as required.

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

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

Perform plumbing duties, as required.

Perform related duties, as assigned.

QUALIFICATIONS

Knowledge of:

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

Principles of supervision and training.

Principles and practices of hydraulics related to pumps.

Preventive maintenance and inspection methods.

Proper lock-out and tag-out procedures.

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

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

Appropriate safety practices and regulations.
QUALIFICATIONS (Continued)

Ability to:

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

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

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

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

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

Read and interpret blueprints.

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

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

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

Experience and Training Guidelines:

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

Experience:

Three years of experience comparable to that of a Maintenance Mechanic - Pumps.
Training:

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

License or Certificate:

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

When assigned to Collections:

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

When assigned to Water:

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

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade II Water Treatment Plant Operator Certificate is desirable.
EQUIPMENT MECHANIC

DEFINITION

To make minor and major mechanical repairs to gasoline or diesel powered automotive, heavy construction and other power-driven equipment.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level equipment maintenance staff.

May exercise functional or technical supervision over lower level equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Inspect, diagnose, and locate mechanical difficulties on City automobiles, trucks, and a variety of diesel and gasoline powered maintenance, and construction equipment.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, hydraulic systems and related parts and equipment.

Overhaul, repair, and adjust engines, transmissions, differentials, and clutches.

Tune up engines, replacing ignition parts and cleaning and adjusting carburetors and fuel injection systems.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Diagnose and repair computerized control systems, ignition systems, air conditioning systems, power steering and cooling systems.

Repair, adjust and replace brake systems including disc, hydraulic and air brakes.

Weld, fabricate and assemble parts and equipment for City automotive and heavy equipment.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time, and material records.

Exhibit "D"
EXAMPLE OF DUTIES (Continued)

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time and material records.

Assist other mechanics in the performance of mechanical repairs as required.

Perform smog certification on City owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Operating and repair characteristics of a wide variety of City owned light and heavy equipment.
- Operations and care of internal combustion engines and hydraulic equipment.
- Methods, materials, equipment and tools used in routine welding and fabrication work.
- Tools, equipment, and procedures used in the overhaul, repair, and adjustment of gas and diesel powered equipment.
- Safe work practices.

Ability to:

- Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.
- Work independently in the absence of supervision.
- Accurately determine mechanical repair needs and estimate the cost and time of repairs.
- Assist in the training and supervision of less experienced personnel.
- Use a variety of tools and equipment with skill.
- Maintain a variety of shop and repair records.
Ability to: (Continued)

Understand and operate a computerized Fleet Management System.

Understand and follow oral and written directions.

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

Experience and Training Guidelines

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

Experience:

Three years of increasingly responsible automotive and equipment repair and maintenance experience.

Training:

Equivalent to completion of twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least three (3) areas within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.
EQUIPMENT MECHANIC CREWLEADER

DEFINITION

To lead skilled and semi-skilled mechanics in the most difficult and complex vehicle and equipment maintenance and repair work; and to personally make the most complex mechanical repairs to automotive, diesel, public safety and other power driven equipment.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level equipment maintenance staff.

Exercises functional and technical supervision over lower level equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Lead, train and assist journey level and semi-skilled mechanics; assign work to mechanics; assist the Equipment Maintenance Supervisor in the day-to-day supervision activities.

Inspect, diagnose, and locate mechanical difficulties on City automobiles, trucks, and a variety of diesel and gasoline powered maintenance and heavy construction equipment.

Weld, fabricate and assemble parts and equipment for City automotive and heavy equipment; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and large assortment of other power and hand tools and measurement instruments required for journey level fabrications work.

Overhaul, repair, and adjust engines, transmissions, differentials, clutches, fire engine pumps and valves and heavy construction equipment hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting carburetors and fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Repair or replace such components as generators, alternators, distributors, relays, lights and switches,
EXAMPLES OF DUTIES (Continued)

computerized control systems, ignition systems, air conditioning systems, power steering and cooling systems.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time and material records.

Perform smog certification on City-owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of gas and diesel powered equipment.

Operation and care of internal combustion engines, fire suppression pumping systems, hydraulic equipment.

Methods, materials equipment and tools used in welding and fabrications work.

Operating and repair characteristics of a wide variety of City owned equipment.

Safe work practices.

Principles of personnel supervision and training.

Ability to:

Lead and train skilled and semi-skilled mechanics.

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Understand and carry out oral and written directions.

Understand and operate a computerized Fleet Management System.
Ability to: (Continued)

Perform journey level equipment mechanical work including the trouble-shooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

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

Experience and Training Guidelines

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

Experience:

Four years of increasingly responsible experience performing automotive and equipment maintenance and repair duties comparable to those of an Equipment Mechanic.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspections Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least five (5) areas within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.
COACH MECHANIC

DEFINITION

To maintain and make minor and major repairs to the City's transit coaches and other gas and diesel powered vehicles.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Inspect, diagnose, and locate mechanical difficulties on City transit coaches, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit coaches; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Diagnose and repair wheel chair lifts, coin collection equipment.

Make roadside repairs as required.

Maintain work, time, and material records.

Exhibit "F"
EXAMPLES OF DUTIES (Continued)

Perform smog certification on City-owned vehicles.
Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit coaches and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit coaches.

Safe work practices.

Ability to:

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.
QUALIFICATIONS (continued)

Ability to:

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

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

Experience and Training Guidelines

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

Experience:

Three years of increasingly responsible experience performing automotive and equipment maintenance and repair duties.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least three (3) areas in heavy duty class within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.
COACH MECHANIC CREWLEADER

DEFINITION

To lead coach mechanics in the maintenance and repair of the City's transit coaches and other gas and diesel powered vehicles; and to personally make the most complex mechanical repairs.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

Exercises functional and technical supervision over lower level equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Lead, train and assist journey level and semi-skilled mechanics; assign work to mechanics; assist the Equipment Maintenance Supervisor in the day-to-day supervision activities.

Inspect, diagnose, and locate mechanical difficulties on City transit coaches, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit coaches; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Exhibit "G"
EXAMPLES OF DUTIES (continued)

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Diagnose and repair wheel chair lifts, coin collection equipment.

Make roadside repairs as required.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time, and material records.

Perform smog certification on City-owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit coaches and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit coaches.

Safe work practices.

Principles of personnel supervision and training.

Ability to:

Lead and train skilled and semi-skilled mechanics.

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.
QUALIFICATIONS (continued)

Ability to: (continued)

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

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

Experience and Training Guidelines

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

Experience:

Four years of increasingly responsible experience performing automotive and equipment maintenance and repair duties comparable to those of a Coach Mechanic.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.
License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least four (4) areas in heavy duty class within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.
POLICE RECORDS MANAGER

DEFINITION

Under direction to organize, supervise and manage all aspects of the Records Division of the Bureau of Support including criminal records; data entry; evidence and property; identification; warrants functions; and requisitioning.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from Bureau of Support Commander. Provides supervision to clerical, technical and paraprofessional staff.

DISTINGUISHING CHARACTERISTICS

Non-sworn position which may be required to work shifts, weekends, and/or holidays.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Establish record-keeping systems in accordance with legal requirements, departmental policies and accepted standards.

Determine equipment needs, direct and recommend the purchase of material and new and replacement equipment, and provide for contractual services.

Conduct surveys, perform research and analyses and prepare written and oral reports related to fiscal, personnel and operational problems involved with the division.

Execute the administration of all business and administrative functions related to police records, including evidence, property and identification.

Select, supervise, and evaluate division employees.

Direct the development, implementation and coordination of training programs and standards for division personnel to learn and to maintain technical competency.

Provide functional supervision of building maintenance personnel.

Analyze division operations and recommend/implement efficiency or cost saving measures and improvements.

Supervise the preparation of statistical reports.

Exhibit "H"
EXAMPLES OF DUTIES (Continued)

Prepare division budget.

Respond to difficult citizen inquiries and complaints.

Supervise crime scene evidence technicians and crime lab operations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws and ordinances governing records management and complex legal procedures.

Organizational procedures, office standards, practices and systems, including processing, storage, release, and destruction of government records, property and evidence.

Principles and practices of public administration, budgeting, analytical procedures, and procurement methods including the preparation of equipment specifications.

Basic math for statistical purposes.

Maintenance and upkeep of government facilities.

Principles and practices of supervision, training and personnel management.

Ability to:

Perform administrative work involved in the management of police records, evidence, property, and identification functions, including budget preparation; evaluation of personnel and equipment needs; report preparation and maintenance; policy preparation and interpretation; and receiving, maintenance and disposition of evidence.

Meet and deal tactfully, and establish and maintain cooperative working relationships with the public, news media, other governmental agencies, management and line staff.

Plan, organize, coordinate and supervise the work of division employees.
Ability to (Continued)

Operate a personal computer.

Communicate effectively, both orally and in writing.

Make sound decisions in a manner consistent with job duties and departmental or City policies.

Read, understand and interpret applicable laws and regulations.

Experience and Training Guidelines:

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

Experience: Five years of documentary records processing experience in a governmental agency, including at least two years of supervisory and administrative experience.

Training: Equivalent to a Bachelor's Degree from an accredited college or university, preferably with major course work in public or business administration, or criminal justice.
POLICE TRAINING AND RECORDS TECHNICIAN

DEFINITION

To perform technical and support functions related to maintenance and management of personnel and training files for sworn and paraprofessional employees in the Police Department.

SUPERVISION RECEIVED

Receives general supervision from sworn personnel assigned to the Training unit.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

- Assist in the scheduling, monitoring, reporting and cost-recovery aspects of departmental training.
- Compile and Maintain record of state/local mandated training requirements and cross reference with individual training received by sworn and paraprofessional employees.
- Maintain confidential department-level administrative files.
- Act as Custodian of Records for department-level, post-regulated documents under Section 1031 et. seq. of the California Government Code.
- Process confidential employee documents including performance evaluations and disciplinary actions.
- Monitor and participate in developing training division budget and curriculum.
- Compile, research and analyze data relating to the division; prepare correspondence and statistical and narrative reports.
- Provide technical computer assistance to other departmental personnel.
- Maintain calendars and schedules of activities, training, and various events; coordinate activities with other City departments, the public and outside agencies.
- Perform general clerical and filing work.
- Perform related duties as assigned.

Exhibit "I"
QUALIFICATIONS

Knowledge of:

Federal and State laws pertaining to the release of police records.

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Word processing and other applicable software applications.

Operations and functions of a local law enforcement agency.

Basic report writing preparation and business letter writing.

Ability to:

Understand and carry out oral and written instructions.

Interpret and apply policies and procedures.

Work with and control sensitive, confidential information.

Plan, initiate and complete work assignments with minimal direction.

Maintain routine positive working relationships with various local government and law enforcement agencies; and with other City employees and departments.

Use word processor and/or personal computer including IBM compatible and MacIntosh.

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 and Training Guidelines (Continued)

Experience: Three years of increasingly responsible law enforcement records experience.

Training: High School diploma, GED certificate, or equivalent. An Associate of Arts Degree is desirable.
CITY OF MODESTO       NO. 3349

FIRE MARSHAL

DEFINITION

Under direction to manage and coordinate the activities of the Fire Prevention Bureau, including supervisory and complex technical work related to fire inspection and prevention activities; and to provide highly complex assistance to the Support Services Division Chief.

SUPERVISION RECEIVED AND EXERCISED:

Receives direction from the Support Services Division Chief. Exercises direct and indirect supervision over Fire Prevention Bureau staff, including staff performing related duties while assigned to other departments.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Schedule and supervise fire prevention activities including inspection of existing structures, construction and remodel sites for compliance with applicable laws and regulations. Structures include: residential, commercial, industrial, institutional, public assembly and public lodging facilities.

Perform the most complex inspections involving unusual technical and enforcement problems.

Schedule and supervise the inspection of hydrants, automatic fire sprinkler systems and elements of a fire protection systems.

Calculate water fire flows for building requirements.

Supervise maintenance of records of fire losses, inspections, fire deaths and injuries.

Supervise activities related to plan checking of building suppression and detection systems; review of annexations and subdivisions.

Provide for public education in fire prevention for schools, community groups and other organizations or institutions.

Issue warnings and citations for fire code violations; issues burn permits.

Select, supervise and evaluate Bureau employees.

Supervise the preparation of statistical reports.

Exhibit "J"
EXAMPLES OF DUTIES (Continued)

Direct the development, implementation and coordination of training programs and standards for Bureau personnel to learn and maintain technical competency.

Develop and administer Bureau budget.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws and ordinances and fire safety standards.

Fire prevention principles, procedures, techniques and equipment.

Building, electrical, mechanical and fire codes.

Principles and practices of supervision, training and personnel management.

Budget preparation and administration.

Ability to:

Recognize fire hazards such as structural conditions and hazardous materials and recommend techniques for correcting them.

Effectively apply standard fire prevention techniques.

Meet and deal tactfully, and establish and maintain cooperative working relationships with the public, news media, and other governmental agencies.

Plan, organize, coordinate and supervise the work of Bureau employees.

Communicate effectively, both orally and in writing.

Make sound decisions in a manner consistent with job duties and departmental or City policies.
Experience and Training Guidelines:

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

**Experience**: Five years of increasingly responsible technical experience in fire prevention including at least two years of supervisory and administrative experience.

**Training**: Equivalent to a Bachelors Degree from an accredited college or university in fire science, fire prevention, fire protection engineering or a closely related field.

**License or Certificate**: Possession of, or ability to obtain, a valid, appropriate California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-124

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 94-410 TO AMEND THE CLASS RANGE TABLE TO ESTABLISH A SALARY RANGE FOR POLICE RECORDS MANAGER, POLICE TRAINING AND RECORDS TECHNICIAN, AND FIRE MARSHAL.

WHEREAS, Exhibit "A" of Resolution No. 94-410 has been previously amended by Resolution Nos. 94-492, 94-541, 94-719, and 95-25, and

WHEREAS, the City Council desires to further amend Exhibit "A" of Resolution No. 94-410,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 94-410.

Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 28, 1994" attached to Resolution No. 94-410, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 7, 1995", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Police Records Manager and Fire Marshal (Range 441), and Police Training and Records Technician (Range 419), and abolishes class specifications for Police Records Supervisor (Range 425), Equipment Maintenance Superintendent (Range 438), Assistant
Equipment Maintenance Superintendent (Range 434), Community Development Program Manager (Range 441), and Office Services Supervisor (Range 422).

SECTION 2. EFFECTIVE DATE.

This resolution shall become effective on and after March 7, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Effective March 7, 1995

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
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<tr>
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<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<tr>
<td>408</td>
<td></td>
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<td>409</td>
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</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk
       | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Custodian Supervisor
       | Legal Secretary |
| 419   | Public Information Technician (Confidential)
       | Police Training and Records Technician (Confidential) |
| 420   | Worker's Compensation Claims Examiner
       | Employee Benefits Coordinator
       | Legal Services Technician
       | Deputy City Clerk
       | Executive Secretary
       | Customer Services Supervisor |
| 421   |       |

*Exhibit "A"*
<table>
<thead>
<tr>
<th>Code</th>
<th>Position</th>
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<tbody>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
</tbody>
</table>
| 424  | Assistant Planner  
     | Asst. City Clerk/Auditor |
| 425  | Administrative Analyst I  
     | Executive Assistant  
     | Legal Services Supervisor |
| 426  | Stores Manager  
     | Museum Supervisor |
| 427  | Events Supervisor |
| 428  | Parks Maintenance Supervisor I  
     | Airport Maintenance Supervisor  
     | Trees Maintenance Supervisor I  
     | Equipment Maintenance Supervisor I  
     | Social Services Coordinator  
     | Buyer  
     | Accountant II  
     | Budget Analyst  
     | Public Works Supervisor I  
     | Building Maintenance Supervisor  
     | Customer Services Specialist |
| 429  | |
| 430  | Associate Planner  
     | Parks Construction Supervisor I  
     | Junior Civil Engineer  
     | Junior Traffic Engineer  
     | Neighborhood Preservation Supervisor |
| 431  | Administrative Analyst II  
     | Affirmative Action Officer  
     | Personnel Analyst  
     | Training Coordinator  
     | Assistant Risk Manager  
     | Recycling Program Coordinator  
     | Senior Budget Analyst |
| 432  | Plant Mechanic Supervisor  
     | Recreation Supervisor II  
     | Historical Buildings Supervisor  
     | Senior Accountant  
     | Youth Program Supervisor  
     | Industrial Waste Supervisor |
Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433  Assistant Civil Engineer
     Laboratory Supervisor
     Assistant Traffic Engineer

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

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

436  Senior Planner

437

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

439  Deputy City Attorney II
     Associate Civil Engineer
     Associate Traffic Engineer

440  Purchasing Officer
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
</table>
| 441 | Sr. Deputy City Attorney I  
Airport Manager  
Solid Waste Program Manager  
Transit Manager  
Streets Maintenance Supt.  
Parks Operations Superintendent  
Risk Manager  
Assistant Personnel Director  
Recreation Superintendent  
Golf Superintendent  
Fleet Manager  
Urban Forestry Superintendent  
Wastewater Collections Superintendent  
Water Superintendent  
Building Maintenance Superintendent  
Police Records Manager  
Fire Marshal |
| 442 | Supv. Building Inspector  
Finance Data Processing Manager  
Supv. Construction Inspector  
Manager of Budget and Financial Analysis |
| 443 | Deputy Chief Bldg. Official |
| 444 | General Services Manager  
Water Quality Control Supt.  
Principal Planner |
| 445 | Customer Services Division Manager  
Accounting Division Manager  
Housing and Neighborhoods Division Manager |
| 446 | Senior Civil Engineer  
Traffic Engineer |
| 447 | Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. - Civic Center  
Asst. Parks & Recreation Dir. - Parks  
Asst. Parks & Recreation Dir. - Recreation  
Business Development Division Manager  
Development Services Division Manager  
Strategic Planning Division Manager |
<p>| 448 | Sr. Deputy City Attorney II |
| 449 |   |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Position</th>
</tr>
</thead>
</table>
| 450  | Deputy Director Public Works - Engineering  
      | Deputy Director Public Works - Operations  
      | Deputy Director Public Works - Transportation |
| 451  |          |
| 452  | Assistant City Attorney |
MODESTO CITY COUNCIL
RESOLUTION NO. 95-125

A RESOLUTION GRANTING AN EXEMPTION TO TRI-VALLEY GROWERS FOR STREETS CAPITAL FACILITIES FEES, SUBJECT TO VERIFICATION OF TRI-VALLEY GROWERS' TRAFFIC ASSUMPTIONS.

WHEREAS, a letter dated January 31, 1995, from Doug Stidham, Deputy Director, Building Inspection Division, Stanislaus County, was received by Daryl Willey, Chief Building Official of the City of Modesto, relating to a request for consideration of an exemption from Streets Capital Facilities Fees (CFF) for a proposed 285,300 square foot Warehouse at Tri-Valley Growers Plant 1, located at 555 Mariposa Road, in the Beard Industrial Tract, and

WHEREAS, the City and County have entered into an agreement which pertains to the payment of County Public Facilities Fees (PFF) and City Capital Facilities Fees (CFF), and

WHEREAS, prior to the issuance of a City building permit, the City building inspector must verify that the entire County PFF have been, and

WHEREAS, prior to the issuance of a County building permit on any project in the unincorporated area and within the City of Modesto's Sphere of Influence, the County building inspector must verify that the City Streets CFF have been paid, and

WHEREAS, Tri-Valley has presented data to indicate that construction of its new warehouse would actually reduce traffic,
and on that basis, the County has exempted Tri-Valley from paying the County's traffic fees, and

WHEREAS, said letter from Doug Stidham was referred to the City's Capital Facilities Fees Task Force for review and consideration, which resulted in the City's CFF Task Force recommending to the City Council that the City of Modesto should follow the County's interpretation in relation to an exemption from Streets CFF for a proposed 285,300 square foot Warehouse at Tri-Valley Growers Plant 1, located at 555 Mariposa Road, in the Beard Industrial Tract, subject to verification of an independent third party of the traffic reduction calculations, and Tri-Valley has agreed to pay for such verification,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby grants an exemption to Tri-Valley Growers from Streets CFF for a proposed 285,300 square foot Warehouse at Tri-Valley Growers Plant 1, located at 555 Mariposa Road, in the Beard Industrial Tract, subject to verification of an independent third party of the traffic reduction calculations, and Tri-Valley has agreed to pay for such verification.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A SETTLEMENT AND ASSET PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DEL ESTE WATER COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Settlement and Asset Purchase Agreement between the City of Modesto and the Del Este Water Company 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 March, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-127

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ACQUISITION OF THE DEL ESTE WATER COMPANY.

WHEREAS, on March 17, 1993, the City's Environmental Assessment Committee (EAC) conducted two initial studies to determine if the purchase of all or a portion of the assets of the Del Este Water Company might have a significant effect on the environment, and

WHEREAS, the two alternatives considered by the EAC were:

(a) Acquisition of that portion of the Del Este Water Company located within the City of Modesto and the City's Sphere of Influence and the construction of certain improvements to the existing Del Este system within the City's sphere (hereinafter referred to as Project Alternative A), and

(b) Acquisition of the Del Este Water Company in its entirety, and the construction of certain existing system improvements within the Sphere of Influence of the City of Modesto (hereinafter referred to as Project Alternative B), and

WHEREAS, the EAC recommended that draft negative declarations be prepared for both Project Alternative A and Project Alternative B, and
WHEREAS, the public review period for the draft negative declarations was March 26, 1993, through May 28, 1993, and

WHEREAS, during the public review period, the City received six comments on the draft negative declarations, and

WHEREAS, on June 9, 1993, the EAC met to consider and respond to such comments and as a result incorporated three matters recommended by Fire Marshal DeCavit into each project alternative, and

WHEREAS, on June 9, 1993, the EAC identified no long-term environmental impacts with either project alternative, and

WHEREAS, City staff thereafter recommended that the Modesto City Council proceed with Project Alternative A and proposed that on June 22, 1993, the Modesto City Council adopt a resolution determining that the public interest and necessity require the acquisition of a portion of the Del Este Water Company and directing the filing of eminent domain proceedings for the purpose,

WHEREAS, the City thereafter on July 20, 1993, filed a complaint in eminent domain in Stanislaus County Superior Court, Action No. 296508, seeking to condemn a portion of the Del Este Water Company, and on July 21, Del Este Water Company filed a petition for writ of mandate alleging that the City failed to comply with the requirements of the California Environmental Quality Act in Stanislaus County Superior Court, Action No.
WHEREAS, the City and Del Este Water Company have negotiated a settlement of the litigation described above whereby the City will acquire the Del Este Water Company in its entirety pursuant to the terms and conditions of a Settlement and Asset Purchase Agreement, and City staff therefore now recommends that the City Council approve the negative declaration for Project Alternative B and authorize the execution of the agreement,

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

SECTION 1. The City Council has reviewed and considered the negative declaration for Project Alternative B proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of the information contained in the proposed negative declaration and the staff report attached hereto as Exhibits "A" and "B", respectively, that there is no substantial evidence that Project Alternative B will have a significant effect on the environment and hereby approves the proposed negative declaration for Project Alternative B. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The 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 as
required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
I. BACKGROUND

1. Name of Proponent: City of Modesto

2. Address and Phone Number of Proponent: Alice Tulloch, Deputy Public Works Director, 1221 Sutter Avenue, Modesto, CA 95351 (209) 577-5470

3. Type of Project: Acquisition of the Del Este Water Company in its entirety and the construction of certain existing system improvements within the sphere of influence of the City of Modesto.

4. Location: Entire Del Este Water Company Service area. Improvements are planned for only that portion of the system within the City of Modesto and its sphere of influence.

5. Description of Proposed Project: The project is described as acquisition of the Del Este Water Company in its entirety, and the construction of certain existing system improvements within the City of Modesto and the sphere of influence. The improvements anticipated are needed to correct fire system deficiencies with respect to city standards. A minor number of pipelines must be replaced to provide fire flows in accordance with city standards. A moderate number of obsolete fire hydrants must be replaced, and some additional fire hydrants must be provided to meet city spacing standards.

The project does not anticipate improvements in the outlying fully self-contained DEW systems. The project does not anticipate expansion of the existing Del Este system or its service territory.

6. Discretionary Permit(s) Requested: None

II. ENVIRONMENTAL IMPACTS AND DISCUSSION WITH REQUIRED MITIGATION MEASURES AND MONITORING ACTIVITIES

A. EARTH Will the proposal result in:

   YES MAYBE NO

   1. Unstable earth conditions or in changes in geologic substructures?   __  __  X

   2. Disruptions, displacements, compaction or overcovering of soil?      __  __  X

   3. Change in topography or ground surface?                              __  __  X

Exhibit A
Insert Figure 1
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, mud slides, or ground failure? ☒

DISCUSSION: The proposed project would not cause significant environmental impacts as the shallow depth of excavations could not cause substantial alteration of the earth's surface. While limited shallow excavation may be necessary to upgrade any DEWC substandard infrastructure, trenching activity will take place under roadways and will be resurfaced within 48 hours. Such temporary construction effects within an urban or suburban area will not cause substantial disruptions, displacements, compaction or uncovering of soil, or contribute to erosion or geologic hazards.

The proposed water system improvements will require approximately three feet deep by two feet wide excavations to replace water mains and necessary service connections. Asphalt breaking and/or concrete cutting and trenching will be completed within the existing roadway right-of-way. The installation of water lines and necessary replacement of service connections will be targeted to only those lines requiring upgrade or repair. These trenches would be installed under existing paved or gravel roads. Excavated soils would be back-filled and compacted, and trenching areas repaved. The limited shallow excavations would take place within already disturbed soils.

Trenching may temporarily expose soils to erosion caused by rain or by broken water lines. As the process of trenching generally exposes excavated soils to the elements for one to two days, rain erosion potential is considered very low. Also, broken water lines are generally repaired or shut down by the city within several hours of detection, limiting soil erosion potential. The proposed project would not have a significant effect on the environment relating to soil erosion because soils will not be exposed for long periods of time to any potential erosion factors.

The City of Modesto Public Works Department's standard operating procedure avoids erosion and siltation of rivers and streams by two methods. Standing water encountered during trenching or repair may be pumped into the city's sanitary sewer system rather than storm drains. Or, standing water is allowed to seep into the ground over a period of hours or a day. By implementing these procedures, silty or muddy trench waters would not flow to surface waters through storm drains. Therefore, the proposed project would have no significant impacts relating to modification of rivers or streams.

The proposed project would not expose people to any significant geologic hazards because no major faults run through the City of Modesto. Minor disruptions of soil during trenching would not cause a risk of seismic failure, landslides, or mudslides. A broken water main, if left unrepaired for long periods of time, would have the potential to cause ground failure such as a sink hole. However, as any broken water main on the newly acquired DEWC system would be repaired or shut down by the city within several hours, ground failure is not expected to be a significant environmental impact.
B. AIR Will the proposal result in:

<table>
<thead>
<tr>
<th>YES</th>
<th>MAYBE</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

1. Substantial air emission or deterioration of ambient air quality? 

2. The creation of objectionable odors? 

3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? 

DISCUSSION: No significant impact to air quality in the City of Modesto will occur because procedures will be followed to control dust particulates (known as PM$_{10}$ for the purpose of the San Joaquin Valley Unified Air Pollution Control District). The project will require excavation of soil, which will result in the emission of ten micron particulate matter (PM$_{10}$), a non-attainment pollutant in the San Joaquin Valley Unified Air Pollution Control District. Excavation related PM$_{10}$ emissions associated with the project would be temporary and localized. The operation of construction equipment would also contribute a negligible and temporary increment to the burden of criteria pollutants (ozone precursors and carbon monoxide) within the air basin. All construction equipment will meet California State emissions control standards as required by state law.

No mitigation measures are necessary because the following procedures have been incorporated into the current ordinances for the City of Modesto.

**Watering.** Areas of soil redistribution shall be watered down as necessary to trap fugitive dust and particulate during construction.

**Wind.** During periods of excessive wind speeds construction shall be temporarily suspended.

**Covering.** Disturbed areas shall be paved as soon as possible to reduce dust during construction activities. No excavation site shall be left uncovered for an extended period. Where an excavation site must remain uncovered over longer period rigorous monitoring shall be provided to maintain watering activities as needed to control PM$_{10}$ emissions.

**Conditions for Contractors.** Each contractor shall be presented with a fugitive dust reduction plan at the time of hiring. Application of the above procedures shall be monitored by the City of Modesto Department of Public Works during daily site inspection of contractor activities.

The proposed project will not present a substantial source of odor because no waste water pipelines or any other potential source of odors will be disturbed. Diesel equipment can be a source of odors; however, such odors are not uncommon in urban and suburban areas. Equipment will be properly fitted with emissions control as required by State Law, and operation will be temporary and generally occur between the hours of 7:00 A.M. and 3:30 P.M.

The proposed project would not create thermal emissions of a magnitude sufficient to alter local or regional air movement, moisture content, temperature, or any climatological change.
C. WATER Will the proposal result in:  

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>MAYBE</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Changes in currents, or the course of direction of fresh water movements?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3. Alterations to the course of flow of flood waters?</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>4. Change in the amount of surface water in any water body?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>6. Alteration of the direction or rate of flow of ground waters?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7. Change in the quantity of ground waters, either through direct additions or withdrawals; or through interception of an aquifer by cuts or excavations?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>8. Substantial reduction in the amount of public water supply?</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>9. Exposure of people or property to water related hazards such as flooding?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION: No significant environmental impacts relating to surface waters are anticipated because existing surface waters and ground water would not be substantially altered by the proposed project. Absorption rates, drainage patterns or surface runoff would not be affected because no additional impermeable surfaces would be created and construction will not permanently alter existing drainage patterns.

The proposed project would involve limited trenching for water main replacement, installation of fire hydrants and other necessary improvements to bring the DEWC facilities up to City of Modesto standards. No floodway would be disturbed and no river or creek drainage ways will be altered. The City of Modesto and areas served by the DEWC are not located in coastal areas subject to tidal wave damage.

The proposed project would also bring the existing DEWC systems into public domain, thereby linking the system with other public water systems and increasing the quality of water service (especially in relation to fire flows) available to the public. This can be considered a beneficial environmental impact.

No new well installation sites are proposed with this project. Existing wells and pumping rates of both the DEWC and the City of Modesto contribute to overdraft of groundwater supplies, as do most groundwater wells in the Central Valley. Therefore, as a result of the proposed project, ground water flow would not be altered.
D. PLANT LIFE Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>MAYBE</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2. Reduction of the number of any unique, rare or endangered species of plants?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3. Introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4. Reduction in acreage of any agricultural crop?</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

DISCUSSION: There would not be a significant effect on the diversity of species, or number of any species of plants from the proposed project. The proposed improvements to the DEWC system will be constructed under roadways and in the roadway right-of-way; these locations are within urban and suburban areas and do not provide habitat for rare or endangered plant species.

According to the Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November, 1974), there are no known occurrences of rare, threatened or endangered plant species within the DEWC service area. The DEWC service areas are established communities and construction work will be limited to existing roadways and above ground facilities.

E. ANIMAL LIFE Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>MAYBE</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2. Reduction of the numbers of any unique, rare or endangered species of animals?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3. Introduction of new species of animals into the area, or result in a barrier to the migration or movement of animals?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4. Deterioration to existing fish or wildlife habitat?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
DISCUSSION: There would not be a significant change in diversity of species, or number of any species of animals from the proposed project. The acquisition of the DEWC would not have any tangible effect on existing habitat for animal life. Construction activities will be limited to already urbanized or disturbed areas and will not affect native vegetation, wildlife habitat, or obstruct wildlife corridors.

According to the Department of Fish and Game Natural Diversity Data Base for the City of Modesto U.S. Geologic Survey Quadrangles: Salida, Brush Lake, Riverbank, and Ceres (1992) and the Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November 1974) for the entire county, there are no known occurrences of rare, threatened or endangered animal species within the DEWC service area. In addition, the proposed project has no relation to the introduction of new animal species.

F. NOISE Will the proposal result in significant: YES MAYBE NO

1. Increases in existing noise levels? X

2. Exposure of people to severe noise levels? X

3. Will the project require noise abatement measures? X

4. Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity? X

DISCUSSION: No significant impacts related to noise emissions will result from the proposed project. Noise impacts are anticipated to be of short duration.

Some temporary high noise level impacts will be generated as a result of construction operations. Excavation for water line improvements will require the use of heavy equipment including backhoes, cement saws, jack hammers, heavy trucks, and miscellaneous machinery such as pumps and generators. Backhoes and jackhammers have a sound emission level of approximately 75 dBA, at a distance of 50 feet. The cement saws have a sound level emission level of 80 dBA at a distance of 50 feet (Harris C.M. Editor Handbook of Noise Control, Second Edition, 1979).

Sound measurements taken by CERTIFIED/Earth Metrics at various locations in the City of Modesto indicate sound levels along arterial roadways are typically 70 dBA (sound level measurements were conducted in 1992-93 for the General Plan Update). This measurement applies at a distance of 50 feet from the centerline of the roadway, and is a daytime equivalent energy level (Leq). Leq is the level of a steady noise which has the same sound energy as a given time-varying noise. Secondary roadways, or residential locations, have a sound level of 60 dBA or less for a daytime equivalent level.
Construction noise levels will be approximately 5 to 10 dBA higher than ambient noise levels in the city and will be readily noticeable. Noise effects are temporary at any given location and are not expected to occur in a single location for more than two consecutive days. The following City Code requirements will reduce temporary noise effects to less-than-significant levels:

No mitigation measures are necessary because the following procedures have been incorporated into the current ordinances of affected public agencies.

**Muffling of Equipment.** All construction vehicles and equipment shall be muffled in accordance with State and Federal regulations. California Noise Standards for Delivery Motor Vehicles shall be met.

**Construction Hours.** Construction operations shall be limited to those hours less likely to disturb city residents. In addition, evening and weekend work may be approved by the City of Modesto Department of Public Works in order to avoid disturbing school sites or other sensitive receptor sites. The Public Works Department shall monitor work start and stop times through contract specifications and periodic field checks.

**Public Noise.** As is consistent with regular City of Modesto Public Works Department procedures, neighboring homeowners, businesses, and institutions shall be notified of work times at least 48 hours in advance of scheduled construction activity. The Public Works Department shall ensure that such notice is effected. Public notice requirements may not be feasible in case of emergency such as repairing broken water mains.

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**G. LIGHT AND GLARE**

Would on or off-site residents be subject to light or glare that would disturb those residents?

- YES
- MAYBE
- NO - X

**DISCUSSION:** No significant impacts will result from additional light or nuisance glare as a result of the proposed project. The project does not include substantial alteration to above ground facilities and equipment.

**H. LAND USE**

Will the proposal result in a substantive alteration of the present or planned land use of an area?

- YES
- MAYBE
- NO - X

**DISCUSSION:** Land use designations in communities are largely determined by local land use controls and socio-economic conditions. All proposed modifications to the existing water system are located within the City of Modesto sphere of influence and are designed to improve the existing system to Department of Health Services Standards and City of Modesto fire flow standards. These improvements do not include the extension of services to areas outside of the existing service area, nor do they include oversizing mainlines to provide future extension to unserved areas.
I. NATURAL RESOURCES will the proposal result in an increase in the rate of use of any natural resources? YES MAYBE NO

DISCUSSION: Natural resources include ground water, minerals, timber and other biotic materials. The Del Este System provides ground water to users and thus has a potential to affect ground water supplies. However, no significant effects will result to ground water or other natural resources as the proposed project is limited to acquisition of the existing water facility. There is no proposal to expand the service area or increase the consumption of existing water users. No new well installations are anticipated at this time. The City of Modesto is planning to make improvements to contaminated wells and the use of surface water to avoid the need for additional wells.

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? YES X

2. Possible interference with an emergency response plan or an emergency evacuation plan? YES X

DISCUSSION: The proposed project would not cause significant environmental impacts relating to emergency response plans or evacuation plans. Standard operating procedures adhered to by the City of Modesto Public Works Department will avoid potential effects to emergency access routes. In addition, mitigation and monitoring measures discussed here shall be adopted to avoid the exposure of workers to hazardous materials.

Any infrastructure improvement work that could result in substantial traffic congestion or limit access to key facilities (i.e. police stations, fire stations, and hospitals) presents the potential to interfere with emergency response plans or emergency evacuation plans in the event of a catastrophic incident. The City of Modesto Public Works Department standard operating procedures require that adequate emergency access be maintained for all public works projects as per the current CALTRANS Manual of Traffic Control. Therefore, impacts to emergency response routes are expected to be minimal as a result of project implementation.

Trenching necessitated by the proposed project would potentially involve the excavation of soils contaminated from hazardous material release incidents or excavation of contaminated road fill. Exposure of trenching and pipe-laying
workers to hazardous materials can be considered a potentially significant environmental impact.

No mitigation measures are necessary because the following procedures are considered standard operating procedures of affected public agencies.

**Regulatory List Search.** Prior to trenching and pipe-laying adjacent to commercial and industrial land uses or in areas of known soil contamination, a limited regulatory list search shall be performed under the supervision of the City of Modesto Public Works Department. The list search shall include a search for hazardous material release incidents within 1/4 mile of proposed trenching areas. The following regulatory lists shall be consulted: U.S. EPA National Priorities List (SUPERFUND); Comprehensive Environmental Response, Compensation and Liability Information System list (CERCLIS).

**Incident List Search.** Leaking Underground Storage Tank Incident Reports (LUST); Emergency Response Notification System list; Hazardous Materials Incident Report System list; Toxic Release Inventory System list; California EPA CALSITES list; and California Hazardous Material Incident Report System list.

**Construction Period Procedures.** If hazardous material release incident sites are identified within 1/4 mile of proposed trenching locations, then the City of Modesto Public Works Department shall supervise the review of available files to determine the likelihood of soil contamination being present in proposed trenching locations. If there is a reasonable likelihood that soil contamination may be present in a proposed trenching location, then a soil sampling and laboratory testing program shall be performed in proposed excavation areas. If laboratory testing of soil samples indicate that soil contamination is present in excavation locations, then the City of Modesto Public Works Department shall ensure that appropriate precautions to protect workers and the general public are implemented. The City of Modesto Public Works Department shall monitor all appropriate list searches, literature searches, and soil testing prior to initiation excavation.

K. POPULATION Will the proposal alter the
location, distribution, density, or growth
rate of the human population of an area? YES MAYBE NO

**DISCUSSION:** No significant change in population or housing will result from the acquisition of the DEWC. The DEWC serves the established communities of Modesto, Grayson, Salida, Hillcrest, Waterford, Hickman, Turlock, del Rio, and Ceres. The proposed project seeks acquisition of the entire Del Este Water System but only that portion of the DEWC within the City of Modesto and the City's sphere of influence would be subject to improvements to meet City standards.

Population growth in communities is largely determined by local land use controls and socio-economic conditions. All proposed modifications to the existing water system are located within the City of Modesto sphere of influence and are designed to improve the existing system to Department of Health Services.
Standards and City of Modesto fire flow standards. These improvements do not include the extension of services to areas outside of the existing service area, nor do they include oversizing mainlines to provide future extension to unserved areas.

L. HOUSING Will the proposal affect existing housing or create a demand for additional housing?

YES MAYBE NO

_ _ _

DISCUSSION: There will be no significant effects to existing housing or the demand for housing. As discussed under POPULATION, the proposed acquisition of the DEUC is for the purpose of continuing service to existing service areas. The acquisition would implement the Engineering improvements for the City of Modesto and its sphere of influence only as described by Boyle Engineering in Volume 1 of the Water System Evaluation, 1991, as updated (1993).

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:

YES MAYBE NO

1. Generation of substantial additional vehicular movement?

_ _ _

2. Effects on existing parking facilities, or demand for new parking?

_ _ _

3. Substantial impact upon existing transportation systems?

_ _ _

4. Alterations to present patterns of circulation or movement of people and/or goods?

_ _ _

5. Alterations to rail or air traffic?

_ _ _

6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?

_ _ _

DISCUSSION: The proposed project would not cause significant long-term adverse impacts to the city's transportation system. During construction activities there will be temporary alteration of traffic patterns; however, signage and other warning signals will alert traffic to avoid the area if possible. Traffic forced to travel through the construction area may be slowed for a block or two as the construction area is negotiated. These temporary impediments to traffic are not considered to be significant.

Acquisition of the DEUC will not increase commute traffic from additional employees or generate substantial new vehicle trips in any neighborhood for any length of time. Additional traffic trips will be related to construction traffic. The location and time of construction traffic will depend on the need
to replace water lines or perform other work on existing DEWC facilities. Construction traffic will be temporary and work related trips generally take place prior to 7:00 A.M. and after 3:30 P.M. but before 4:30 P.M. This traffic pattern avoids conflicts with evening peak hour traffic patterns between 4:30 and 6:30 P.M.

No new parking facilities will be required as no permanent structures or housing for new employees is contemplated. Existing street parking may be temporarily disrupted during construction periods; however, these parking obstructions are expected to last less than 24 hours in driveways or access points. Access to existing parking structures is not expected to be blocked during construction. The Public Works Department seeks to maintain access to existing parking areas throughout the construction period.

Disruptions of traffic flow are considered minimal and temporary. Traffic circulation will be temporarily disrupted during the replacement or modification of water lines under roadways. The City of Modesto Public Works Department follows the CALTRANS Manual of Traffic Control during construction activities along or in roadways. Safety procedures include signage, barricades, cones, and a flag person if necessary. These procedures are considered routine for any roadwork to be completed in the city.

<table>
<thead>
<tr>
<th>N. PUBLIC SERVICES</th>
<th>WILL the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas?</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>MAYBE                                                                                 NO</td>
</tr>
<tr>
<td>Fire protection?</td>
<td>☒                                                                                     ☐                                                                                     ☒</td>
</tr>
<tr>
<td>Police protection?</td>
<td>☒                                                                                     ☐                                                                                     ☒</td>
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<tr>
<td>Schools?</td>
<td>☒                                                                                     ☐                                                                                     ☒</td>
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<tr>
<td>Parks or other recreational facilities?</td>
<td>☒                                                                                     ☐                                                                                     ☒</td>
</tr>
<tr>
<td>Maintenance of public facilities, including roads?</td>
<td>☒                                                                                     ☐                                                                                     ☒</td>
</tr>
<tr>
<td>Other governmental services?</td>
<td>☒                                                                                     ☐                                                                                     ☒</td>
</tr>
</tbody>
</table>

DISCUSSION: No city services or public utilities will be adversely affected by the proposed acquisition of the DEWC. Affected public agencies may have maintenance responsibilities as a result of the acquisition of the DEWC facilities. However, these maintenance responsibilities are expected to be incorporated into the current maintenance program of existing public agencies. Therefore, no long-term impacts to public agencies are anticipated.

Local fire departments will be notified of all temporary interruptions of water service. All efforts will be taken to avoid blocking any one street entirely.
At intersections work will be completed for one lane, the trench filled, and then the work will begin on the other lane. This method will avoid closing the street to emergency and intermittent traffic.

If necessary, emergency water will be provided by the next available fire hydrant and by fire department pumper truck water supply in accordance with routine practice.

Emergency police access will be maintained for all neighborhoods by keeping at least one lane of each street open at all times. Local police departments will be notified of the location of street and roadway excavation. Notice will allow police services to monitor traffic in the location where congestion may occur.

School activities will not be disrupted. Where construction activities require the interruption of water services to school facilities, arrangements will be made to conduct the work at night, on the weekend, or during a time period when school is not in session. These procedures are considered normal for city services and maintenance in the City of Modesto and affected agencies.

Construction activities will be confined to roadways and existing DEWC facilities and will not traverse parks or other recreation facilities. Construction may require a temporary interruption of water service to a park; however, the interruption of service would not be expected to continue for more than 24 hours and would not significantly affect public access or use of park facilities.

Construction activities will require the excavation of existing roadways. All excavation of roadways will require complete restoration of the disturbed road surface to standards of affected local agencies. Similar construction activities are conducted throughout the City of Modesto on a regular basis for the maintenance of sewer lines, water lines, and other public services.

Water services will be improved (with new water mains, fire hydrants, and pump improvements) in the long-term by the improvement of fire flows. Temporary interruptions of service will be required where the replacement or repair of water lines is necessary. All users will be notified of temporary interruptions except in case of emergency. Where the disruption of water service is not feasible during regular weekday working hours, special arrangements can be made to conduct the work on weekends or during night hours. These are standard procedures of affected local agencies.

---

O. UTILITIES AND ENERGY Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

1. Power or natural gas?  
   - YES  
   - MAYBE  
   - NO  
   - X

2. Communication systems?  
   - YES  
   - MAYBE  
   - NO  
   - X

3. Water?  
   - YES  
   - MAYBE  
   - NO  
   - X
4. Sewer and septic tanks? _ X _
5. Storm waste disposal? _ X _
7. Substantial amounts of fuel or energy? _ _ X

DISCUSSION: The proposed project would not cause significant environmental impacts relating to new or substantial alteration of existing utilities. The proposed project calls for the acquisition and improvement of an existing utility. No expansion of water service is proposed; therefore, no growth inducing impacts which would cause the need for new utility systems are anticipated.

The standard operating procedure of affected local agencies for subsurface work is to search and mark other underground utilities in proposed excavation areas. These procedures will ensure minimal disturbance or other substantial alteration of utilities. Therefore, no impacts associated with altering utilities are anticipated.

The proposed project would have a beneficial effect on water service in the greater Modesto area. The project would merge the DEWC systems with the existing City of Modesto water system. Since the required system would be maintained according to City of Modesto standards, no adverse impacts to utilities are anticipated.

No significant environmental impacts relating to storm water drainage facilities are anticipated because no alteration of drainage patterns would result by implementing the proposed project. Any project-related improvements would not affect the city's solid waste disposal system.

The proposed project would include improvements to existing pump stations, and would not require any additional energy to operate modified pumps as compared to existing pumps. Operation of construction equipment would require a small and unsubstantial amount of fuel usage. Construction activities are comparable to the construction required to maintain an existing underground water delivery system.

P. HUMAN HEALTH Will the proposal result in: YES MAYBE NO

1. Creation of any health hazard or potential health hazard (excluding mental health)? _ _ X
2. Exposure of people to potential health hazards? _ _ X
DISCUSSION: No significant health hazards would result from project implementation. The proposed project would merge the DEWC water system with the existing City of Modesto water system. Since the acquired system would meet or exceed the Safe Drinking Water Act water quality standards and the fire flow standards of the affected agencies, City of Modesto Fire Department fire flow standards, and City or Modesto Public Works Department standards, no significant impacts would be anticipated.

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: No significant aesthetic affects will result from the proposed project. Water lines are located below ground and therefore will not block any scenic views. Improvements to existing pump stations may be constructed above ground but will be within existing structures or enclosures. Public works departments of the affected agencies routinely provide landscaping and other screening to minimize the visual effect of above ground improvements. Therefore, no significant impacts are anticipated.

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? YES MAYBE NO

2. Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object? YES MAYBE NO

3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? YES MAYBE NO

4. Will the proposal restrict existing religious or sacred uses within the potential impact area? YES MAYBE NO

DISCUSSION: No impacts will result to historical or archaeological resources. Construction work will be conducted in urban areas and on sites already disturbed by construction. Water lines are to be placed under paved or gravel roadways. Existing roadways are generally disturbed areas where potential archaeological sites have already been disturbed. Modifications to pumps will also be
constructed on sites that are already developed, thus the potential site has already been disturbed.

No construction activity is identified to take place near a known historic structure or religious location. Construction will take place along existing water lines and at existing water pump stations.

<table>
<thead>
<tr>
<th>S. MANDATORY FINDINGS OF SIGNIFICANCE</th>
<th>YES</th>
<th>MAYBE</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of 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>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>No. According to review of the California State Department of Fish and Game Natural Diversity Data Base for the City of Modesto (1992) and the Stanislaus Area Association of Governments Wildlife and Vegetation Element no habitat for rare, endangered, or candidate species will be disturbed. Areas to be disturbed are existing roadway right-of-way.</td>
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<tr>
<td>2. Does the project have the potential to achieve short term environmental goals, to the disadvantage of long-term, environmental goals?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>No. The short-term effects related to construction are minimal. Construction will be of a magnitude comparable to existing maintenance efforts conducted by the City of Modesto on an ongoing basis.</td>
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<tr>
<td>3. Does the project have impacts which are individually limited, but cumulatively considerable?</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>No. The responses to the questions in this checklist document the limited effects that are anticipated as a result of the proposed project. Of the anticipated effects that can be considered significant, mitigation measures are provided that will reduce significant impacts to less-than-significant levels. No substantial residual effects are anticipated in any area of study in this document.</td>
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<tr>
<td>4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>No. This document cites those areas of concern such as noise and dust emissions that could adversely affect human beings. This report also</td>
<td></td>
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</tr>
</tbody>
</table>
cites mitigation measures that will effectively reduce adverse effects to less-than-significant levels. As stated previously in this report, the proposed project would bring existing water service district under the ownership of the City of Modesto. The magnitude of construction activities is expected to be similar to the requirements of maintaining the existing City of Modesto water services.

I. RECOMMENDED CONDITIONS OF APPROVAL

1. See attached memos:

   Environmental Determination

REFERENCES ATTACHED.
ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

We find that the proposed project WILL NOT have a significant effect on the environment and conclude with a:  

(Note Definition of Negative Declaration per CEQA Guidelines provided below.)

We find that although the proposed project could have a significant effect in this case because the MITIGATION MEASURES described on the attached sheet(s) have been added to the project. We conclude with a:

We find the proposed project MAY have a significant effect on the environment as noted in this Initial Study, and an Environmental Impact is required.

Negative Declaration Defined. The California Environmental Quality Act (CEQA Section 15371) defines a "Negative Declaration" as a written statement by the Lead Agency (the City of Modesto) briefly describing the reasons that a proposed project will not have a significant effect on the environment. Therefore, the project does not require the preparation of an "Environmental Impact Report."

The contents of a Negative Declaration are defined by CEQA Section 15071:

(a) A brief description of the project, including a commonly used name for the project, if any (see Section I);

(b) The location of the project, preferably shown on a map, and the name of the project proponent (see Figure 1);

(c) A proposed finding that the project will not have a significant effect on the environment (see Environmental Determination);

(d) An attached copy of the Initial Study documenting reasons to support the finding (see Section II); and

(e) Mitigation measures, if any, included in the project to avoid potentially significant effects (see Section II).
CITY OF MODESTO ENVIRONMENTAL ASSESSMENT COMMITTEE:

Patrick Foran, Assistant Director of Parks and Recreation, Chairman

William Nichols, Planning and Community Development Director

Joseph Holland, Transportation Planner

Laury Dowd, Senior Deputy City Attorney

Keith Munroe, Department of Environmental Resources

Date: 3-17-93
REFERENCES


ATTACHMENT TO NEGATIVE DECLARATION

At the meeting of the Environmental Assessment Committee on June 9, 1993, Alice Tulloch, Deputy Director of Public Works and Transportation, responded orally to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993. Her comments were considered by the Environmental Assessment Committee but were not reduced to writing at that time. The purpose of this attachment is to summarize those comments and indicate where they should be incorporated into the checklist discussion.

1. The following should be added to the discussion after paragraph S.2. on page 16:

"In response to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993, the following information is provided. An additional aspect of the potential to impede the achievement of long-term environmental goals is concerned with the economic and related physical consequences of acquiring part of the Del Este Water Company assets. A study of the economic aspects of the partial acquisition of Del Este Water Company systems has not revealed any significant economic impacts.

The City's evaluation consultant has found that outlying systems (the systems that would not be acquired) are hydraulically independent, with one minor exception. The exception is system 0016 which serves part of south Modesto and part of Ceres. The two areas of this system are divided by Highway 99, which is crossed by a single pipe. Each area has its own wells, and can function separately.

Since the outlying areas are hydraulically independent, the consultant also evaluated the economic feasibility of the outlying systems. Based on the consultant's experience, small systems serving 700 to 800 connections can be economically viable. The outlying systems of Del Este Water Company serve approximately 5,600 connections (estimated 22,000 population) in six communities. Experience indicates that small systems such as these can and are being economically operated by water purveyors. Economies of scale would be little affected in serving the same outlying areas that are served now. Del Este or its successor would continue to operate and maintain the systems to provide safe drinking water to these customers. In regulating
private water companies, the California Public Utilities Commission ensures that user rates are set to allow such systems to be safely and economically operated while still making a reasonable rate of return for the investors. Del Este can seek a rate increase if one is necessary following acquisition of part of its systems.

Since no known economic impacts would result from the project which would acquire that part of the Del Este Water Company within the City and its sphere of influence, no physical impacts will result from economic impacts."

2. The following should be added to the discussion after paragraph S.3. on page 16:

"In response to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993, the following information is provided. Since Del Este Water Company systems can be separated from those systems that are outside the City and its sphere of influence, no piecemeal acquisition of the Del Este Water Company systems would result. Simple acquisition is intended with minor improvements for deficient fire flows."

3. The following should be added to the discussion after paragraph H on page 8:

"In response from a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993, the following information is provided. No expansion of the Del Este Water Company facilities is anticipated in the acquisition of Del Este's systems within the City and its sphere of influence; therefore, no growth inducing impacts would result from the acquisition of Del Este Water Company systems. Acquisition within the City and its sphere of influence will not result in changed growth patterns because the project does not include expansion of existing systems to areas not now served by Del Este."

[Signature]
WILLIAM S. NICHOLS
Planning And Community Development Director
May 26, 1993

ALICE TULLOCH
CITY OF MODESTO
801 11TH STREET
MODESTO, CA 95353

Subject: DEL ESTATE
SCH # 93042078

Dear ALICE TULLOCH:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Russell Colliau at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

Christina Kinne
Acting Deputy Director, Permit Assistance
March 26, 1993

William S. Nichols
Planning Director
City of Modesto
P.O. Box 642
Modesto, CA 95353

Re: Acquisition of Del Este Water Company

Dear Mr. Nichols:

The fire service in the unincorporated areas of Stanislaus County, as well as the small cities served by the Del Este system are eagerly awaiting the improvement of the existing fire flows as many areas are inadequate.

The fire service would like to be consulted on the areas needing improvement and to have the work scheduled so as not to put the old hydrants out of service until the new ones are on line. The statement in Section #8 of the initial study and findings stating, (Emergency water will be provided by the next available fire hydrant and by fire department pumper truck water supply in accordance with routine practice.) is not acceptable as in many of the areas, hydrant spacing is such as to prohibit this and the amount of water carried on a truck is inadequate to fight a large fire. A engine that carries 500 - 1,000 gallons of water would only provide an adequate flow for one or two minutes where as the hydrant would have an unlimited supply.

The fire service requests a strong effort be made to minimize the time an area will be subject to a water shortage.

Thank you for your consideration.

Sincerely,

Howard DeCavit
Fire Marshal

cc: David Dolenar, Chief Executive Office
May 26, 1993

Mr. Allen Short
Department of Planning and Community Development
City of Modesto
P. O. Box 642
Modesto, California 95353

RE: TERMINAL RESERVOIR AND PUMP STATION, LOCATED NEAR GOMES ROAD

Dear Mr. Short:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project. The Committee's primary comment at this time is that applicable air quality control requirements be complied with to mitigate air impacts.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

David L. Dolenar
Deputy Executive Officer
Environmental Review Committee

DLD:skw
cc: Board of Supervisors
    Reagan M. Wilson, Chief Executive Officer
    ERC Members
April 27, 1993

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

RE: City of Modesto Acquisition of Del Este Water Company
Proposed Negative Declaration

Modesto Planning Department:

The Modesto Irrigation District has the following comments concerning the above referenced subject.

ELECTRICAL

The acquisition of Del Este Water Company by the City of Modesto has no direct effect on the District's existing electrical facilities, therefore no comments are required at this time.

IRRIGATION

The Irrigation Operations Division of the Modesto Irrigation District has no comment at this time.

If you have any questions, my number is 526-7448.

Sincerely,

Karleen Ashby
General Services Analyst

Attachments

xc: file
April 23, 1993

Alice Tulloch, Deputy Public Works Director
City of Modesto
Planning and Community Development
PO Box 642
Modesto, CA 95353

Subject: Environmental Review Comments

Project Title: Notice of Proposed Negative Declaration - Acquisition of Del Este Water Company

Based on this agency's particular fields of expertise, our position on the project described above is:

- No comments

Response prepared by:

John Turner
Program Manager II
(209) 525-6639

cc: Stanislaus County Planning and Community Development Department
By Fax (209) 544-8260

Michael D. Milich, Esq.
City Attorney
City of Modesto
801 11th Street
P.O. Box 642
Modesto, California 95353

Re: Acquisition of Del Este Water Company
By City of Modesto

Dear Mr. Milich:

This firm represents the interests of Del Este Water Company and California Water Service Company. This letter is sent with regard to the proposed acquisition of Del Este Water Company by the City of Modesto, and in particular with regard to the environmental consequences of such acquisition.

It is our understanding that the City is considering acquiring either all Del Este assets and facilities or, in the alternative, acquiring just those Del Este assets and facilities located in the City of Modesto. In either event, the City is apparently contemplating adopting a Negative Declaration under the California Environmental Quality Act ("CEQA") with respect to the acquisition. We believe that a Negative Declaration will not be sufficient to meet the requirements of CEQA. We understand that the Council has not yet acted on this matter.
Michael D. Milich, Esq.
May 11, 1993
Page 2

CEQA requires that an Environmental Impact Report ("EIR") be prepared whenever there is a fair argument that significant impacts on the environment may occur. (Pub. Resources Code, § 21080(c), CEQA Guidelines, § 15070(a), No Oil, Inc. v. City of Los Angeles (1975) 13 Cal.3d 68, 75, Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 9813, 1000-1003.) With respect to either of the alternatives being considered, there are serious potential environmental impacts which the City has apparently not considered.

The facilities of Del Este extend well beyond the city limits of the City of Modesto and serve unincorporated areas outside of the City. If the City severs the existing system by acquiring only the assets and facilities located within the City, there is a substantial question as to whether the remaining system could continue to be operated to serve those unincorporated areas. Del Este may not be able to continue such service and there is a substantial question as to whether some other company would be able and willing to take over and operate that remnant of the system. There is no indication that the City has considered the potential impact on those unincorporated areas of splitting the Del Este system as the City is considering doing. Such effects must be given consideration and may require the preparation of an EIR. (CEQA Guidelines, § 15131, Friends of Mammoth v. Board of Supervisors of Mono (1972) 8 Cal.3d 247, Citizens Association for Sensible Development of Bishop Area v. Inyo (1985) 172 Cal.App.3d 151.)

If the City acquires all of the assets and facilities of Del Este, it removes an impediment to expansion and such acquisition may well have a growth inducing impact. Growth inducing impacts must be discussed in an EIR. (Pub. Resources Code, § 21100(g), CEQA Guidelines, § 15126(g).) This is particularly the case if the City contemplates this acquisition as part of a plan to expand its sphere of influence. As such, the environmental impact of those plans must be analyzed.

CEQA requires that environmental review take place as early as possible in the planning process, so that governmental entities and the citizenry may make informed decisions about whether or not to pursue a project or to maintain the status quo. (Fullerton Joint Union High School Dist. v. State Board of Education (1982) 32 Cal.3d 779, 797 (quoting No Oil, Inc. v. City of Los Angeles (1977) 13 Cal.3d 68, 77 n.5).) Where the approval at issue is a necessary step in a chain of events culminating in a physical impact, an EIR is required, even if no specific physical impact will immediately follow. (City of Livermore v. Local Agency Formation Comm'n (1986) 183 Cal.App.3d 861 (revision of sphere of influence guidelines requires EIR since changed growth patterns will result); Citizens' Assn. for Sensible Development of Bishop v. County of Inyo (1985) 172 Cal.App.3d 151, 164-173 (project approval improper where board of
supervisors divided proposed shopping center into two separate projects and made negative declaration as to each one); Bozung v. Local Agency Formation Comm'n (1975) 13 Cal.3d 263, 277-279 (EIR required prior to annexation). Moreover, it is expressly improper to fail to prepare an EIR at the earliest opportunity in the planning process even where the specific projects contemplated by the plan will be the subject of individual EIRs. (Rosenthal v. Board of Supervisors (1975) 44 Cal.App.3d 815, 822.)

"If an individual project is a component of a larger, ultimate project (a 'multiple' or 'phased' project), and is a necessary precedent for action on the larger project, the ultimate project must be described and analyzed in the EIR." (Laurel Heights Improvement Assn. v. Regents of Univ. of California (1987) 193 Cal.App.3d 467, 477.)

Moreover, it is expressly improper to "piecemeal" a project:

"... CEQA mandates ... that environmental considerations do not become submerged by chopping a large project into many little ones - each with a minimal potential impact on the environment - which cumulatively may have disastrous consequences." (Bozung v. Local Agency Formation Com., [(1975) 13 Cal.3d 263], at pp. 283-284." (Citizens Assn. for Sensible Development of Bishop, supra, 172 Cal.App.3d 151, 165.)

In light of the foregoing considerations, we believe that a Negative Declaration would be insufficient to meet the requirements of CEQA with respect to the proposed acquisition. We urge the City to act accordingly.

Very truly yours,

John Ossiff
of NOSSAMAN, GUTHNER, KNOX & ELLIOTT
March 24, 1993

Mr. Bill Nichols, Director
Department of Planning and Community Development
City of Modesto
P. O. Box 642
Modesto, California 95353

RE: DEL ESTE WATER COMPANY ACQUISITION (TWO ALTERNATIVES)

Dear Mr. Nichols:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project. In response to the discussion regarding Emergency Fire Flows and Service, the Committee supports the Fire Marshal's concerns that dispatch of a pumper truck, in lieu of regular water service, significantly reduces the level of fire service protection. Therefore, the ERC requests the City of Modesto identify and provide mitigation measures and/or conditions to assure sufficient emergency water service is available.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

[Signature]
David L. Dolenar
Deputy Executive Officer
Environmental Review Committee

DLD:MH:sbw
cc: Board of Supervisors
    Reagan Wilson, Chief Executive Officer
    ERC Members
Figure 1.
Del Este Water Company Service Areas
March 3, 1995

TO: City Council

THROUGH: J. Edward Tewes, City Manager

FROM: R. Marshall Elizer, Jr., Public Works and Transportation Director

SUBJECT: Del Este Water Company Acquisition

Recommended Action

(1) Adoption of a resolution certifying review of the environmental assessment, and approving the proposed Negative Declaration, and directing a Notice of Determination of the environmental impact relating to the acquisition of the Del Este Water Company (Del Este) in its entirety.

(2) Adoption of a resolution authorizing the City Manager to execute a Settlement and Asset Purchase Agreement with the Del Este Water Company.

Public Benefits of Acquisition of Del Este System Within City and City’s Sphere of Influence

Significant public benefits will result for the residents and businesses of Modesto when the City acquires the Del Este system within the City and its sphere. These benefits include: lower water rates, better service, better pressures and fire flows, and coordinated management of the groundwater supply. They are discussed in more detail below.

Lower Rates

The City will be able to provide the same or improved levels of service as Del Este at lower rates. This is due to the factors discussed later under “Rate Comparison.”

Uniform Service City-Wide and Improved Service

While the current Del Este system meets state and CPUC standards, the City will replace many existing 4” mains with 6” mains (standard City-sized mains), thus increasing fire flow. The cost of replacing the mains will be recoverable in the rate base if done by the City, whereas the CPUC will not allow a regulated utility, such as Del Este, to recover the cost of upgrading the mains to 6” in the rate base (since it exceeds minimum state standards). The City will also replace existing hydrants that do not comply with City standards or add hydrants to comply with exhibit "a"
City spacing requirements. The City has traditionally provided these higher system standards with lower rates for its customers. In addition, the City can borrow at tax-exempt rates for improvements whereas Del Este has traditionally had to borrow at market rate to finance improvements. A wider range of financial options are available to the City, such as general obligation bonds, and certificates of participation.

Acquisition of the Del Este system within the City limits and within the City’s sphere of influence will allow the City to fully interconnect the Del Este system with the City’s existing system, which will provide several benefits: (a) improved fire flows; (b) improved reliability; (c) flexibility for shutdown of wells for maintenance; and (d) no duplication of facilities in bordering areas.

Billing for water service will be consolidated with City billings for sewer service, making payment easier for customers.

**Potential for Future Uniform Rates City Wide**

Historically, rates charged by Del Este in its Modesto systems have been greater than rates charged by the City. Acquisition will allow the City to someday charge uniform rates throughout the City and areas within its sphere of influence. Rate equalization cannot occur now due primarily to Del Este’s inability to more cost effectively service its MID project debt due to CPUC regulations.

Combining systems in the Modesto area will result in less confusion regarding the service providers. The City also has a senior and disabled citizen discount program which will be extended to qualified Del Este customers in the City.

**Local Control**

As a publicly-owned utility, the City’s system is not subject to CPUC regulation. Residents’ concerns with quality of services, rates, and other matters are addressed locally by the City Council rather than by the CPUC in San Francisco. This local control of City water rates has resulted in historically lower City water rates than Del Este. City control of the Del Este system within the area of the City’s sphere of influence will allow the City to provide unified service within the area of expected growth.

The City maintains a long-range technical and financial plan for its water supply, distribution, and quality. This plan is based on a community decision-making process, and it is updated annually by the City Council. The Del Este systems would now be a part of this process.
Fire Insurance Rates

An increase in fire flows from installation of 6" mains may assist in lowering fire insurance rates within the community. Current fire insurance ratings are based on an evaluation of the entire fire response capability of an area. Deficiencies in the Del Este fire flows have prevented City residents from receiving lower fire insurance rates. The upgrade of the Del Este system by the City will likely mean lower fire insurance premiums for most City residents and businesses.

Better Responsiveness to New Water Quality Concerns

New and stricter water quality regulations will continue to be adopted by federal and state regulators. Due to its long-range planning, the City is able to quickly apply the expertise and financial strength needed to comply with these regulations. It can also establish an orderly and gradual rate program to minimize the impact of new water regulations on the community economy.

As a CPUC-regulated water company, Del Este has not been able adjust revenues in advance of actual need to avoid significant one-time rate increases. In addition, the formal CPUC rate adjustment process creates a delay between need and implementation. The difficulty of Del Este to obtain security for its financial commitment under the MID Treatment and Delivery Agreement from private sources is indicative of the problems faced by private utilities in obtaining resources for capital improvements to address water quality problems.

Unified Ground Water Management

The City has committed significant resources to developing a conjunctive ground water and surface water supply strategy that includes the MID Drinking Water Project and Joint Powers Authority for a surface water supply in the Turlock Irrigation District area. These depend on prudent management of the ground water supply as well. Unifying the extraction of the ground water for domestic service under one agency will result in better management and control of this valuable physical resource and of the community’s economic resources committed for its management.

The City, Del Este and other local water providers are also developing a regional ground water management plan in accordance with AB 3030. However, this legislation does not require participation by Del Este or any CPUC-regulated water utility.
Acquisition of Del Este System Outside the City

Acquisition of the portion of Del Este’s system outside the City and its planned sphere of influence will include about 4,000 connections in the areas of Ceres, Turlock, Waterford, and the unincorporated communities of Del Rio, Grayson, and Hickman. These “outlying” systems are hydraulically independent, with one minor exception. The exception is DHS system 50-016 which serves part of south Modesto and part of Ceres. The two areas of this system are divided by Highway 99 which is crossed by a single pipe. However, each area has its own wells and can function separately following acquisition by the City.

Upon transfer, City crews will continue to operate and maintain all outlying systems as Del Este previously has. Staff will also begin discussions with the appropriate agencies and districts to determine their interest in acquiring the systems within their boundaries.

Background

The Del Este Water Company is a privately-owned public utility engaged in the business of supplying and distributing water for domestic and industrial purposes to approximately 19,500 customers. Some 12,000 of those customers are located in the current Modesto area, with the remaining 7,500 in several nearby communities (including portions of the communities of Ceres, Del Rio, Empire, Grayson, Hickman, Salida, Turlock, and Waterford) in incorporated and unincorporated areas of Stanislaus County (see Attachment I).

Del Este operates 18 separate systems. Del Este is regulated by the California Public Utilities Commission (CPUC) with the exception of water quality which is regulated by the California Department of Health Services (DHS). Del Este obtains water from groundwater wells and its 30% share of the Modesto Irrigation District (MID) Domestic Water Project. Each of its 18 systems is served by two or more wells. With one exception, the 18 systems are hydraulically independent. The systems contain approximately 1.2 million feet of pipe and approximately 66 active wells. Attachment 2 is a map of the Del Este systems areas.

The City of Modesto supplies water for domestic and industrial purposes to approximately 49,000 customers within the City limits. The City system has developed through acquisition of small, private water companies and construction of new facilities. The City system obtains water from groundwater wells and its 70% share of the MID Domestic Water Project. The City provides water to the areas surrounding the Del Este systems within the City and its sphere of influence.

Because the City is the water provider to areas surrounding the Del Este systems within the City limits and its sphere of influence, the City approached Del Este in 1989 to discuss an agreement for purchase by the City of Del Este, the last remaining private water company in Modesto. Del Este indicated at that time that it was not interested in selling its systems. Then, in 1990, Del Este indicated a willingness to enter into discussions with the City to sell the entire system to the City. At this stage, the City conducted extensive engineering and financial studies to assess the benefits and costs of such a sale. The conclusion was that the purchase was feasible and would
result in improved water service to the community at potentially lower cost. After a number of discussions, the City made an initial offer to Del Este in 1992 to purchase the entire system. Negotiations did not result in a sales agreement.

In November 1992, Del Este entered into an agreement to sell its entire water system to another private water company, California Water Service Company (CWSC). The sale required approval of the CPUC. The City filed a protest in the CPUC proceeding to assure that several issues of concern to Modesto residents served by Del Este were addressed if the sale was approved. The parties later terminated the agreement prior to CPUC action on the proposed sale.

The City Council subsequently directed staff to evaluate the feasibility and potential public benefits of the City acquiring all or part of Del Este. Staff evaluated the benefits of acquiring all of Del Este's systems or only those systems within the City and its sphere of influence. Based on further financial and engineering evaluations, staff recommended that it was in the best interest of the community for the City to take all necessary actions to pursue acquisition of those Del Este systems within the City and the City's sphere. As a result, on June 22, 1993, the Council adopted a Resolution of Necessity to acquire by eminent domain that portion of Del Este within the City limits and sphere of influence. An Eminent domain action was filed was subsequently filed on July 20, 1993. On July 21, 1993, Del Este filed a lawsuit alleging that the City failed to comply with the requirements of the California Environmental Quality Act (CEQA).

In late 1993 and thereafter, the City and Del Este agreed to a series of continuances in the litigation while settlement discussions were underway. These negotiations proceeded during 1994 and have recently concluded. The proposed settlement agreement provides that the City will purchase the Del Este Water Company in its entirety for $9.5 million. The closing date of the transaction is July 1, 1995, and is conditioned on, among other things, the City obtaining satisfactory financing of the purchase price. After the closing, a stipulated judgment will be entered in the eminent domain action, subject to the terms and conditions of the settlement agreement, and the CEQA lawsuit will be dismissed.

**Rate Comparison**

Historically, Modesto’s rates have been less than Del Este’s rates for providing comparable service to similar customers. Analysis shows that Del Este’s Modesto-area rates have traditionally been higher than the City’s, and recently increased by 88 to 108% due primarily to the new surface water project. It also indicates that rates for Del Este customers within Modesto will be reduced when acquisition occurs. Although current projections suggest that the reduction in typical residential monthly rates will be between $1-$2, further financial analysis between now and the July 1 closing date may yield additional reductions.

Staff attributes the traditionally higher rates in the Del Este service area to several factors:

1. The CPUC allows private water companies to earn a rate of return up to 11.5%, whereas the City only recovers the actual cost of water service delivery;
2. Del Este pays taxes whereas the City does not;

3. Del Este cannot obtain tax-exempt interest rates when borrowing money for capital improvements whereas the City does;

4. Del Este is required to pay franchise fees whereas the City does not; and

5. Operational differences and differences in economies of scale.

**Environmental Review**

On March 17, 1993, the City’s Environmental Assessment Committee considered two alternative projects and recommended that draft Negative Declarations be prepared for both alternatives. Public review period for the draft Negative Declarations was March 26th through May 28, 1993. The two alternatives analyzed were:

1. Acquisition of the Del Este system within the City and its sphere of influence, together with construction of the same improvements as below (Project Alternative A.)

2. Acquisition of the entire Del Este system together with the construction of certain existing system improvements within the City and its sphere of influence to correct fire system deficiencies with respect to City standards, including replacement of a number of pipelines and obsolete fire hydrants and the addition of fire hydrants to meet City spacing standards. (Project Alternative B.)

During the public review period, six comments were received by the City on the Draft Negative Declarations:

1. The state clearing house indicated that no state agencies had comments to make, and that the City had “complied with state clearing house review requirements.”

2. John Turner of the Department of Social Services had “no comments” on either project.

3. Karleen Ashby of Modesto Irrigation District had “no comments” on either project.

4. Howard DeCavit, Stanislaus County Fire Marshal, indicated concern over the time an area will be subject to a water shortage. He then noted his department was awaiting the improvement of fire flows as many areas are inadequate.

5. Dave Dolenar, Deputy Chief Executive Officer of Stanislaus County, indicated support of the Fire Marshal’s concerns.

6. Nossaman, Gunthner, Knox & Elliot, on behalf of Del Este, raised several legal concerns regarding the environmental process.
The following measures, recommended by Fire Marshall DeCavit, will be incorporated into the project:

1. The Stanislaus County Fire Marshal shall be contacted 48 hours in advance of any construction work that will interrupt water service to fire hydrants in the unincorporated county. Early notice of service interruption will allow the County Fire Department to dispatch water tanker trucks as necessary. Emergency services, such as broken water mains, are unforeseen; emergency water service events should be reported to the Fire Marshal as soon as possible.

2. No fire hydrant in the unincorporated county area shall be kept out of service for more than eight hours at a time. If an interruption of service will be necessary for more than eight hours, written notice shall be supplied to the County Fire Marshal explaining the need for service interruption and the expected duration of the service interruption. Additional water tankers with water storage will be made available on-site by the City if requested by the County Fire Marshal.

3. Service shall not be interrupted to more than one fire hydrant in a series in the unincorporated county area at any one time. Where interruption of service to more than one fire hydrant is required, the County Fire Marshal shall be contacted 48 hours in advance. In such an instance, the City of Modesto shall provide additional on-site water storage or other fire prevention measures as required by the County Fire Marshal.

On June 9, 1993, the City’s Environmental Assessment Committee recommended that the City Council certify a Negative Declaration.

Both alternative projects also include certain pipeline replacements to correct system deficiencies in fire flow and pressure. No significant long-term environmental impacts of either project were identified. Customary City practices during pipeline replacement in public right-of-way are sufficient to avoid any short-term impact to the public during such construction.

On June 22, 1993, the City Council approved the Negative Declaration for Project Alternative A. Since them, as indicated above, Del Este and the City have agreed to settle the eminent domain action and the CEQA litigation by entering into an agreement which provides for the acquisition of the Del Este Water Company in its entirety (Alternative Project B). Therefore, it is recommended that the City Council now approve the Negative Declaration for Project Alternative B (see Attachment 3).

Recommendation

Based on this evaluation of the identified and anticipated public benefits which are expected to result from the City’s acquisition of the Del Este Water Company, staff recommends adoption of resolutions approving the Negative Declaration (see Attachment 4) and authorizing the City Manager to execute Settlement and Asset Purchase Agreement with the Del Este Water Company in that order.
Steps Following Approval

1. City Manager will execute Settlement and Asset Purchase Agreement.

2. The Community Development Department will file a Notice of Determination with the Stanislaus County Clerk.

3. Staff will complete all financial, engineering, and environmental due diligence prior to closing.

4. Staff will begin to work with Del Este to facilitate a smooth transition of operations, billing, accounting, and administrative functions.

5. The closing will take place on or about July 1, 1995.

6. Judgment will be entered in the eminent domain action, subject to the terms and conditions of the Settlement and Asset Purchase Agreement, and the CEQA lawsuit will be dismissed.

Public Works and Transportation Director

Submitted by: J. Edward Tewes
City Manager

RME:dm
Attachments

cc: J. Edward Tewes, City Manager
    Paul Baxter, Deputy City Manager
    Mike Milich, City Attorney
    Norrine Coyle, City Clerk
    Kevin Riper, Finance Director
    Alice Tulloch, Deputy Director-Utilities
    Ken Beard, Del Este Water Company
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF R. KIRK LINDSEY FROM THE REDEVELOPMENT ADVISORY COMMISSION, EFFECTIVE MARCH 7, 1995

WHEREAS, R. Kirk Lindsey was appointed a member of the Redevelopment Advisory Commission on August 25, 1992; and

WHEREAS, R. Kirk Lindsey has tendered his resignation from the Redevelopment Advisory Commission, effective March 7, 1995; and

WHEREAS, R. Kirk Lindsey 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 R. Kirk Lindsey from the Redevelopment Advisory 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 R. Kirk Lindsey 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 March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-129

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SUSAN MIDDLETON-KEIRN FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE MARCH 7, 1995

WHEREAS, Susan Middleton-Keirn was appointed a member of the Human Relations Commission on July 13, 1993; and

WHEREAS, Susan Middleton-Keirn has tendered her resignation from the Human Relations Commission, effective March 7, 1995; and

WHEREAS, Susan Middleton-Keirn 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 Susan Middleton-Keirn from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Susan Middleton-Keirn 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 7th day of March, 1995, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-130

A RESOLUTION APPOINTING ERIC H. BENSON TO THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF DIRECTORS

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

SECTION 1. The following person is hereby appointed to the Downtown Improvement District Board of Directors:

Eric H. Benson
2816 Eastridge Court
Modesto, Ca. 95355
Term to expire 3/28/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the new member of the Downtown Improvement District Board of Directors 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 March, 1995, Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-131

A RESOLUTION REAPPOINTING BECKY WARD AS THE PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

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

SECTION 1. Becky Ward is hereby reappointed as the Planning Commission representative to the Board of Zoning Adjustment, term to expire 1/1/96.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-132

A RESOLUTION REAPPOINTING TIM FISHER AS THE PLANNING COMMISSION REPRESENTATIVE TO THE REDEVELOPMENT ADVISORY COMMISSION

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

SECTION 1. Tim Fisher is hereby reappointed as the Planning Commission representative to the Redevelopment Advisory Commission, term to expire 1/1/96.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION GRANTING THE APPEAL OF DOCTORS
MEDICAL CENTER TO A PLANNING COMMISSION
DECISION DENYING AN AMENDMENT TO PLANNED
DEVELOPMENT ZONE, P-D(317), FOR A MULTI-
STORY EMERGENCY ROOM AND LAB EXPANSION AT THE
NORTH-CENTER OF THE DOCTORS HOSPITAL SITE AT
1441 FLORIDA AVENUE.

WHEREAS, Ordinance No. 2080-C.S., which was introduced
on September 8, 1981, finally adopted on September 22, 1981, and
which became effective on October 22, 1981, granted P-D(317) to
allow hospital and related facilities and a medical office
building, and

WHEREAS, City Council Resolution No. 81-780, adopted on
September 8, 1981, approved the development plan, subject to
certain conditions, for P-D(317), and

WHEREAS, Section 10-2.1709 of the Modesto Municipal
Code authorizes the Planning Commission to approve revisions to
the development plan of a Planned Development Zone, and

WHEREAS, on August 1, 1988, the Planning Commission
approved a comprehensive development plan for expansion of
P-D(317), Doctors Medical Center, including two- and four-story
"tower" additions and the Women and Children's Center on the
north side and on the east side of the hospital, and

WHEREAS, City Council Resolution No. 90-760, adopted on
September 18, 1990, granted an appeal filed by National Medical
Enterprises, relating to Condition No. 2 of Planning Commission
Resolution No. 90-66, which required certain road improvements on Sherwood Avenue, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(317), was filed by Doctors Medical Center on December 7, 1994, for a two-, three-, and four-story hospital expansion, including emergency room and lab facilities at the north-center of the Doctors Hospital site at 1441 Florida Avenue, located between Florida and Sherwood Avenues, and between West Granger and West Orangeburg Avenues, and

WHEREAS, a public hearing was held by the Planning Commission on March 6, 1995, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, with a bare quorum of four, the Planning Commission, with a three to one vote on a motion to approve, was unable to approve the proposed amendment, and

WHEREAS, the Planning Commission by its Resolution No. 95-07 denied the application in order to facilitate an appeal to the City Council without undue delay, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request for an amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital site at 1441 Florida Avenue, was filed with the office of the City Clerk by Doctors Medical Center by letter dated March 8, 1995, and
WHEREAS, said appeal was set for 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 21, 1995, 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 requested amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital site at 1441 Florida Avenue should be granted for the following reasons:

1. That the proposed amendment to P-D(317) to revise the site plan to include the Emergency Room/Lab tower is in accordance with community objectives set forth in the General Plan, which provides for concentration of medical offices along with hospitals in conjunction with good transportation facilities.

2. That a Negative Declaration, recommended by the Environmental Assessment Committee in the initial study dated January 11, 1995, should be certified as adopted.

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

SECTION 1. APPEAL GRANTED. The appeal of Doctors Medical Center for an amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital site at 1441 Florida Avenue is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.
SECTION 2. DEVELOPMENT PLAN. The development plan for an amendment to Planned Development Zone, P-D(317), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Facility Master Site Plan" as amended in red, stamped approved by the City Council on March 21, 1995.

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

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   Five-foot- (5') high decorative masonry wall along the remainder of the Sherwood Avenue frontage with setback and style to match that already existing.

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

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

6. Prior to start of construction, the developer shall show on the construction plans 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. Prior to occupancy of new construction, the applicant shall satisfy the Fire Chief as to the adequacy of the southerly emergency accessway onto Sherwood Avenue and the interior aisleway/driveway along the west side of the building complex.

7. All conditions of City Council Resolution No. 81-780 and Planning Commission Resolution Nos.
88-89 and 90-84, not in conflict with this action shall remain in full force and effect.

8. In the event no building permits or further approval is required from the City of Modesto prior to the commencement of construction, developer shall, within 30 days or prior to the commencement of construction whichever shall first occur, pay to the City of Modesto the Capital Facilities Fee due for the hospital expansion project.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-134

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(317), FOR A MULTI-STORY EMERGENCY ROOM AND LAB EXPANSION AT THE NORTH-CENTER OF THE DOCTORS HOSPITAL SITE AT 1441 FLORIDA AVENUE.

WHEREAS, on January 11, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital Site at 1441 Florida Avenue, located between Florida and Sherwood Avenues, and between West Granger and West Orangeburg Avenues, might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:

SECTION 1. The City Council has reviewed and
considered the negative declaration proposed by the EAC including
the comments received in response to such proposed negative
declaration.

SECTION 2. The City Council hereby finds that on the
basis of information contained in the proposed negative
declaration and the staff report that there is no substantial
evidence that the project will have a significant effect on the
environment and the Council does hereby approve the proposed
negative declaration for said project. The Council further finds
that the negative declaration reflects the Council's independent
judgment.

SECTION 3. The Community Development Services Manager
of the City of Modesto is hereby directed to file, or cause to be
filed, with the Stanislaus County Clerk a Notice of Determination
as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF COMPLETE COACH WORKS FOR REPLACEMENT OF ELEVEN WHEELCHAIR LIFTS ON EXISTING MODESTO AREA EXPRESS BUSES

WHEREAS, Resolution No. 94-639, adopted by the Council of the City of Modesto on November 8, 1994, approved the plans and specifications for replacement of eleven wheelchair lifts on existing Modesto Area Express buses, and authorized the calling for bids; and

WHEREAS, the bids received for replacement of eleven wheelchair lifts on existing Modesto Area Express buses were opened at 11:00 a.m. on December 5, 1994, 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 Complete Coach Works in the amount of $217,250, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-136

A RESOLUTION ACCEPTING THE BIDS OF CENTRAL JANITORS SUPPLY, RANKIK PAPER COMPANY, SAN JOAQUIN SUPPLY AND PORT STOCKTON FOOD, INC. FOR FURNISHING RECYCLED JANITORIAL PAPER PRODUCTS UNDER A SIX MONTH COOPERATIVE LOCAL GOVERNMENT AGENCY BID WITH A MAXIMUM SIX MONTH EXTENSION

WHEREAS, Resolution No. 95-43, adopted by the Council of the City of Modesto on January 17, 1995, approved the plans and specifications for purchase of annual recycled janitorial paper products under a local government agency bid, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of annual recycled janitorial paper products under a local government agency bid were opened at 11:00 a.m. on February 7, 1995, 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 Central Janitors Supply, Randik Paper Company, San Joaquin Supply and Port Stockton Food, Inc. for a one-year estimated total cost of $27,000, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Central Janitors Supply, Randik Paper Company, San Joaquin Supply and Port Stockton Food, Inc. be accepted under a six month cooperative local government agency bid with a maximum six month extension, and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-137

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PICNIC AREA AND SHADE STRUCTURE
AT EAST LA LOMA PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the construction of picnic area and shade structure at East La Loma Park, has been completed by Thorcon, Inc., in accordance with the contract agreement dated March 8, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the construction of picnic area and shade structure at East La Loma Park be accepted from said contractor, Thorcon, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $79,265.12, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember _____Friedman_______, who moved its adoption, which motion being duly seconded by Councilmember _____Dobbs_______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-138

A RESOLUTION ACCEPTING WELL NOS. 6, 40, 41, AND 42 GENERATOR INSTALLATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Well Nos. 6, 40, 41 and 42 generator installations, has been completed by Industrial Electrical Co., in accordance with the contract agreement dated February 15, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Well Nos. 6, 40, 41 and 42 generator installations, be accepted from said contractor, Industrial Electrical Co.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $173,275, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember ___ Friedman ___, who moved its adoption, which motion being duly seconded by Councilmember ___ Dobbs ___, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-1

A RESOLUTION AUTHORIZING PAYMENT OF A
CONSTRUCTION CLAIM FILED ON THE PARALLEL
OUTFALL SEWER PROJECT BY THE CONTRACTOR,
MOUNTAIN CASCADE, INC.

WHEREAS, on November 1, 1994, the City Council accepted
the "Parallel Outfall Sewer" project as complete, and

WHEREAS, the contractor, Mountain Cascade, Inc.,
performed the work which included installing approximately two
miles of 60-inch diameter pipe, parallel to the existing outfall
between Grayson Road and the Secondary Treatment Plant, and

WHEREAS, during the course of construction, the
contractor encountered flowing water in the ground during
trenching operations; the contractor gave notice that this
condition was considered to be significantly different than what
was anticipated at the time of preparing the bid; and contractor
filed a claim for $49,846 to cover additional costs spent to
prepare a stable bedding to lay the pipe, and

WHEREAS, after the contractor presented technical
arguments which convinced City staff that contractor did indeed
encounter site conditions that could not have been anticipated at
the time of bid, which was supported by technical references,
photographs of the construction in progress, and well log
information of ground water from nearby T.I.D. wells, and

WHEREAS, City staff has recommended, by a report to the
Council dated March 15, 1995, from the Public Works and
Transportation Director, a copy of which is on file in the Office of the City Clerk, payment of the construction claim filed by Mountain Cascade, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that payment of a construction claim in the amount of $49,846 to cover additional costs spent to prepare a stable bedding to lay pipe, filed on the Parallel Outfall Sewer Project by the contractor, Mountain Cascade, Inc., is hereby authorized as recommended by City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Dobbs, Councilmember __________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $49,846.00 TO FUND ADDITIONAL COSTS INCURRED ON THE PARALLEL OUTFALL SEWER PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Lakewood Sewer Trunk Ext. $49,846.00
(622 480 D311 6050)

TO: Parallel Outfall Sewer $49,846.00
(622 480 D313 6050)

During the course of construction, the contractor encountered flowing water in the ground during trenching operations. This resulted in additional costs for the contractor to prepare a stable bedding to lay the pipe. This appropriation transfer is necessary to allow the claim to be settled.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-141

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND
DELEUW, CATHER & COMPANY FOR ENGINEERING SERVICES FOR RELOCATION OF UNION PACIFIC
RAILROAD FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
amended agreement between the City of Modesto and DeLeuw, Cather & Company
for engineering services for relocation of Union Pacific Railroad from 9th Street
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 March, 1995, 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, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-142

A RESOLUTION APPROVING A GRANT AGREEMENT FOR $2,220 TO RANDY MAGNUS FOR PRODUCTION OF A CABLE TELEVISION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and Randy Magnus for production of a cable television program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AMENDED GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR THE MODESTO CITY-COUNTY AIRPORT PROJECT TO RECONSTRUCT AND ENLARGE THE PASSENGER TERMINAL TO INCREASE FEDERAL PARTICIPATION BY $80,665.20 (AIP 3-06-OL53-09)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended grant agreement between the City of Modesto and the Federal Aviation Administration for the Modesto City-County Airport project to reconstruct and enlarge the passenger terminal to increase federal participation by $80,665.20 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-144

A RESOLUTION APPROVING A 15-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO INSTALL AN AUTOMATED SURFACE OBSERVATION SYSTEM AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 15-year lease agreement between the City of Modesto and the National Oceanic and Atmospheric Administration to install an automated surface observation system at the Modesto city-County Airport 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 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-145

A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP TO PREPARE THE DESIGN DEVELOPMENT REPORT FOR CHRYSLER 99 NEIGHBORHOOD PARK, THE DESIGN DEVELOPMENT REPORT FOR EISENHUT NEIGHBORHOOD PARK, WORKING DRAWINGS FOR THE DRY CREEK TRAIL PROJECT AND CONCEPTUAL DESIGN LAYOUTS FOR WOODLAND NEIGHBORHOOD PARK.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the professional services contract between the City of Modesto and RRM Design Group to prepare the Design Development Report for Chrysler 99 Neighborhood Park, the Design Development Report for Eisenhut Neighborhood Park, working drawings for the Dry Creek Trail Project and conceptual design layouts for Woodland Neighborhood Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said contract 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 March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:       Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:       Councilmembers: None
ABSENT:     Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,032 TO FUND THE EISENHUT NEIGHBORHOOD PARK MASTER PLAN

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Chrysler 99 Working Drawings $3,032
       (150 310 D241)

TO:   Eisenhut Neigh. Park Master Plan $3,032
       (150 310 D250)

Funds are needed to complete the Design Development Report for Eisenhut Neighborhood Park. Funds are available from the Chrysler 99 Working Drawings Project due to savings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $12,889 TO FUND THE CHRYSLER 99 DESIGN DEVELOPMENT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Woodland Neighborhood Park Village I Land Acquisition

TO: Chrysler 99 Design Developmt. $12,889

(135 310 B015)

Funds are needed to complete the Design Development Report for Chrysler 99 Neighborhood Park. funds are available from the Woodland Park Master Plan and Village I Land Acquisition Projects due to savings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NARRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-148

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICES PROGRAM TO FINANCE A DISCOUNT GOLF PROGRAM FOR SENIOR CITIZENS AT MUNI GOLF COURSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Services Program to finance a discount golf program for senior citizens at Muni Golf Course 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 March, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 95-149

A RESOLUTION APPROVING A LETTER OF INTENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF CALIFORNIA WILDLIFE CONSERVATION BOARD TO MANAGE PROPERTY TO BE ACQUIRED BY THE BOARD ALONG THE TUOLUMNE RIVER FOR RIPARIAN RESTORATION AND PRESERVATION

WHEREAS, staff has been working with various State agencies to secure funds for acquisition of land along the Tuolumne River in accordance with the Land Use Plan for the Tuolumne River Regional Park; and

WHEREAS, the State Wildlife Conservation Board has agreed to purchase land along the Tuolumne River for the purpose of riparian restoration and preservation consistent with the Land Use Plan for the Tuolumne River Regional Park, with the understanding that the City of Modesto provide a Letter of Intent to manage the property after acquisition by the State Wildlife Conservation Board.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Letter of Intent to enter into a Memorandum of Understanding with the State of California Wildlife Conservation Board to manage property to be acquired by the Board along the Tuolumne River be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Letter of Intent 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 March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING THE CULTURE COMMISSION RECOMMENDATIONS CONCERNING APPROVAL OF REQUESTS FROM LOCAL ORGANIZATIONS FOR FINANCIAL ASSISTANCE

WHEREAS, City Council Policy No. 1.010, entitled "Requests for City Financial Assistance", established guidelines for approval of requests from local organizations for financial assistance; and

WHEREAS, at the Council meeting of May 24, 1994, the City Council authorized the Modesto Culture Commission to evaluate the system and criteria for issuing grants, in order to more effectively evaluate the needs of applicants and to more appropriately distribute available funds; and

WHEREAS, the Financial Policy Committee met on March 8, 1995, and support the following recommendations:

1. The existing policies should continue to be used to determine eligibility. In order to recognize the diversity of the program, the name of the program should be the "Arts, Music, and Promotions Financial Assistance Program". Further, the Culture Commission should only review and provide recommendations to Council on those requests from organizations who represent the arts (performing, visual, literary, festivals, etc.). any other requests should be reviewed and recommended by staff.

2. Organizations that do not comply with all the requirements should be ineligible. The application should ask whether they comply with the policy.

3. Each organization should submit a final year-end report that is an integral part of the process. The final report requirements will be sent to the recipient of the grant at the time of the award. No further awards ought to be given if the final report is not submitted at the appropriate time. Samples of the City acknowledgements should accompany the report.

4. A factor in reviewing the applications should be the extent to which the applying organization is able and willing to commit funds from sources other than the City.
5. A document substantiating the not-for-profit status should be submitted with the request.

6. Responses should be in the form of a statement. ("yes" or "no" responses are unacceptable.)

7. The amount of the award should be based upon need and the scope of the proposed activities.

8. The Culture Commission should develop a criteria and evaluation system that determines the need for funding.

9. Each organization should be required to submit an annual financial statement for its most recent fiscal year.

10. Each organization that received funds should be required to conduct some form of public service (i.e., free performances, tickets to programs or events, etc.).

11. Five-year budget projections and long range plans, with an annual update, should be required as part of the application.

12. The Culture Commission should review the applications; each applicant should then make a presentation before the Culture Commission.

13. The Culture Commission should provide a recommendation to the City Council Financial Policy Committee as part of the normal budget process and schedule.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the procedure concerning approval of requests from local organizations for financial assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-151


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Police Athletic and Activities League for the lease of the former Dairy Tree property at the southeast corner of 11th and G Streets 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 March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLANNING CENTER TO PREPARE THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CITY OF MODESTO ON THE PELANDALE-SNYDER SPECIFIC PLAN, PREZONE, AND GENERAL PLAN AMENDMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The Planning Center to prepare the Environmental Impact Report (EIR) for the City of Modesto on the Pelandale-Snyder Specific Plan, prezone, and General Plan amendment 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 March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-153

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MICHAEL FRANZIA FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE MARCH 21, 1995

WHEREAS, Michael Franzia was appointed a member of the International Friendship Committee on December 15, 1992; and

WHEREAS, Michael Franzia has tendered his resignation from the International Friendship Committee, effective March 21, 1995; and

WHEREAS, Michael Franzia 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 Michael Franzia from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Michael Franzia for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedmaq 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF AMERICAN CHILLER SERVICES, INC. FOR CENTRE PLAZA HEATING, VENTILATION AND AIR CONDITIONING MODIFICATIONS

WHEREAS, Resolution No. 95-65, adopted by the Council of the City of Modesto on February 7, 1995, approved the plans and specifications for purchase of Centre Plaza heating, ventilation and air conditioning modifications, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of Centre Plaza heating, ventilation and air conditioning modifications were opened at 11:00 a.m. on March 13, 1995, 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 American Chiller Services, Inc. for a total cost of $118,820, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-155

A RESOLUTION ACCEPTING THE WATERLINE TO WATER TANK NO. 3 AND WELL 30 - CROWS LANDING TO ZEFF ROAD PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the waterline to water tank No. 3 and well No. 30 - Crows Landing to Zeff Road project, has been completed by Floyd Johnston Construction, in accordance with the contract agreement dated November 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the waterline to water tank No. 3 and well No. 30 - Crows Landing to Zeff Road project, be accepted from said contractor, Floyd Johnston Construction; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $106,914.50, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember ________ Friedman, who moved its adoption, which motion being duly seconded by Councilmember ________ Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION, OR AS SCRAP.

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

WHEREAS, the City possesses twenty-three (23) vehicles and thirteen (13) pieces of equipment which are set forth on the attached Exhibit "A", which the Finance Department/Purchasing Division has requested to be placed into surplus, as these vehicles and equipment have been replaced, and

WHEREAS, 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, and

WHEREAS, if the sealed bid process nor the auction process brings the desired results, then the property will be sold for scrap,

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

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder the twenty-three (23) vehicles and thirteen (13) pieces of equipment which are set
forth on the attached Exhibit "A" and which are hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

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 lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process or at a public auction as provided for above, then said property will be sold for scrap.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE / City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
### Vehicles and Equipment Surplus

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<tr>
<th>Equipment No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>37942</td>
<td>1979 Ford Courier Pickup Truck</td>
</tr>
<tr>
<td>38451</td>
<td>1984 Nissan Pickup Truck</td>
</tr>
<tr>
<td>68119</td>
<td>1981 G &amp; M Wheeled Disc</td>
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<tr>
<td>68011</td>
<td>1980 Dandl 3-point Flail Mower</td>
</tr>
<tr>
<td>47951</td>
<td>1979 IHC Packer Truck (wrecked)</td>
</tr>
<tr>
<td>47950</td>
<td>1979 IHC Packer Truck</td>
</tr>
<tr>
<td>38495</td>
<td>1984 Chevrolet 1/2-ton Pickup Truck</td>
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<tr>
<td>48075</td>
<td>1980 IHC Vactor Truck</td>
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<tr>
<td>--</td>
<td>Clark 4,000 lbs. Forklift</td>
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<tr>
<td>58950</td>
<td>1989 Club Car Carryall Turf Tractor</td>
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<tr>
<td>47838</td>
<td>1978 Hydro Sewer Cleaner</td>
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<td>--</td>
<td>Kohler NG Powered generator</td>
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<tr>
<td>58169</td>
<td>1981 Case W-11 Loader (claw)</td>
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<td>58101</td>
<td>1981 Case W-11 Loader (claw)</td>
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<td>58247</td>
<td>1982 Cushman Turf Truck</td>
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<td>57130</td>
<td>1971 Ford Tractor</td>
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<td>47808</td>
<td>1978 Dodge Flatbed Dump Truck</td>
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<td>1973 IHC Chipper Truck</td>
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<td>58459</td>
<td>1984 Athey Street Sweeper</td>
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<td>47557</td>
<td>1975 IHC Patch Truck</td>
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<td>1991 Chevrolet Caprice Patrol Car</td>
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<td>18206</td>
<td>1982 Ford Escort</td>
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<td>18969</td>
<td>1989 Ford Thunderbird</td>
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<td>18955</td>
<td>1989 Ford Thunderbird</td>
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<td>18965</td>
<td>1989 Mercury Cougar</td>
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<td>38825</td>
<td>1988 Chevrolet Astro Van</td>
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<td>18727</td>
<td>1987 Dodge Diplomat</td>
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<td>18588</td>
<td>1985 Dodge Diplomat</td>
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<tr>
<td>--</td>
<td>407 2400 lbs. Methane Cylinders</td>
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<tr>
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<td>53 Old Methane Conversion Kits</td>
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<tr>
<td>--</td>
<td>Containers of used Methane Equipment</td>
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<tr>
<td>19144</td>
<td>1991 Chevrolet Caprice Patrol Car</td>
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<tr>
<td>38983</td>
<td>1989 Chevrolet 1/2-ton Pickup truck</td>
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<tr>
<td>--</td>
<td>Remittance Processor, Burroughs</td>
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MODESTO CITY COUNCIL  
RESOLUTION NO. 95-157

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

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

Buyer

The revised specifications for the classification of Buyer (Range 428), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 28, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of ___ March__, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney
BUYER

DEFINITION

To perform a wide variety of professional purchasing activities in a governmental setting including the analysis and purchasing of supplies, materials complex equipment and services in order to support and enhance the delivery of governmental services; to supervise the storing, inventorying, disposal and auction of obsolete and surplus equipment and supplies.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Purchasing Officer.

May exercise functional and technical supervision over clerical, technical and management staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Receive, examine and process purchase requisitions; check for correct ordering, accounting and departmental approval information; issue purchase orders.

Purchase all inventory office supplies; MRO (maintenance, repair and operating); complex, highly sophisticated equipment and services; solicit bids and proposals from vendors; select or recommend appropriate vendors.

Research and identify new sources for use in bidding; obtain bid and price information by mail, phone, fax, computer (EDI) or direct contact with vendors; negotiate with vendors on behalf of the City; interview and correspond with vendors regarding their materials, services and products; ascertain whether vendors meet business license, insurance and other requirements of the City.

Assist in the development and achievement of division goals; assist in the development of and achievement of department goals; assist in implementing more effective procurement techniques.

Keep current on laws, regulation, ordinances, principles, practices and procedures for purchasing and application related to purchasing.

Prepare equipment, materials and services specifications and other necessary documents related to the purchase of supplies, equipment, services and materials.

EXHIBIT "A"
EXAMPLES OF DUTIES (continued)

Make presentation to the City Council, committees and other groups as necessary.

Supervise the ordering, receiving, storing, marking, issuing and inventory of supplies through the Purchasing Division's Stores/Warehouse.

Assist in the development and preparation of instructions and forms related to purchasing and stores.

Confer with departmental representatives to determine purchasing needs; coordinate with vendors and receiving departments regarding deliveries.

Maintain and prepare periodic reports, including warehouse inventory and monthly activity report. Prepare other reports when directed by the Purchasing Officer.

Assist in the development and review of purchasing procedures and methods.

Interpret and apply City purchasing policies and procedures.

Maintain adequate inventory controls; conduct annual physical inventory.

Prepare price, quality and value comparisons in the evaluation of bids, materials, services and equipment needs.

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

Supervise the storing, inventorying, disposing of and accounting for the sale or disposal of goods and equipment.

Prepare Council agenda staff reports and perform complex staff analyses.

Use a word processor to create professional documents.

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Purchasing procedures and negotiation techniques in a government setting.

Office and warehouse procedures and practices.

Principles of supervision, training and leadership.

Principles and practices of a central purchasing operation, including specification writing.

Materials, supplies and equipment typically used in municipal services and the sources for such products.

General laws and regulations applicable to bidding procedures and purchasing operations.

Understanding of Federal and state purchasing laws and requirements.

Storekeeping and warehousing methods and practices including inventory control procedures.

Budgeting procedures and techniques.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.

Advanced purchasing principles and techniques including multi-step procurement, life-cycle costing analysis, systems contracting and alternative procurement methods.

Management information systems including PC's and associated hardware/software.

Ability to:

Supervise the purchase of a variety of supplies, materials, services and equipment.

With input from City departments, assist with the preparation of equipment, material and service specifications.
Ability to: (Continued)

Prepare equipment and material specification.

Evaluate quality and price of products to judge suitability of goods and alternatives offered.

Prepare and administer a budget.

Develop new sources of supply.

Assist in analyzing, evaluating and modifying purchasing methods and procedures.

Supervise and train assigned staff.

Maintain accurate records and controls.

Make rapid and accurate arithmetical calculations.

Use modern office equipment and personal computers.

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

Develop good customer relation skills.

Communicate effectively, both orally and in writing.

Present a positive, professional image.

Ability to be flexible without jeopardizing the integrity of the procurement process.

Experience and Training Guidelines

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

Experience:

Four years of increasingly responsible complex purchasing experience, including two years purchasing supplies and equipment, inventory stock control or warehousing experience and two years purchasing a variety of services and repair and maintenance items.
Experience: (Continued)

Possession of a "Purchasing Certificate" from any state chartered purchasing association or accredited college or university may be substituted for one (1) year of experience.

Training:

Equivalent to graduation from an accredited college or university with a Bachelor's degree in public or business administration, contract administration, accounting, finance, material management or a closely related field.

Certificate:

Possession of a C.P.M. (Certified Purchasing Manager) or CPPB/CPPO Certificate (Certified Public Purchasing Buyer/Certified Public Purchasing Officer) is highly desirable.

Possession of, or ability to obtain, an appropriate, valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-158

A RESOLUTION APPROVING THE REQUEST OF A & L WESTERN AGRICULTURE LABORATORIES, INC. FOR UNNECESSARY PAYMENT OF BUSINESS LICENSE TAXES

BE IT RESOLVED by the Council of the City of Modesto that the request of A & L Western Agriculture Laboratories, Inc. for unnecessary payment of business license taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-159

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BALL, JANIK AND NOVACK FOR PROVISION OF FEDERAL LEGISLATIVE ADVOCACY FOR THE CITY DURING THE 1995-96 FISCAL YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball, Janik and Novack for provision of federal legislative advocacy for the City during the 1995-96 fiscal year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NARRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-160

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE CATERING AND CONCESSIONNAIRE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CENTRE PLAZA ASSOCIATES EXTENDING INITIAL TERM FOR 60 DAYS AND MODIFYING THE PROCEDURE FOR EXERCISING THE FIRST EXTENSION OPTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment agreement to the catering and concessionnaire between the City of Modesto and Modesto Centre Plaza Associates extending initial term for 60 days and modifying the procedure for exercising the first extension option be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Faiedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, McClanahan, Patterson

ATTEST:  
NORRINE COYLE, City Clerk
A RESOLUTION DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF THE PUBLIC HEALTH AND AUTHORIZING AN EMERGENCY PUBLIC WORKS PROJECT, WITHOUT COMPETITIVE BIDDING, TO STABILIZE THE DRAINAGE CHANNEL LOCATED AT THE CITY'S REMOTE POND SITE.

WHEREAS, high water in the San Joaquin River has resulted in a high flow of groundwater into the City's drainage channel at the Remote Pond Site, and

WHEREAS, the running groundwater has caused failure of the drainage channel banks adjacent to the drainage pump station, creating an immediate hazard and dangerous condition to the public health, and

WHEREAS, the failed banks have resulted in the loss of the access road to the pump station and threaten the continued operation of the drainage pump station and other treatment plant facilities, and

WHEREAS, City staff has recommended employing Conco-West, Inc., on a force account basis, in order to complete the work as soon as possible, in order to eliminate hazard to public health, and

WHEREAS, City staff has authorized the Contractor to mobilize equipment and material and to perform up to a maximum of $20,000 of work pending Council authorization to proceed with the remainder of the work, and
WHEREAS, the current Engineer's Estimate to complete the work is approximately $125,000, and the cost of the work will be submitted for possible reimbursement under the FEMA Disaster Relief Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby declare that an urgent necessity for the preservation of the public health and property exists and the Council does hereby authorize an emergency Public Works Project, without competitive bidding, to Conco-West, Inc., to stabilize the drainage channel located at the City's Remote Pond Site for the reasons noted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $125,000 TO FUND AN EMERGENCY PUBLIC WORKS PROJECT TO STABILIZE THE DRAINAGE CHANNEL LOCATED AT THE CITY'S REMOTE POND SITE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Lakewood Trunk Extension $125,000
(622 480 D311 6040)

TO: Pond site drainage channel repair $125,000
(622 480 E618 6040, 6050, 6060)

High water in the San Joaquin River has caused failure of the City's pond site drainage channel banks. This transfer will fund an emergency project to repair the failures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION CREATING AN AD HOC "GRAFFITI REPORTING REWARDS COMMITTEE".

WHEREAS, the City Council recently adopted an Anti-Graffiti Ordinance, which included a reward of $100, or such other sum as the City Council may direct, for information leading to the arrest and conviction of any person injuring, defacing or destroying property by the application of graffiti, (Section 4-12.409 of the Modesto Municipal Code), and

WHEREAS, the City budget has not provided funding for such rewards, and

WHEREAS, in 1994, members of the Police Department met with several local business people who were enthusiastic about helping the City combat graffiti, and

WHEREAS, by a memorandum dated March 17, 1995, the Modesto Police Department set forth recommendations to the City Council relating to the formation of an ad hoc committee with the intent to establish a committee for the purpose of acting as an advisory board for graffiti reward disbursement and raising funds necessary to maintain a positive cash balance for this purpose, a copy of said memo is on file in the office of the City Clerk, and

WHEREAS, the City Council desires to establish an ad hoc committee as recommended by the Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. The Council does hereby establish an ad hoc committee to be known as the "Graffiti Reporting Rewards Committee".

SECTION 2. Said committee shall consist of seven members who shall be appointed by the Chief of Police. The initial membership of the committee shall consist of the citizens whose names are set forth on Exhibit "A", attached hereto.

SECTION 3. Said committee shall act as an advisory board for graffiti reward disbursement and to raise funds necessary to maintain a positive cash balance for the purpose of providing rewards for information leading to the arrest and conviction of any person injuring, defacing or destroying property by the application of graffiti.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
# Graffiti Reporting Rewards Committee

**Member** | **Phone Number**
---|---
**Chairperson** William SEAVY  
Chief Executive Officer  
Modesto Chamber of Commerce  
P. O. Box 844  
Modesto, CA 95353 | 577-5757

Maree HAWKINS, Public Affairs Specialist  
Modesto Irrigation District  
P. O. Box 4060  
Modesto, CA 95354 | 526-7392

Scott OUSDAHL, Director  
Facilities and Construction  
Modesto City Schools  
426 Locust Street  
Modesto, CA 95351 | 576-4143

Barry HICKERSON, Paramedic  
2508 Walnut Park Drive  
Modesto, CA 95355 | 551-9757

Wayne HENRY  
Modesto Jack Frost Ice Co. (Owner)  
711 Eighth Street  
Modesto, CA 95351 | 524-3128

Gary CORREIA  
Modesto Printing Company (Owner)  
P. O. Box 3084  
Modesto, CA 95354 | 524-7231

Malissa SOUSA, Realtor  
Remax of Modesto  
3425 Coffee Road, Suite 2-C  
Modesto, CA 95355 | 575-0231

Sandy HOLT, Secretary  
Doug RIDENOUR, Detective  
Investigative Services Division  
Modesto Police Department  
P. O. Box 1814  
Modesto, CA 95353 | 572-9599, 572-9544
A RESOLUTION ACCEPTING THE WATER CAPITAL IMPROVEMENTS PROJECT - FOUR ALLEYS (FAIRMONT - MAGNOLIA) AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the water capital improvements project (Fairmont - Magnolia), has been completed by Ksenco Construction, in accordance with the contract agreement dated August 10, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the water capital improvements project (Fairmont - Magnolia), be accepted from said contractor, Ksenco Construction; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $150,663.26, 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 April, 1995, by Councilmember __Friedman____, who moved its adoption, which motion being duly seconded by Councilmember __Dobbs____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: __Norrine Coyle__, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-165

A RESOLUTION ACCEPTING THE LATERAL NO. 6 WATERLINE PROJECT - PRESCOTT ROAD TO CARVER ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Lateral No. 6 waterline project - Prescott Road to Carver Road, has been completed by B. G. Pipeline, Inc., in accordance with the contract agreement dated August 16, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Lateral No. 6 waterline project - Prescott Road to Carver Road, be accepted from said contractor, B. G. Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $110,062, 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 April, 1995, by Councilmember ___________Friedman__________, who moved its adoption, which motion being duly seconded by Councilmember ___________Dobbs__________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ______________________
NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-166

A RESOLUTION ACCEPTING THE DOWNTOWN TRANSPORTATION CENTER PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Downtown Transportation Center, has been completed by Titan Structures, Inc., in accordance with the contract agreement dated August 25, 1992.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Downtown Transportation Center project be accepted from said contractor, Titan Structures, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $2,447,513.50, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-167

A RESOLUTION APPOINTING HONOR DENNEY 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. Honor Denney is hereby appointed to the Community Qualities Forum, term to expire 12/31/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION DENYING THE APPEAL OF RONALD AND JANICE M. HENRY TO A DECISION OF THE HOUSING REHABILITATION LOAN COMMITTEE DENYING AN APPLICATION FOR A REHABILITATION LOAN FOR PROPERTY LOCATED AT 522 SIERRA DRIVE IN TARGET AREA THREE.

WHEREAS, on February 15, 1995, the Housing Rehabilitation Loan Committee denied a loan request in the amount of $10,835 to Ronald and Janice Henry, owners of property at 522 Sierra Drive, which property is located in Target Area Three, and

WHEREAS, the denial of the loan application was based on the fact that the requested loan amount exceeded the program's established Loan-to-Value limits of 80% for investor/owners, and

WHEREAS, by letter dated March 9, 1995, which was stamped received by the City Clerk's Office on March 13, 1995, an appeal to the decision of the Housing Rehabilitation Loan Committee denying an application for a rehabilitation loan for a house located at 522 Sierra Drive, in Target Area Three, was filed by Ronald and Janice Henry, and

WHEREAS, said appeal to the decision of the Housing Rehabilitation Loan Committee 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, to be held on April 11, 1995, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal
of Ronald and Janice Henry to the decision of the Housing Rehabilitation Loan Committee should be denied and the decision of the Housing Rehabilitation Loan Committee should be affirmed for the following reason:

Current City loan guidelines limit loans to investor/owners to no more than 80% of the after rehabilitation value, including existing encumbrances. The denial of the loan application is consistent with those guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Ronald and Janice Henry, owners of property at 522 Sierra Drive, which property is located in Target Area Three, to a decision of the Housing Rehabilitation Loan Committee denying an application for a loan request in the amount of $10,835, is hereby denied for the reason set forth above and the decision of the Housing Rehabilitation Loan Committee is hereby affirmed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 95-169

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(508). (NORMAN E. WILSON AIA)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Norman E. Wilson, AIA on January 23, 1995, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a professional office building and off-street parking area, property located on the southeast corner of East Orangeburg and Fiori Avenues, described as follows:

R-1 to P-D(508)

ALL that certain real property situate in a portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Being a portion of Lot 28 of the Mensinger Colony as shown on that certain official map filed in the office of the Recorder of Stanislaus County, California, on May 18, 1909, in Volume 4 of Maps, at Page 25, and more specifically described as follows:

Commencing at the Northwest corner of said Lot 28, also being the point of intersection of the center lines of 80.00-foot wise East Orangeburg Avenue and original 40.00-foot wide Fiori Avenue; thence along the north line of said Lot 28 and center line of East Orangeburg Avenue, East 133.33 feet; thence leaving said center line, South 131.11 feet; thence West 133.33 feet to the center line of said Fiori Avenue; thence North 131.11 feet to the northwest corner of said Lot 28 and the point of commencement of this description.

and

WHEREAS, after a public hearing held on March 20, 1995, 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. 95-08, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone is in conformance with the General Plan and will allow a medical/professional office development in a manner guided by the East McHenry Avenue Zoning and Development Policy.

2. Conditions of approval of the planned development zone will ensure compatibility of the office development with adjacent interim residential uses.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated February 15, 1995, should be certified as adopted.

and

WHEREAS, after a public hearing held on __April 11__, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Norman E. Wilson, AIA for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 95-08 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. ___2944___-C.S. on the ___11th___ day of ____April________, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(508).

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

1. All development shall conform to the plot plan and floor plans titled "Optometry Office for: Doctors Portillo and Portillo" as amended in red, stamped approved by the City Council on April 11, 1995.

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

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-foot-high wood fence along the south property line. That portion of the fence adjacent to the off-street parking lot area shall be solid with double-sided, alternating boards.
   b. At the time of development of the property to the south, the applicant shall remove fencing along the south property line to accommodate the required vehicular access and driveway connection between the two properties.

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

5. Prior to issuance of a building permit the developer shall dedicate a six-foot planting easement along Fiori Avenue as required by the Parks and Recreation Department.

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

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

8. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for...
on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.

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

10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(508):

The entire construction program be accomplished in one phase, construction to begin on or before March 20, 1997, and completion to be not later than March 20, 1998.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to
Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(508), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Robert E. Carroll, Community Development Department Development Services
MODESTO CITY COUNCIL
RESOLUTION NO. 95-170

A RESOLUTION CERTIFYING REVIEW OF
ENVIRONMENTAL ASSESSMENT, APPROVING THE
PROPOSED NEGATIVE DECLARATION, AND DIRECTING
THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO
FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT
TO SECTION MAP 21-3-9 OF THE ZONING MAP OF
THE CITY OF MODESTO RECLASSIFYING CERTAIN
PROPERTY LOCATED THEREON FROM R-1 TO
P-D(508). (NORMAN E. WILSON AIA)

WHEREAS, on February 15, 1995, the City's Environmental
Assessment Committee (EAC) conducted an initial study to
determine if the amendment to Section Map 21-3-9 of the Zoning
Map of the City of Modesto to reclassify from Low Density
Residential Zone, R-1, to Planned Development Zone, P-D(508),
property located on the southeast corner of East Orangeburg and
Fiori Avenues might have a significant effect on the environment,
and

WHEREAS, the EAC recommended that a draft negative
declaration for said project be prepared, and

WHEREAS, any comments received by the City during the
public review period on the draft negative declaration were
forwarded to the City Council for consideration with the
recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental
impacts with the project, and

WHEREAS, City staff thereafter recommended that the
Modesto City Council approve the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of ______, 1995, by Councilmember ______ Dobbs, who moved its adoption, which motion being duly seconded by Councilmember ______ Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORTINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-171

A RESOLUTION ACCEPTING THE BID OF COMMUNITY PLAYGROUNDS FOR THE
INSTALLATION OF PLAY APPARATUS AT AQUEDUCT PARK, FLOYD PARK, MILDRED
PERKINS PARK AND RIVERSIDE PARK

WHEREAS, bids for installation of play apparatus at Aqueduct Park, Floyd Park, Mildred Perkins Park and Riverside Park were opened on March 21, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Community Playgrounds in the amount of $170,831.03, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Community Playgrounds 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 April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION AUTHORIZING AN INCREASE IN SCOPE OF WORK TO THE CLAUS ROAD WIDENING PROJECT AND CHANGE ORDER TO PROVIDE STREET LIGHTING BETWEEN THE CLAUS ROAD BRIDGE AND THE JOHANSEN HIGH SCHOOL CAMPUS

WHEREAS, George Reed, Inc., is the prime contractor on the Claus Road widening project, which consists of widening Claus Road to four lanes between the bridge over Dry Creek and Johansen High School; and

WHEREAS, because of recent citizen input, staff has reevaluated the scope of this project and recommends adding street lighting based on the high amount of pedestrian traffic in the area.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the scope of work to the Claus road widening project and approves a change order to provide street lighting between the Claus Road Bridge and the Johansen High School campus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-173

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $35,000 TO FUND STREET LIGHTING TO THE CLAUS ROAD WIDENING PROJECT BETWEEN THE CLAUS ROAD BRIDGE AND THE JOHANSEN HIGH SCHOOL CAMPUS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Claus Road bridge - widen roadway (141 430 0662 6050)

TO: Claus Road - lat. No. 2 to Gomes (141 430 D268 6050)

$35,000

Transfer of these funds would increase the scope of the Claus Road widening project to include street lighting between the Claus Road bridge and the Johansen High School campus to enhance pedestrian and vehicular safety in the area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-174

A RESOLUTION SUPPORTING A PARTNERSHIP WITH THE YOSEMITE COMMUNITY COLLEGE DISTRICT TO IMPROVE BLUE GUM AVENUE IN FRONT OF MODESTO JUNIOR COLLEGE WEST CAMPUS

WHEREAS, staff members of the City and Yosemite Community College District have been meeting to discuss opportunities to improve Blue Gum Avenue in front of the MJC West Campus involving installation of curb, gutter and sidewalk along the front of the campus from Carpenter Road to the YCCD westerly property line, improving Blue Gum to major street standards, traffic signal modifications at Blue Gum and Carpenter and installing a dedicated right turn only lane from southbound Carpenter to westbound Blue Gum; and

WHEREAS the Yosemite Community College District has requested the Council officially indicate their support of this project via resolution for presentation to the YCCD Board of Directors and State agencies who are supplying grant funds for a portion of the project; and

WHEREAS, Yosemite Community College District will be the lead agency on this project and will develop a cooperative agreement that will be presented to Council at a later date detailing each agency's responsibility, with construction to occur in the summer of 1995.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby support a partnership with the Yosemite Community College District to improve Blue Gum Avenue in front of Modesto Junior college West Campus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $10,000 TO FUND THE BLUE GUM AVENUE IMPROVEMENT PROJECT AT MODESTO JUNIOR COLLEGE WEST CAMPUS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Scenic Drive Widening (070 430 B912 6060) $10,000
TO: Blue Gum Avenue at MJC (070 430 6010) $10,000

The Scenic Drive widening, East of Coffee road to Rose Avenue (South side) account is currently funded by a transfer from Fund 051 - Local Transportation Funds. This transfer will now be shifted to support the Blue Gum Avenue widening project at MJC West Campus. Funds are needed for preliminary engineering work prior to construction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-176

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ROBERT M. DUNBAR FROM THE PLANNING COMMISSION, EFFECTIVE APRIL 11, 1995

WHEREAS, Robert Dunbar was appointed a member of the Planning Commission on February 23, 1988; and

WHEREAS, Robert Dunbar has tendered his resignation from the Planning Commission, effective April 11, 1995; and

WHEREAS, Robert Dunbar 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 Robert Dunbar from the Planning 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 Robert Dunbar for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-177

A RESOLUTION APPOINTING PAUL VENTIMIGLIA 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. Paul Ventimiglia is hereby appointed to the Landmark Preservation Commission, term to expire 1/1/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-178

A RESOLUTION APPOINTING FRANCINA CALL, PATRICIA GARCIA, AND BEN WILLIAMS TO THE AIRPORT DISTRICT NEIGHBORHOOD 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. Francina Call, Patricia Garcia, and Ben Williams are hereby appointed to the Airport District Neighborhood Advisory Committee, terms to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Airport District Neighborhood 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 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-179

A RESOLUTION APPOINTING SHAWN GRAY AND WILLIAM STEVENS TO THE HIGHWAY VILLAGE NEIGHBORHOOD 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. Shawn Gray and William Stevens are hereby appointed to the Highway Village Neighborhood Advisory Committee, terms to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Highway Village Neighborhood 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 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Morrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-180

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF ONE ENGINEERING DOCUMENT READER/PRINTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the purchase of one engineering document reader/printer, 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 May 8, 1995, 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 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST:
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-181

A RESOLUTION ACCEPTING THE HIGBEE STREET LIGHT CIRCUIT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Higbee Street light circuit project, has been completed by Utility Service and Electric Inc., in accordance with the contract agreement dated June 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Higbee Street light circuit project be accepted from said contractor, Utility Service and Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $99,425, 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 April, 1995, by Councilmember____Friedman_____, who moved its adoption, which motion being duly seconded by Councilmember____Dobbs_____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: __________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $6,500 TO FUND ADDITIONAL THE HIGBEE STREET LIGHT CIRCUIT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Street Lights - Various
      (070 160 E466 6040) $6,500
TO:   Replace Higbee circuit
      (070 160 D285 6060) $6,500

As a result of an extended construction schedule due to the wet winter and field changes made to accommodate property owners, additional costs were incurred which were not anticipated under the original budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE ROSEMORE AVENUE WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Rosemore Avenue waterline project, has been completed by Mid Cal Pipeline and Utilities, in accordance with the contract agreement dated December 20, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Rosemore Avenue waterline project be accepted from said contractor, Mid Cal Pipeline and Utilities; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $43,087, 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 April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE EL VECINO AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project, has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated October 26, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project 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 amount due in the amount of $226,314.82, 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 April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $3,500 TO FUND COMPLETION OF THE EL VECINO AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Scenic Drive Widening (070 430 B912 6050) $3,500
TO: El Vecino at Lat. 4 bridge (070 430 0927 6060) $3,500

Additional staff time was necessary to expedite and analyze the construction schedule, and to assist and monitor the contractor's prevailing wage efforts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 95-185

A RESOLUTION AUTHORIZING THE DIRECTOR OF
PUBLIC WORKS AND TRANSPORTATION TO SIGN RIGHT
OF WAY CERTIFICATIONS FOR FEDERALLY FUNDED
STREET MAINTENANCE AND TRANSPORTATION RELATED
PROJECTS.

WHEREAS, the City of Modesto annually performs street
maintenance and transportation related projects using Federal
funds, and

WHEREAS, prior to advertising projects for
construction, the City is required to make a certification to the
State of California that the right of way has been acquired for
the proposed project, and

WHEREAS, in the past, this certification process has
entailed placing an item on the City Council agenda for approval
and authorizing the City Manager or his designee to make the
required certification, and

WHEREAS, City staff has proposed that rather than
requiring Council approval and authorizing the City Manager or
his designee to sign certifications, that instead the Director of
Public Works and Transportation should be authorized to sign
Right of Way Certifications, thereby decreasing the number of
"routine" Council agenda items and streamlining the process for
advertising Federally funded projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that to streamline the process for advertising
Federally funded projects, the Director of Public Works and Transportation is hereby authorized to sign Right of Way Certifications, setting forth the status of the right of way acquisition for Federally funded street maintenance and transportation related projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

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

NOES:       Councilmembers:  None

ABSENT:     Councilmembers:  Patterson

ATTEST:     NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-186

A RESOLUTION AUTHORIZING DESIGNATED CITY STAFF TO SIGN NECESSARY AND REQUIRED DOCUMENTS FOR THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES) FOR THE PURPOSE OF FILING CLAIMS FOR REIMBURSEMENT DUE TO WINTER STORM 95.

WHEREAS, in order for the City to file claims for the purpose of obtaining certain Financial Federal Assistance from The Federal Emergency Management Administration (FEMA) and the California Office Of Emergency Services (OES), for reimbursement due to rain/wind and floods occurring in 1995, the City Council by resolution must authorize designated City staff to execute necessary and required documents for and in behalf of the City of Modesto,

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

__ J. Edward Tewes ___, City Manager
OR
__ Paul Baxter ___, Deputy City Manager
OR
__ Kevin Riper ___, Finance Director
OR
__ Jim Pregler ___, Purchasing Officer

are hereby authorized to execute for and in behalf of the City of Modesto, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal assistance.
financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the Natural Disaster Assistance Act for the rain, wind and floods which occurred in February/March of 1995, and

BE IT FURTHER RESOLVED that the City of Modesto, a public entity established under the laws of the State of California, hereby authorizes its agent to provide to the State Office of emergency services for all matters pertaining to such state disaster assistance the assurances and agreements required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CERTIFICATION

I, Norrine Coyle, duly appointed and City Clerk of the City of Modesto, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the City Council of the City of Modesto on the 18th day of April, 1995.

Date: April 20, 1995.

[Signature]
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-187

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CITY TO TAKE OVER THE SIGNAL TIMING FOR THE SIGNALS ON STATE ROUTES IN MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans for the City to take over the signal timing for the signals on State routes in Modesto 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 April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-188

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF THREE NEW SETS OF OVERHEAD LUBE REAL SYSTEMS FOR THE FLEET SERVICES DIVISION OF PUBLIC WORKS AND TRANSPORTATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the purchase of three new sets of overhead lube real systems for the Fleet Services Division of Public Works and Transportation, 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 May 16, 1995, 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 25th day of April, 1995, 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, Vice Mayor Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING FORTY-FOUR NEW UTILITY VEHICLES FOR THE FLEET SERVICES DIVISION OF PUBLIC WORKS AND TRANSPORTATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the purchase of forty-four new utility vehicles for the Fleet Services Division of Public Works and Transportation, 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 May 16, 1995, at 11:05 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 25th day of April, 1995, 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, Vice Mayor Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-190

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING GROUNDS MAINTENANCE EQUIPMENT TO BE USED BY PARKS AND RECREATION DEPARTMENT FOR GROUNDS MAINTENANCE AT THE GOLF COURSES, JOHN THURMAN FIELD AND AT VARIOUS PARK SITES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the purchase of grounds maintenance equipment to be used by Parks and Recreation Department for grounds maintenance at the golf courses, John Thurman Field and at various park sites, 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 May 16, 1995, at 11:10 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 25th day of April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-191

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE CLAUSS ROAD WATERLINE – BRIGGSMORE AVENUE TO SYLVAN AVENUE PROJECT

WHEREAS, a Notice to Contractors for the Claus Road waterline-Briggsmore Avenue to Sylvan Avenue project, was published in the Modesto Bee on March 31, 1995, authorizing the calling for bids; and

WHEREAS, the bids received for the Claus Road waterline-Briggsmore Avenue to Sylvan Avenue, were opened at 11:05 a.m. on April 11, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction, for a total cost of $624,268.50, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1995, 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, Friedman, McClanahan, Vice Mayor Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-192

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS FOR THE DESANDER INSTALLATION PROJECT AT WELLS 1, 3, 8, 10, 17, 18, 22 AND 29

WHEREAS, a Notice to Contractors for the desander installation project at Wells 1, 3, 8, 10, 17, 18, 22 and 29, was published in the Modesto Bee on March 25, 1995, authorizing the calling for bids; and

WHEREAS, the bids received for the desander installation project at Wells 1, 3, 8, 10, 17, 18, 22 and 29, were opened at 11:00 a.m. on April 11, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Howk Systems, for a total cost of $306,230, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-193

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $357,682 TO FUND COMPLETION OF THE DESANDER INSTALLATION PROJECT AT WELLS 1, 3, 8, 10, 17, 18, 22 AND 29

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Sand Separator $357,682

TO: Desander Installation (612 480 C187) $357,682

These funds are needed to complete the desander installation project at Wells 1, 3, 8, 10, 17, 18, 22, 29.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF MOODY CONSTRUCTION FOR THE RIP RAP REPAIR PROJECT AT THE STORAGE PONDS ON JENNINGS ROAD

WHEREAS, a Notice to Contractors for the rip rap repair project at the storage ponds on Jennings Road, was published in the Modesto Bee on March 18, 1995, authorizing the calling for bids; and

WHEREAS, the bids received for the rip rap repair project at the storage ponds on Jennings Road, were opened at 11:00 a.m. on April 11, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Moody Construction, for a total cost of $49,000, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-195

A RESOLUTION ACCEPTING THE GENERAL AVIATION AREA WATER SYSTEM UPGRADE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the General Aviation Area water system upgrade project, has been completed by Allen A. Waggoner Construction, Inc., in accordance with the contract agreement dated November 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the General Aviation Area water system upgrade project be accepted from said contractor, Allen A. Waggoner Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $158,479.77, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1995, by Councilmember ___, who moved its adoption, which motion being duly seconded by Councilmember ___, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE ELECTRICAL DIVISION SHOP MODIFICATION PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Electrical Division Shop modification project, has been completed by Conco-West, Inc., in accordance with the contract agreement dated January 3, 1995.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Electrical Division Shop modification 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 amount due in the amount of $28,050, 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 April, 1995, by Councilmember __________, who moved its adoption, which motion being duly seconded by Councilmember ______ F r i e d m a n , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: J U D Y C . H A L L , Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-197


WHEREAS, after third quarter financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1994-95.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the changes listed in Schedule "A" be made to the Annual Budget of the City of Modesto for Fiscal Year 1994-95.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
### SCHEDULE A

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-198

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) TO MANAGE PREPARATION OF THE BICYCLE TRANSPORTATION MASTER PLAN FOR SAAG

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Area Association of Governments (SAAG) to manage preparation of the Bicycle Transportation Master Plan for SAAG 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 April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
BRADY AND ASSOCIATES FOR PREPARATION OF THE BICYCLE TRANSPORTATION MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Brady and Associates for preparation
of the Bicycle Transportation Master Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 25th day of April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATED AND APPROPRIATE ADDITIONAL FUNDING FOR A NEW CAPITAL IMPROVEMENT PROJECT ENTITLED SAAG BICYCLE TRANSPORTATION MASTER PLAN.

WHEREAS, the City has entered into an agreement with the Stanislaus Area Association of Governments (SAAG) to prepare the SAAG Bicycle Transportation Master Plan.

WHEREAS, Brady and Associates is preparing the City's Non-motorized Transportation Master Plan and has agreed to prepare the SAAG Plan at a cost not exceed $32,051, which SAAG and City staff have agreed is reasonable and appropriate. City staff will invoice SAAG for work completed by Brady and Associates, and will pay Brady and Associates from fund a new project 052-310-E626-6010.

WHEREAS, in exchange, SAAG will reimburse the City or expenses, up to 2% of the contract costs ($641).

WHEREAS, the following adjustments are necessary:

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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: ________________________________
Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
Michael D. Milich, City Attorney
A RESOLUTION APPROVING FINANCING AGREEMENTS BETWEEN THE CITY OF MODESTO AND DARRELL WADE, FLORENCE VON DOHLEN, GREGORY SAY AND ROBERT PETERSEN FOR THE PURPOSE OF REHABILITATING THEIR PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreements between the City of Modesto and Darrell Wade, Florence Von Dohlen, Gregory Say and Robert Pedersen for the purpose of rehabilitating their properties pursuant to the City of Modesto's Housing Rehabilitation program be, and it is 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 25th day of April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-202

A RESOLUTION APPROVING AN AMENDED LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND HEIN HETTINGA AND AMOS DE GROOT FOR THE HAILWOOD RANCH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Hein Hettinga and Amos De Groot for lease of the Hailwood Ranch be, and it is 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 25th day of April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY B. HALL, Acting City Clerk
A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY TOWER GROUP FOR THE INSTALLATION OF A REPEATER ANTENNA USED FOR COMMUNICATIONS WITH CITY BUSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and City Tower Group for the installation of a repeater antenna used for communications with City buses be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1995, 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, Vice Mayor Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-204

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF REUBEN TORCH FROM THE CULTURE COMMISSION, EFFECTIVE APRIL 25, 1995

WHEREAS, Reuben Torch was appointed a member of the Culture Commission on November 3, 1992; and

WHEREAS, Reuben Torch has tendered his resignation from the Culture Commission, effective April 25, 1995; and

WHEREAS, Reuben Torch 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 Reuben Torch from the Culture 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 Reuben Torch for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1995, 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, Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-205

A RESOLUTION ACCEPTING THE BID OF LAGORIO COMMUNICATIONS FOR FURNISHING AND INSTALLING 32 RADIOS WITH PA SYSTEM IN MAX BUSES

WHEREAS, Resolution No. 95-117, adopted by the Council of the City of Modesto on March 7, 1995, approved the plans and specifications for the purchase and installation of 32 radios with PA system in MAX buses, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase and installation of 32 radios with PA system in MAX buses, were opened at 11:00 a.m. on April 3, 1995, 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 Lagorio Communications, in the amount of $81,272.83, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lagorio Communications 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 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-206

A RESOLUTION ACCEPTING THE BID OF AUBURN CONSTRUCTORS FOR THE INSTALLATION OF WATER TANK NO. 4 AND WELL NO. 54 PROJECT

WHEREAS, Resolution No. 95-119, adopted by the Council of the City of Modesto on March 7, 1995, approved the plans and specifications for the installation of Water Tank No. 4 and Well No. 54 Project, and authorized the calling for bids; and

WHEREAS, the bids received for the installation of Water Tank No. 4 and Well No. 54 Project, were opened at 11:00 a.m. on April 18, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Auburn Constructors, in the amount of $995,680, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORTINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-207

A RESOLUTION APPROVING A CONSOLIDATED PLAN
FOR HOUSING AND COMMUNITY DEVELOPMENT FOR THE
YEARS 1995-2000, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE NECESSARY DOCUMENTS IN
RELATION TO SAID PLAN FOR SUBMITTAL TO HUD.

WHEREAS, new U.S. Department of Housing and Urban
Development (HUD) guidelines for Fiscal Year 1995-96 programs
require the City to broaden its Citizen Participation beyond the
already extensive and inclusive process it has followed for the
last several years, and

WHEREAS, the City reached out to representatives of
non-profit agencies, neighborhood groups, the private sector,
other governmental agencies and service clubs to determine our
needs and to develop priorities and strategies, and said Plan was
the result of that effort, and

WHEREAS, the Consolidated Plan brings together the
principal housing and community development plans and
applications from the four main HUD programs that the City
operates: Community Development Block Grant, the HOME, the
Emergency Shelter Grant and the HOPWA Grant programs, and

WHEREAS, the development of a Consolidated Plan was
reviewed by the Citizen's Housing and Community Development
Committee, which held a public hearing on the Plan on April 20,
1995, and the final version of the Consolidated Plan was amended
and approved by the Community Development Committee on that date
and recommended to the City Council for approval, and
WHEREAS, the City Council Community Development and Housing Committee reviewed and approved the recommended Consolidated Plan on April 28, 1995, and

WHEREAS, at its meeting of May 2, 1995, the Council considered the Consolidated Plan, as recommended, which presented a coordinated approach to addressing the City of Modesto's housing and community development needs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and hereby approves the Consolidated Plan for Housing and Community Development for the Years 1995-2000, dated May 1995, which Plan presents a coordinated approach to addressing the City of Modesto's housing and community development needs, a copy of which Plan is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager or his authorized designee to execute all necessary documents in relation to said Consolidated Plan for Housing and Community Development for submittal to the U.S. Housing and Urban Development (HUD).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND BURBANK-PARADISE FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Burbank-Paradise Fire Protection 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 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND SALIDA FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Salida Fire Protection 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 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND WOODLAND AVENUE FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Woodland Avenue Fire Protection 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 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTPORT FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Westport Fire Protection 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 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO A's PROFESSIONAL BASEBALL CLUB FOR USE OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto A's Professional Baseball Club for use of John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-213A

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves ("Reserves") have contributed numerous hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, in 1994 there were approximately forty-four (44) Reserves in the organization, private citizens from all walks of life, who devoted many hours of their own time to the Modesto Police Department, apart from their employment or business, and

WHEREAS, the Reserves worked with the Modesto Police Department, performing whatever duties might have been requested in the way of enforcing laws, searching for missing persons, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1994, the Reserves served a total of eighteen thousand five hundred thirty-seven (18,537) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.
BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Reserve Officers who devoted many personal hours of service to the Modesto Police Reserves during the year 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES:   Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-213B

A RESOLUTION COMMENDING THE MODESTO POLICE
DEPARTMENT EXPLORERS FOR CONTRIBUTIONS TO THE
COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Department Explorers
("Explorers") have contributed numerous hours each year to the
City of Modesto by assisting the Police Department in providing
hours of service to its citizens, and

WHEREAS, in 1994 there were approximately twenty-six
(26) explorers in the organization, private citizens from all
walks of life, who devoted many hours of their own time to the
Modesto Police Department, apart from their employment or
business, without receiving any pay whatsoever, and

WHEREAS, the Explorers worked with the Modesto Police
Department, performing whatever duties might have been requested
in all the divisions of the Police Department, including
assisting in both the Bureau of Support and the Bureau of
Operations of the Modesto Police Department, and

WHEREAS, during the year 1994, the Explorers served a
total of five thousand three hundred eight (5,308) hours of time
for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that each and every person serving with the
Modesto Police Department Explorers is hereby commended for
contributing many hours of service in the organization which so
greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Explorers who devoted many personal hours of service to the Modesto Police Department and citizens of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-213C

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT CITIZEN VOLUNTEERS FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Department Citizen Volunteers ("Volunteers") have contributed numerous hours each year to the City of Modesto by assisting the Police Department in providing hours of service to its citizens, and

WHEREAS, in 1994, there were approximately eleven (11) Volunteers of the organization, private citizens from all walks of life, who devoted many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Volunteers worked with the Modesto Police Department, performing whatever duties might have been requested in all the divisions of the Police Department, including assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, during the year 1994, the Volunteers served a total of four thousand ten (4,010) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Department Citizen Volunteers is hereby commended for contributing many hours of service in the organization which
so greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Volunteers who devoted many personal hours of service to the Modesto Police Department and citizens of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-214

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SYLVAN UNION SCHOOL DISTRICT FOR THE USE OF SOMERSET MULTIPURPOSE FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Sylvan union School District for use of the Somerset Multipurpose Facility be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION 95-215

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE $1,100 FROM THE GENERAL FUND CONTINGENCY RESERVE TO FUND ACTIVITIES BY THE STANISLAUS COUNTY COMMISSION ON AGING AND THE CENTRAL CALIFORNIA ART LEAGUE.

WHEREAS, the City received requests from the two agencies for funding activities in May of this year. Since all funds had been committed from the Cultural Promotions Account, the matter was referred to the Financial Policy Committee for their review.

WHEREAS, the financial Policy Committee discussed these issues and is recommending the appropriation be approved in the requested amounts as follows: Commission on Aging/Senior Awareness Day $800, Central California Art League $300.

WHEREAS, the following adjustments are necessary:

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Expenditures</th>
<th>Increase (Decrease)</th>
</tr>
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<tr>
<td>010-360-3622-1016</td>
<td>Senior Awareness Day</td>
<td>$800</td>
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<tr>
<td>010-360-3622-1017</td>
<td>Central California Art League</td>
<td>$300</td>
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<tr>
<td>010-800-8000-8003</td>
<td>General Fund Contingency Reserve</td>
<td>($1,100)</td>
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</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-216

A RESOLUTION APPROVING AN AMENDED CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Brady and Associates for consultant services to prepare an Environmental Impact Report and Specific Plan to develop a business park in the Kiernan-Pelandale Corridor be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION TERMINATING THE CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR AND DATED JANUARY 24, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady and Associates for consultant services to prepare an Environmental Impact Report and Specific Plan to develop a business park in the Kiernan-Pelandale Corridor and dated January 24, 1995 be, and it is hereby terminated.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-218

A RESOLUTION ESTABLISHING PASSENGER FARES FOR
BUS SERVICE ON MODESTO AREA EXPRESS AND
SUPERSEDDING RESOLUTION NO. 89-699.

BE IT RESOLVED by the Council of the City of Modesto
that the following fares are hereby established for passengers
riding on the fixed route buses of the Modesto Area Express:

A. Cash Fares

1. Regular Passengers $ .75
2. Students (age 5 and older and
   full-time college students) $ .55
3. Handicapped and Senior Citizens $ .35
4. Transfer fare for passengers
   transferring from the
   Stanislaus County Rural Transit
   System to Modesto Area Express $ .25
5. Student field trip fare (per
   student and/or accompanying
   adult, effective only for
   elementary or junior high
   school field trips prearranged
   in accordance with rules set by
   the Transit Manager) $ .45

B. Passes and Tickets

1. Regular Monthly Pass - full
   month $29.00
   After the 7th of the month $21.75
   After the 14th of the month $14.50
   After the 21st of the month $ 7.25
2. Student Monthly Pass - full
   month $20.00
   After the 7th of the month $15.00
   After the 14th of the month $10.00
   After the 21st of the month $ 5.00
3. Senior Citizen/Handicapped Monthly Pass - full month
   After the 7th of the month $15.00
   After the 14th of the month $11.25
   After the 21st of the month $ 7.50

4. All day Bus Pass (all passengers) $ 3.75

5. Commuter Tickets $ 1.70
   (Commuter tickets are valid only between the hours of
    6:00 a.m. and 10:00 a.m. and from 4:00 p.m. to 6:00 p.m.
    every day)

6. Regular Passenger Ticket Books $29.00
7. Student Passenger Ticket Books $37.50
8. Senior Citizen/Handicapped Ticket Books $27.50

BE IT FURTHER RESOLVED that Resolution No. 89-700
adopted on June 27, 1989, is hereby superseded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-218A  

A RESOLUTION ESTABLISHING PASSENGER FARES FOR DIAL-A-RIDE SERVICE AND SUPERSEDING RESOLUTION NO. 89-700.

BE IT RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the City of Modesto's Dial-A-Ride service:

- Regular Cash Fare: $1.50
- Ticket Books (containing 10 tickets): $10.00

BE IT FURTHER RESOLVED that Resolution No. 89-700 adopted on June 27, 1989, is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-219

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE AIRPORT WAY EXTENSION PROJECT

WHEREAS, bids for the Airport Way extension project were opened on April 4, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of George Reed, Inc. in the amount of $75,555.55, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-220

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $12,900.00 TO FUND
THE AIRPORT WAY EXTENSION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: General Aviation Apron Slurry Seal $12,900.00
         (632 480 E948 6000)
TO:   Airport Way Resurface Extension $12,900.00

The original scope of work was reduced over 50% due to funding
requirements. However, the remaining work still requires
additional funds for completion.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 9th day of May, 1995, by
Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

AYES:   Councilmembers:        Cogdill, Dobbs, Friedman, McClanahan,
               Muratore, Mayor Lang
NOES:   Councilmembers:        None
ABSENT: Councilmembers:        Patterson

ATTEST: NORRINE COYLB, City Clerk
A RESOLUTION ACCEPTING THE SYLVAN AVENUE WATERLINE TO WATER TANK NO. 4 AND WELL NO. 54 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sylvan Avenue waterline to Water Tank No. 4 and Well No. 54 project, has been completed by B. G. Pipeline, Inc., in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Sylvan Avenue waterline to Water Tank No. 4 and Well No. 54 project be accepted from said contractor, B. G. Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of $667,785.93, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember __________ Friedman, who moved its adoption, which motion being duly seconded by Councilmember __________ Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION ACCEPTING THE DRYDEN GOLF COURSE DRIVING RANGE LIGHTING PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Dryden Golf Course driving range lighting project, has been completed by Continental Transformer Services, in accordance with the contract agreement dated August 2, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Dryden Golf Course driving range lighting project, be accepted from said contractor, Continental Transformer Services; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $41,425.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember __ Friedman ___, who moved its adoption, which motion being duly seconded by Councilmember __ Dobbs ___, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $925.00 TO HELP FUND THE DRYDEN GOLF COURSE DRIVING RANGE LIGHTING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Creekside Golf Course Cart Paths (660 330 E416 6050) $925

TO: Dryden Driving Range lights (660 330 D248 6040) $925

Additional staff time was necessary to monitor the extended construction schedule, primarily caused by wet weather delays and long lead material delivery.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 23, 1995, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for the proposed 1995-96 Operating Budget and proposed Capital Improvement program (CIP) for 1995-96 through 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-225

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the Public Works and Transportation Director, the person designated by this Council as
the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-226

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, the Public Works and Transportation Director, the person designated by this Council as
the Engineer of Work for Assessment District No. 2, is hereby
directed to prepare and file an annual report in accordance with
the provisions of the Landscaping and Lighting Act of 1972, as
amended, (Streets and Highways Code Sections 22500 through 22679.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-227

A RESOLUTION APPROVING AN AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY
OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS
ASSOCIATION FOR THE FISCAL YEARS 1994-95 AND
1995-96.

WHEREAS, the representatives of the City and the
Modesto City Fire Fighters Association (MCFFA) 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 1994-95 and 1995-96, and

WHEREAS, a Memorandum of Understanding representing the
mutual understandings reached as a result of such meet and confer
sessions was entered into on August 16, 1994, and,

WHEREAS, during the course of administering that MOU,
it was discovered that an error had been made concerning the
effective date of Article 12, Cafeteria Plan, and

WHEREAS, the parties have subsequently met and
conferred and agreed that a mutual error had been made, and
consequently, the proposed amendment reforms the original MOU to
correct that mutual mistake,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Amendment to the Memorandum of
Understanding between the City of Modesto and the Modesto City
Fire Fighters Association for the Fiscal Years 1994-95 and 1995-96,
is hereby approved, and a copy of said Amendment to the 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINEO Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-228

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARDEN PROJECT FOR USE OF 2 ACRES OF TUOLUMNE RIVER REGIONAL PARK NURSERY FOR THE PURPOSE OF PROVIDING A GARDEN PROJECT FOR DISADVANTAGED AND HOMELESS PERSONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Garden Project, for the use of 2 acres of Tuolumne River Regional Park adjacent to the City Nursery (Robertson Road and Sutter Avenues) for the purpose of providing a garden project for disadvantaged and homeless persons be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-229

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ERNESTINE ALVAREZ, OWNER OF PROPERTY AT 2708 SPARKS WAY, FOR THE PURPOSE OF REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO’S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Ernestine Alvarez, owner of property at 2708 Sparks Way, for the purpose of rehabilitating her property pursuant to the City of Modesto’s Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-230

A RESOLUTION GRANTING PERMISSION TO HANG A
BANNER ON THE PEDESTRIAN OVERCROSSING ON
NINTH STREET IN RELATION TO THE 1995 POLICE
SUMMER GAMES.

WHEREAS, the Modesto Police Department has requested
the Council's approval to hang a banner on the pedestrian
overcrossing located on Ninth Street from June 23 to July 2,
1995, in relation to the 1995 Police Summer Games, and

WHEREAS, the dimensions for the proposed banner are two
feet by twenty feet (2' x 20') and will read on both sides:
"Modesto Welcomes the 1995 Police Summer Games", and

WHEREAS, Ninth Street is State Route 132, governed by
the State of California, and

WHEREAS, the California Department of Transportation
has given verbal approval for an encroachment permit for the
hanging of this banner, but has required official approval by the
local agency's governing board (the Council), and

WHEREAS, at the May 2, 1995, Human Services/Public
Safety Council Committee, installation of the proposed banner was
approved by the committee members as recommended by City staff,
and

WHEREAS, the Council considered this matter at its
meeting of May 9, 1995,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto as follows:
1. That the request to hang a banner on the pedestrian overcrossing located on Ninth Street relating to the 1995 Police Summer Games is hereby granted.

2. That the banner's dimensions shall be two feet by twenty feet (2' x 20') and will read on both sides: "Modesto Welcomes the 1995 Police Summer Games".

3. That the banner will serve as an informational sign announcing the 1995 Police Summer Games to City residents and to visitors from out-of-town and, therefore, is exempt from Section 10-2.2101 of the Modesto Municipal Code.

4. That the banner shall be installed on June 23, 1995, by City personnel and shall be removed on July 2, 1995, by City personnel.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to certify a copy of this resolution for the Modesto Police Department so that the Police Department may forward the certified copy of this resolution to the California Department of Transportation for the appropriate encroachment permit to allow the hanging of the banner as set forth in this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-231

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $12,000 TO PURCHASE A LASER ALIGNMENT TOOL FOR WASTEWATER TREATMENT SYSTEM PUMPS AND EQUIPMENT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Climber Screen Account $12,000
(621 480 D304 6040.40)

TO: Mechanical Alignment Account $12,000
(621 480 E564 6070.40)

Funds were budgeted in the FY95 operating budget to purchase a mechanical alignment system for aligning motors to pump shafts and other mechanical rotating equipment. New technology has resulted in a superior laser system that saves time and is more reliable versus the budgeted mechanical system. Additional funds are needed to purchase this equipment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-232  

A RESOLUTION APPOINTING FORREST HEATH TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. Forrest Heath is hereby appointed to the Local Cable Programming Committee, term to expire 1/1/98.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Local Cable Programming Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:  
NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING JOSEPH MARTINEZ 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. Joseph Martinez is hereby appointed to the Affirmative Action Commission, term to expire 1/1/97.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-234

A RESOLUTION APPOINTING LAURA BONICH 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. Laura Bonich is hereby appointed to the Board of Building Appeals, term to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member 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 9th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-235

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LIFEGUARD HEALTH CARE TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lifeguard Health Care to provide employee group health coverage effective August 1, 1995, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Cogdill, 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, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-236

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE OF CALIFORNIA TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PacifiCare of California to provide employee group health coverage effective August 1, 1995, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Cogdill, 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, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-237

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL HEALTH PLANS TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Health Plans to provide employee group health coverage effective August 1, 1995, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Cogdill, 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, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-238

A RESOLUTION AUTHORIZING THE CANCELATION OF THE CITY'S SELF-INSURED PLAN AND CONTRACT WITH TAKECARE, EFFECTIVE JULY 31, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City's self-insured plan and contract with TakeCare be, and it is hereby canceled, effective July 31, 1995.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Cogdill, 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, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-239

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(509). (MELROSE
SUNDIAL, INC.)

WHEREAS, a verified application for an amendment to
Section 21-3-9 of the Zoning Map was filed by Melrose Sundial,
Inc. on February 17, 1995, to reclassify from Medium Density
Residential Zone, R-2, and Planned Development Zone, P-D(465), to
Planned Development Zone, P-D, to allow expansion of existing
care facilities and addition of a two-story assisted-living
senior housing complex, property located on the south side of
Corson Avenue at Melrose Avenue and on the north side of East
Fairmont Avenue at M.I.D. Lateral No. 4, described as follows:

P-D(465) to P-D(509)

All that certain real property situate in a portion of
the Southwest quarter of Section 21, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of
California, described as follows:

A portion of Lot 15 of the Fairmont Tract, according to
the Official Map thereof, filed in the Office of the
Recorder of Stanislaus county California, on December
27, 1911, in Volume 6 of Maps, at Page 12, and more
closely described as follows:

All of that certain property known as Fairmont Court as
shown on that certain official Subdivision Map filed in
the office of the Recorder of Stanislaus County,
California, on May 3, 1990, in Volume 35 of Maps, at
Page 01.

Including also all of the south one-half of 50.00-
foot-wide Corson Avenue, the north one-half of 30.00-
foot-wide East Fairmont Avenue, and the northwest one-
half of the M.I.D. Lateral No. 4 right-of-way and all
immediately adjacent to the above-described property.
R-2 to P-D(509)

All that certain real property situate in a portion of the Southwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel A as shown on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 8, 1978, in Book 26 of Parcel Maps, at Page 90.

Including also all of Parcel B shown on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 14, 1973, in Book 16 of Parcel Maps, at Page 52.

Including also the Southern one-half of Corson Avenue immediately adjacent to the above-described property.

Including also the Northern 160.00 feet of the Western 132.00 feet of Lot 15 of Fairmont Tract, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 27, 1911, in Volume 6 of Maps, Page 12.

WHEREAS, after a public hearing held on April 17, 1995, 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. 95-09, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone is in conformance with the General Plan and will contribute to a variety of housing types in the East McHenry neighborhood by providing living units for the elderly in a residential neighborhood setting.

2. The elderly care/housing facility is within walking distance of the bus route and will continue to be provided with private shuttle bus service.
3. The approved plot plan, along with required fencing, screen landscaping, and conditions of approval will assure this elderly care/housing complex will be compatible with the adjacent residential neighborhood.

and

WHEREAS, after a public hearing held on May 16, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Melrose Sundial, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 95-09 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2945-C.S. on the 16th day of May, 1995, reclassifying the above-described property from Medium Density Residential Zone, R-2, and Planned Development Zone, P-D(465), to Planned Development Zone, P-D(509).

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

1. All development shall conform to the plot plan and floor plans titled "Melrose Manor" as amended in red, stamped approved by the City Council on May 16, 1995.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south and west property lines adjacent to the two-story building addition. The screen landscaping shall
be planted with Phase I. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Second-story windows along the west and south elevations of the two-story building addition shall be view obscuring glass and are to remain closed at all times except for emergency access only as required by the Chief Building Official.

4. Fences or walls shall be constructed prior to occupancy of the Phase I portion and shall be as follows:
   
a. Minimum six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the north property lines.

b. Eight foot-high solid decorative masonry wall along portions of the west and south property lines adjacent to the proposed two-story building

c. Eight-foot high wood fence with decorative masonry pilasters at 16 foot on centers along the remaining portions of the south property line and along the most western property line adjacent to the one-story buildings in Phase I.

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

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

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

8. 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 required automatic fire sprinkler systems and fire hydrants required by the Fire Chief shall be installed and operable prior to occupancy of any structures.
9. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(509):

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

Phase I - Construction to begin on or before April 17, 1997, and completion to be not later than April 17, 1998.

Phase II - Construction to begin on or before April 17, 1998, and completion to be not later than April 17, 1999.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the
above-described property to Planned Development Zone, P-D(509), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: Patterson

ATTEST: NORME COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department Development Services
MODESTO CITY COUNCIL
RESOLUTION NO. 95-240

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 AND P-D(465) TO P-D(509). (MELROSE SUNDIAL, INC.)

WHEREAS, on March 15, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Planned Development Zone, P-D(465), to Planned Development Zone, P-D(509), property located on the south side of Corson Avenue at Melrose Avenue and on the north side of east Fairmont Avenue at M.I.D. Lateral No. 4 might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and
WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, 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, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-241

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE SPECIFIC PLAN FOR FAIRVIEW VILLAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Environmental Science Associates to prepare a focused Environmental Impact Report for the Specific Plan for Fairview Village be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, 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, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95–242

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994–95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES FOR A CONSULTANT TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT.

WHEREAS, funds were available by a private applicant with the City of Modesto in trust and will be appropriated in Strategic Planning Division, and

WHEREAS, this project will be completely funded by the Project Applicant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994–95 Annual Budget be amended as follows:

GENERAL FUND
APPROPRIATION & REVENUES ADJUSTMENTS

<table>
<thead>
<tr>
<th>FUND/ACCOUNT DESCRIPTION</th>
<th>CURRENT BUDGET</th>
<th>ADJUSTMENT</th>
<th>REVISED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairview Village Appropriation 010-140-1430-0235</td>
<td>1,962</td>
<td>64,765</td>
<td>66,727</td>
</tr>
<tr>
<td>Fairview Village Revenue 010-140-1430-8155</td>
<td>0</td>
<td>64,765</td>
<td>64,765</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, 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, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-243

A RESOLUTION STATING THE COUNCIL’S INTENTION TO INITIATE PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT AT THE POUST ROAD AND MC DONALD AVENUE CANAL CROSSING (LATERAL NO. 3) INTERSECTION IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT NO. 9.)

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Public Works and Transportation Director has proposed that the Council initiate proceedings to establish a Public Facilities District at Poust Road and the McDonald Avenue canal crossing (MID Lateral No. 3) intersection in the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. The Council of the City of Modesto hereby states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District No. 9. at Poust Road and the McDonald Avenue canal crossing (MID Lateral No. 3) intersection in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of City departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District No. 9.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-244

A RESOLUTION STATING THE COUNCIL'S INTENTION TO INITIATE PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT AT MORSE AVENUE ACROSS THE MID LATERAL NO. 3 FOR A CANAL CROSSING IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT NO. 10.)

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Public Works and Transportation Director has proposed that the Council initiate proceedings to establish a Public Facilities District at Morse Avenue across the MID Lateral No. 3 for a canal crossing in the City of Modesto,

THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. The Council of the City of Modesto hereby states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District No. 10. at Morris Avenue across the MID Lateral No. 3 for a canal crossing in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of City departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District No. 10.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-245

A RESOLUTION ESTABLISHING FEES TO BE PAID BY PERSONS OBTAINING COPIES OF OFFICIAL POLICE DEPARTMENT REPORTS AND POLICE PHOTOGRAPHS, AND RESCINDING RESOLUTION NO. 91-551.

WHEREAS, Section 6257 of the Government Code provides that except with respect to public records exempt by express provisions of law from disclosure, each state or local agency, upon any request for a copy of records, which reasonably describes an identifiable record, or information produced therefrom, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.

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

SECTION 1. The following fees are hereby established and shall be collected for preparation of copies of any official police department report and photograph on file in the office of the Police Department.

Copy of Official Police Report - $10.00 for the first 6 pages and $0.50 per each additional page

Copy of Official Police Photograph - $10.00 for processing and retrieval plus $1.10 per each print

These fees shall not apply to any governmental agency.
SECTION 2. The Police Chief shall cause a fee book to be kept by his department. All fees collected by his department for copies of these reports and photographs shall be entered in the book with the date, the name of the person making the payment, and the nature of the service in each case. At least weekly, these fees shall be paid into the City treasury.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-246

A RESOLUTION ESTABLISHING FEES FOR FINGERPRINTING, AND RESCINDING RESOLUTION NO. 91-550.

BE IT RESOLVED by the Council of the City of Modesto that the following fees are hereby established for fingerprinting service by the Modesto Police Department, except where fingerprints are required in conjunction with obtaining a City permit:

$7.00 for the first fingerprint card

$7.00 for each additional card

BE IT FURTHER RESOLVED that Resolution No. 91-550 adopted by the Council on August 27, 1991, is hereby rescinded effective July 1, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ______________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-247

A RESOLUTION ESTABLISHING AN IMPOUNDED
VEHICLE RELEASE FEE AND RESCINDING RESOLUTION
NO. 88-163.

WHEREAS, Section 3-10.26 of the Modesto Municipal Code
regulates the disposition of impounded vehicles in the City of
Modesto, and provides that an impounded vehicle release fee shall
be established by resolution adopted from time to time by the
Council of the City of Modesto, and

WHEREAS, Section 22850 of the California Vehicle Code
provides that a fee equal to the cost of removal, impound,
storage or release of the vehicle may be charged. Said fees as
permitted by the Vehicle Code are charged primarily to unlicensed
and suspended license individuals, and would not affect the
general public, or those individuals who claim a stolen vehicle,
which are released without fee, and

WHEREAS, a written release must be obtained from the
Modesto Police Department to secure release of an impounded
vehicle, and

WHEREAS, the Police Department of the City of Modesto
must issue said written release,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that in accordance with Modesto Municipal Code
Section 3-10.26, an impounded vehicle release fee in the amount
of $45.00 shall be charged to all persons seeking a written
release of a vehicle to cover the costs of processing and issuing
said written release.

BE IT FURTHER RESOLVED that Resolution No. 88-163 adopted by the Council on March 1, 1988, is hereby rescinded effective July 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 95-248

A RESOLUTION ESTABLISHING PARKS AND RECREATION FEES FOR YOUTH ACTIVITIES PERTAINING TO CHILDREN'S CONCERTS, KIDS ACTIVITY NIGHT, KIDS ON KAMPUS, KIDS 4 FUN CLUB, AND TEEN SWIM PARTIES.

WHEREAS, the Parks and Recreation Department has recommended the implementation of fees relating to the following youth activities:

Children's Concerts, which will provide cultural, educational and recreational entertainment for children;

Kids Activity Night and Kids on Kampus, which will provide recreational activities at five or more school sites year round with activities to include low organized games, relays, music, crafts, and parties for children;

Kids 4 Fun Club, which will encourage youth to participate in recreational activities such as the redwood derby, Saturday swim day, t-shirt, membership certificate and co-sponsor activity coupons;

Teen Swim Parties, which will be conducted at Johansen and Beyer High School swimming pools on Saturday evenings, games and contests will be conducted, and refreshments will be offered for sale, and

WHEREAS, the City Fees Task Force met on May 17, 1995, and approved the fees as recommended by City staff, and

WHEREAS, the establishment of said fees was set for a public hearing of the City Council to be held on May 23, 1995, at
4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider the establishment of said fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fees are hereby established as recommended by City staff:

<table>
<thead>
<tr>
<th>Activities</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Concerts</td>
<td>$7.00 - $10.00 per person</td>
</tr>
<tr>
<td>(estimating 300 youths at four concerts)</td>
<td></td>
</tr>
<tr>
<td>Kids Activity Night</td>
<td>$2.00 per child</td>
</tr>
<tr>
<td>Kids on Kampus</td>
<td>$2.00 per child</td>
</tr>
<tr>
<td>Kids 4 Fun Club</td>
<td>$12.00 per child</td>
</tr>
<tr>
<td>Teen Swim Parties</td>
<td></td>
</tr>
<tr>
<td>17 years old and under</td>
<td>$.75 per teen</td>
</tr>
<tr>
<td>18 - 20 years old</td>
<td>$1.50 per teen</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the fees set forth in this resolution shall be implemented and become effective on July 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-249

A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL RESOLUTION NO. 94-675.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

<table>
<thead>
<tr>
<th>Hangar No.</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$94.00 per unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$110.00 per unit per month</td>
</tr>
<tr>
<td>B</td>
<td>$115.00 per unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$141.00 per unit per month</td>
</tr>
<tr>
<td>C</td>
<td>$121.00 per unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$146.00 per unit per month</td>
</tr>
<tr>
<td>D</td>
<td>$108.00 per unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$128.00 per unit per month</td>
</tr>
<tr>
<td>E</td>
<td>$159.00 per unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$186.00 per unit per month</td>
</tr>
</tbody>
</table>
Hangar No. F ........................ $159.00 per unit per month
End Units .......................... $186.00 per unit per month
Hangar No. G ........................ $159.00 per unit per month
Hangar No. H ........................ $159.00 per unit per month
Hangar No. J ........................ $159.00 per unit per month
Portable Land Rent ................... $ 47.00 per unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 . . . $817.00 per month, plus roof amortization based on a per square foot basis as determined after completion of roof replacement.

Hangar No. 2 . . . $966.00 per month
Hangar No. 3 . . . $509.00 per month
Hangar No. 4 . . . $865.00 per month
Hangar No. 5 . . . $862.00 per month
Hangar No. 6 . . . $504.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) $37.00 per month.
(b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) $75.00 per month.

(c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) $.033 per square foot per month.

(d) Taxi-in Tie-Down - Transient, helicopter/single-engine aircraft $5.00 per day.

(e) Taxi-in Tie-Down - Transient, twin-engine aircraft (under 12,500 lbs) $7.00 per day.

(f) Taxi-in Tie-Down - Transient, twin-engine aircraft (over 12,500 lbs) $11.00 per day.

(g) Jet, Heavy Jet $11.00 per day.

A five (5%) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

(a) Old Administration Building . . $.64 per square foot
(b) Office Building No. 1 ......... $.64 per square foot

(c) Office Building No. 2,
    Suite A ............... $.64 per square foot

(d) Office Building No. 2,
    Suite B ............... $.64 per square foot

(e) Hangar Office Space ......... $.298 per square foot per month

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket Counter ............... $.067 per square foot

(b) Other Areas ............... $.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters, $10.00 per landing.

(b) All large single and multi-engine aircraft, $.66 per 1,000 pounds of gross weight, but not less than $10.00 per landing.

(c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.
SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carriers passengers excluding "frequent flyers", or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158. Collection will become effective September 1, 1994.

(a) Enplane passenger by airline $3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALL BOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement call board as follows:

<table>
<thead>
<tr>
<th>Display Size</th>
<th>Display Only</th>
<th>Display &amp; Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5&quot; x 9.5&quot;</td>
<td>$30.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>7.5&quot; x 21&quot;</td>
<td>$35.00</td>
<td>$55.00</td>
</tr>
<tr>
<td>19&quot; x 21&quot;</td>
<td>$40.00</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

(a) Incoming Service ...............  $0.50 Per Page

(b) Outgoing Service ............... Area Code 209 $1.00 Per Page
                                            Other Area Code $2.00 First
                                            Page, $1.50 All Other Pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title VI of the Modesto Municipal
Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the
privilege of engaging in business in the City of Modesto and on the Airport. Said
sum shall be payable at the time and in the manner provided for in Chapter 1 of Title
VI of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents
($0.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the
City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected
from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any
person engaging in a commercial enterprise, temporarily based at the Modesto
City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum
of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an
additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion
thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. MOTOR VEHICLE STORAGE CHARGES. Any person who
parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for
longer than thirty (30) days at a time shall pay to the City a parking fee of
Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 13. PENALTIES. A five (5%) percent penalty charge shall be
made on any of the charges and fees established by this resolution when such
charges and fees are not paid within thirty (30) days after they are due and payable.
No penalties will be collected on the PFC.
SECTION 14. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES.

Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner:

The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.
SECTION 15. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 1995.

SECTION 16. SUPERSEDE. This resolution rescinds Council Resolution No. 94-675.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

______________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF AN ABOVE-GROUND MOBILE HOIST FOR THE BUS MAINTENANCE FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the purchase of an above-ground mobile hoist for the bus maintenance facility, 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 June 13, 1995, 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:  Councilmembers:  None
ABSENT: Councilmembers:  Patterson

ATTEST:  
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF FAIRWAY SYSTEMS, INC. FOR FURNISHING A GOLF MANAGEMENT SOFTWARE AND HARDWARE SYSTEM

WHEREAS, Resolution No. 94-726, adopted by the Council of the City of Modesto on December 20, 1994, approved the plans and specifications for the purchase of a Golf Management Software and Hardware System, and authorized the calling for bids; and

WHEREAS, the bids received for the Golf Management Software and Hardware System, were opened at 11:00 a.m. on January 30, 1995, 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 Fairway Systems, Inc., in the amount of $98,765.93, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fairway 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-252

A RESOLUTION ACCEPTING THE SISK ROAD NEIGHBORHOOD TRAFFIC CONTROL IMPROVEMENTS (TARGET) AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sisk Road Neighborhood Traffic Control Improvements (Target) has been completed by George Reed, Inc., in accordance with the contract agreement dated November 15, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Sisk Road Neighborhood Traffic Control Improvements (Target) project, 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 $37,250 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 23rd day of May, 1995, by Councilmember _______Friedman_______, who moved its adoption, which motion being duly seconded by Councilmember _______Dobbs_______, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCILMEMBERS: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-253

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON AUGUST 5, 1995, AT 824 W. KIERNAN AVENUE, AND AUGUST 7, 1995, AT 501 NORTH JEFFERSON STREET AND 601 11TH STREET.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on August 5, and 7, 1995, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus Unclaimed Property Listing", is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus Unclaimed Property Listing", which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, August 5, 1995, at a large facility located at 824 W. Kiernan Avenue, and on Monday, August 7, 1995,
at 501 North Jefferson Street, City Corporation Yard, and 601 11th Street, Police Department Vehicle Maintenance Shop, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-254

A RESOLUTION APPROVING A 'TAKEOVER AGREEMENT' BETWEEN THE CITY OF MODESTO AND INDEMNITY COMPANY OF CALIFORNIA TO COMPLETE CONSTRUCTION OF THE BRIGGSMORE AVENUE WATERLINE FROM WELL #21 TO COFFEE ROAD PROJECT

WHEREAS, on January 25, 1994, the City of Modesto accepted the bid of MBM Construction for the Briggsmore Avenue waterline from McHenry Avenue to Coffee Road Project; and

WHEREAS, on November 16, 1994, the City Manager suspended the contract with MBM Construction due to the lack of progress on the work, and due to the expiration of the contractor's general liability insurance, and negotiated a "takeover agreement" with the surety, Indemnity Company of California, to complete the work.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the "takeover agreement" between the City of Modesto and Indemnity Company of California to complete construction of the Briggsmore Avenue waterline from Well #21 to Coffee Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-255


WHEREAS, the people of the State of California have enacted the California Wildlife, Coastal, and Park Land Conservation Act of 1988, which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and nonprofit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a tree planting project,

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approved the filing of an application for the Urban Forestry Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project; and

2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and

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-1-
3. Certifies that funds under the jurisdiction of the City Council are available to begin the project; and

4. Certifies that said applicant will expend grant funds prior to March 31, 1997; and

5. Appoints the City Manager as the agent of the City of Modesto to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-256

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DURVAL M. ESTRELA FOR THE PURPOSE OF REHABILITATING HIS PROPERTY AT 142 FRESNO AVENUE PURSUANT TO THE CITY OF MODESTO’S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Durval M. Estrela for the purpose of rehabilitating his property at 142 Fresno Avenue pursuant to the City of Modesto’s Housing Rehabilitation program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-257

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
JOHN A. TODD FOR THE PURPOSE OF REHABILITATING HIS PROPERTY AT 424 MAPLE STREET
PURSUANT TO THE CITY OF MODESTO’S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and John A. Todd for the purpose of
rehabilitating his property at 424 Maple Street pursuant to the City of Modesto’s
Housing Rehabilitation program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 23rd day of May, 1995, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____________________________
NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR THE DESIGN OF THE WATER QUALITY CONTROL PLANT, HEADWORKS, GRIT REMOVAL, AND SLUDGE THICKENING FACILITIES AT THE WASTEWATER TREATMENT PLANT.

WHEREAS, the City's Wastewater Treatment Plant has some critical rehabilitation needs, and

WHEREAS, to address these needs the City's 1995 Wastewater Master Plan recommends on site improvements at the primary wastewater treatment plant to replace exhausted process units to improve the solids capture efficiency, improve process reliability and to upgrade the facilities to improve safety and aesthetics, and

WHEREAS, City staff has conducted requests for qualifications from seventy engineering consulting firms who expressed an interest in providing engineering consulting services to the City, and

WHEREAS, City staff feels it is now appropriate to request proposals from five selected firms having similar experience on similar projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for design of the Water Quality Control Plant, headworks, grit removal and sludge thickening improvements at the primary wastewater treatment plant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrhine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-259

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
GEORGE FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION NO. 5 FOR A GARDEN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and George Frederickson for the lease of
a portion of Fire Station No. 5 for a garden be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 23rd day of May, 1995, by Councilmember
Friedman who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA WILKINS
NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-260

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CARROLL, BURDICK & MCDONOUGH FOR SPECIAL COUNSEL SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Carroll, Burdick & McDonough for special counsel services for the waste-to-energy project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-261

A RESOLUTION AGREEING THAT THE DISTRIBUTION
OF PROPERTY TAX REVENUES UNDER THE CURRENT
MASTER AGREEMENT BETWEEN THE CITY OF MODESTO
AND THE COUNTY OF STANISLAUS WHICH GOVERNS
THE EXCHANGE OF PROPERTY TAXES UPON
ANNEXATION IS ACCEPTABLE TO THE CITY FOR
PURPOSES OF MITIGATION OF FISCAL IMPACTS
ARISING FROM THE PROPOSED NORTH BEYER
REORGANIZATION.

WHEREAS, on September 8, 1992, the City Council held a
public hearing to consider the reorganization of the North Beyer
Park Neighborhood, and the reorganization was approved subject to
various conditions, including the following:

Prior to recording the Certificate of
Completion by the Executive Officer, the
Modesto City Council and County Board of
Supervisors shall enter into an agreement
that provides for the mitigation of fiscal
impacts to both parties prior to approval of
any development proposal by the City of
Modesto,

and

WHEREAS, the purpose of the annexation was to provide
for the future planned development of the area within the City of
Modesto, and

WHEREAS, the City and the County have agreed that a
resolution satisfying the above stated condition will serve as
the agreement between the City of Modesto and the Stanislaus
County Board of Supervisors, and
WHEREAS, the City of Modesto and the County of Stanislaus have approved a master agreement dated April 12, 1983, providing for the distribution of property tax revenues relating to jurisdictional changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby agree that the distribution of property tax revenues as provided for in the current master property tax agreement between the City of Modesto and the County of Stanislaus, dated April 12, 1983, is acceptable to the City for purposes of mitigation of fiscal impacts arising from the proposed North Beyer Reorganization. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Executive Officer of the Local Agency Formation Commission and the Board of Supervisors of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: __________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney

WHEREAS, local agencies are authorized by Section 53850 to 53858, both inclusive, of the Government Code of the State of California (the "Act") (being Article 7.6, Chapter 4, Part 1, Division 2, Title 5 of the Government Code) to borrow money by the issuance of temporary notes;

WHEREAS, the legislative body (the "Legislative Body") of the local agency specified in Section 25 hereof (the "Local Agency") has determined that a sum (the "Principal Amount"), not to exceed the Maximum Amount of Borrowing specified in Section 25 hereof, which Principal Amount is to be confirmed and set in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the Local Agency, to satisfy obligations of the Local Agency, and that it is necessary that said Principal Amount be borrowed for such purpose at this time by the issuance of a note therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to its fiscal year ending June 30, 1996 ("Fiscal Year 1995-1996");

WHEREAS, the Local Agency hereby determines to borrow, for the purposes set forth above, the Principal Amount by the issuance of the Note (as hereinafter defined);

WHEREAS, it appears, and this Legislative Body hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys of the Local Agency attributable to Fiscal Year 1995-1996 and available for the payment of the principal of the Note and the interest thereon;

WHEREAS, no money has heretofore been borrowed by or on behalf of the Local Agency through the issuance of tax anticipation notes or temporary notes in anticipation of the receipt of, or payable from or secured by, taxes, income, revenue, cash receipts or other moneys for Fiscal Year 1995-1996;

WHEREAS, pursuant to Section 53856 of the Act, certain moneys which will be received by the Local Agency during and attributable to Fiscal Year 1995-1996 can be pledged for the payment of the principal of the Note and the interest thereon (as hereinafter provided);
WHEREAS, the Local Agency has determined that it is in the best interests of the Local Agency to participate in the California Communities Cash Flow Financing Program (the "Program"), whereby participating local agencies (collectively, the "Issuers") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the Program requires the participating Issuers to sell their tax and revenue anticipation notes to the California Statewide Communities Development Authority (the "Authority") pursuant to note purchase agreements (collectively, "Purchase Agreements"), each between such individual Issuer and the Authority, and dated as of the date of the Pricing Confirmation, a form of which has been submitted to the Legislative Body;

WHEREAS, the Authority, in consultation with Sutro & Co. Incorporated, as underwriter for the Program (the "Underwriter"), will form one or more pools of notes (the "Pooled Notes") and assign each note to a particular pool (the "Pool") and sell a series (the "Series") of bonds (the "Bonds") secured by each Pool pursuant to an indenture (the "Indenture") between the Authority and U.S. Trust Company of California, N.A., as trustee (the "Trustee"), each Series distinguished by whether or what type(s) of Credit Instrument(s) (as hereinafter defined) secure(s) such Series, by the principal amounts of the notes assigned to the Pool or by other factors, and the Local Agency hereby acknowledges and approves the discretion of the Authority to assign the Note to such Pool and such Indenture as the Authority may determine;

WHEREAS, as additional security for the owners of each Series of Bonds, all or a portion of the payments by all of the Issuers of the notes assigned to such Series may or may not be secured (by virtue or in form of the Bonds, as indicated in the Pricing Confirmation, being secured in whole or in part) by an irrevocable letter (or letters) of credit or policy (or policies) of insurance or proceeds of a separate bond issue issued for such purpose (the "Reserve Fund") or other credit instrument (or instruments) (collectively, the "Credit Instrument") issued by the credit provider or credit providers designated in the Indenture, as finally executed (collectively, the "Credit Provider"), pursuant to a credit agreement or agreements or commitment letter or letters or, in the case of the Reserve Fund, an indenture (the "Reserve Indenture") (collectively, the "Credit Agreement") between (i) in the case of an irrevocable letter (or letters) of credit or policy (or policies) of insurance, the Authority and the respective Credit Provider and (ii) in the case of the Reserve Fund, the Authority and U.S. Trust Company of California, N.A., as trustee of the Reserve Indenture (the "Reserve Trustee");

WHEREAS, if, as designated in the Pricing Confirmation, the Credit Instrument is the Reserve Fund, bonds issued pursuant to the Reserve Indenture (the "Reserve Bonds") may, as indicated in the Pricing Confirmation, be secured by an irrevocable letter of credit or policy of insurance or other credit instrument (the "Reserve Credit Instrument") issued by the credit provider identified in the Reserve Indenture as finally executed (the "Reserve Credit Provider"), pursuant to a credit agreement or commitment letter (the "Reserve Credit Agreement") identified in the Reserve Indenture as finally executed, such Reserve Credit Agreement being between the Authority and the Reserve Credit Provider;

WHEREAS, the net proceeds of the Note may be invested by the Local Agency in Permitted Investments (as defined in the Indenture) or in any other investment permitted by the laws of the State of California, as now in effect and as hereafter amended, modified or supplemented from time to time;

WHEREAS, as part of the Program each participating Issuer approves the Indenture, the alternative forms of Credit Agreements, if any, and the alternative forms of Reserve Credit Agreements, if any, in substantially the forms presented to the Legislative Body, with the final form of Indenture, type of Credit Instrument and corresponding Credit Agreement and type of Reserve Credit Instrument and
corresponding Reserve Credit Agreement, if any, to be determined and approved by delivery of the Pricing Confirmation;

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of (a) the fees of the Trustee and the costs of issuing the applicable Series of Bonds, and (b), if applicable, the fees of the Credit Provider, the fees of the Reserve Credit Provider (which shall be payable from, among other sources, investment earnings on the Reserve Fund and moneys in the Costs of Issuance Fund established and held under the Indenture), the Issuer's allocable share of all Predefault Obligations and the Issuer's Reimbursement Obligations, if any (each as defined in the Indenture);

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of the fees of the Reserve Trustee and the costs of issuing the applicable Series of Reserve Bonds, all such costs and fees being payable from the proceeds of the applicable Series of Bonds (or, with respect to costs and fees of the Reserve Credit Provider, as may otherwise be provided in the Reserve Indenture);

WHEREAS, pursuant to the Program, the Underwriter will submit an offer to the Authority to purchase, in the case of each Pool of Notes, the Series of Bonds which will be secured by the Indenture to which such Pool will be assigned;

WHEREAS, it is necessary to engage the services of certain professionals to assist the Local Agency in its participation in the Program;

NOW, THEREFORE, the Legislative Body hereby finds, determines, declares and resolves as follows:

Section 1. Recitals. This Legislative Body hereby finds and determines that all the above recitals are true and correct.

Section 2. Authorization of Issuance. This Legislative Body hereby determines to borrow solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1995-1996, by the issuance of a note in the Principal Amount under Sections 53850 et seq. of the Act, designated the Local Agency's "1995-1996 Tax and Revenue Anticipation Note" (the "Note"), to be issued in the form of one fully registered note at the Principal Amount thereof, to be dated the date of its delivery to the initial purchaser thereof, to mature (without option of prior redemption) not more than thirteen months thereafter on a date indicated on the face thereof and determined in the Pricing Confirmation (the "Maturity Date"), and to bear interest, payable at maturity and computed upon the basis of a 360-day year consisting of twelve 30-day months, at a rate not to exceed ten percent (10%) per annum as determined in the Pricing Confirmation and indicated on the face of the Note (the "Note Rate"). If the Series of Bonds issued in connection with the Note is secured in whole or in part by a Credit Instrument or such Credit Instrument (other than the Reserve Fund) secures the Note in whole or in part and all principal of and interest on the Note is not paid in full at maturity or payment of principal of and interest on the Note is paid (in whole or in part) by a draw under, payment by or claim upon a Credit Instrument which draw, payment or claim is not fully reimbursed on such date, such Note shall become a Defaulted Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or the portion (including the interest component, if applicable) thereof with respect to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate (as defined in the Indenture). If the Credit Instrument is the Reserve Fund and the Reserve Bonds issued to fund the Reserve Fund are secured by the Reserve Credit Instrument and a Drawing (as defined in the Indenture) pertaining to the Note is not fully reimbursed by the Reserve Principal Payment
Date (as defined in the Indenture), such Note shall become a Defaulted Reserve Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or portion (including the interest component, if applicable) with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. If the Note or the Series of Bonds issued in connection with the Note is unsecured in whole or in part and the Note is not fully paid at maturity, the unpaid portion thereof (or the portion thereof to which no Credit Instrument applies which is unpaid) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. In each case set forth in the preceding three sentences, the obligation of the Local Agency with respect to such Defaulted Note or unpaid Note shall not be a debt or liability of the Local Agency prohibited by Article XVI, Section 18 of the California Constitution and the Local Agency shall not be liable thereon except to the extent of any available revenues attributable to Fiscal Year 1995-1996, as provided in Section 8 hereof. The percentage of the Note to which a Credit Instrument, if any, applies (the "Secured Percentage") shall be equal to the amount of the Credit Instrument divided by the aggregate amount of unpaid principal of and interest on the unpaid notes (or portions thereof) of all Issuers, expressed as a percentage (but not greater than 100%) as of the maturity date. The percentage of the Note to which the Reserve Credit Instrument, if any, applies (the "Secured Reserve Percentage") shall be equal to the amount of the Reserve Credit Instrument divided by the aggregate amount of unpaid principal of and interest on such unpaid notes (or portions thereof, including the interest component, if applicable), expressed as a percentage (but not greater than 100%) as of the Reserve Principal Payment Date.

Both the principal of and interest on the Note shall be payable in lawful money of the United States of America, but only upon surrender thereof, at the corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California.

The Note shall be issued in conjunction with the note or notes of one or more other Issuers as part of the Program and within the meaning of Section 53853 of the Act.

Section 3. Form of Note. The Note shall be issued in fully registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A as attached hereto and by reference incorporated herein, the blanks in said forms to be filled in with appropriate words and figures.

Section 4. Sale of Note; Delegation. The Note shall be sold to the Authority pursuant to the Purchase Agreement. The form of the Purchase Agreement, including the form of the pricing confirmation supplement (the "Pricing Confirmation") set forth as Exhibit A thereto, presented to this meeting are hereby approved. The authorized representatives set forth in Section 25 hereof (the "Authorized Representatives") are each hereby authorized and directed to execute and deliver the Purchase Agreement in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the Purchase Agreement shall not be effective and binding on the Local Agency until the execution and delivery of the Pricing Confirmation. The Authorized Representatives are each hereby further authorized and directed to execute and deliver the Pricing Confirmation in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the interest rate on the Note shall not exceed _ percent (%) per annum, the discount on the Note, when added to the Local Agency’s share of the costs of issuance of the Bonds, shall not exceed one percent (1.0%), and the Principal Amount shall not exceed the Maximum Amount of Borrowing. Delivery of an executed copy of the Pricing Confirmation by fax or telecopy shall be deemed effective execution and delivery for all purposes.
**Section 5. Program Approval.** The Pricing Confirmation shall indicate whether and what type of Credit Instrument and, if applicable, Reserve Credit Instrument will apply.

The forms of Indenture, alternative general types and forms of Credit Agreements, if any, and alternative general types and forms of Reserve Credit Agreements, if any, presented to this meeting are hereby acknowledged, and it is acknowledged that the Authority will execute and deliver the Indenture, one or more Credit Agreements, if applicable, and one or more Reserve Credit Agreements, if applicable, which shall be identified in the Pricing Confirmation, in substantially one or more of said forms with such changes therein as the Authorized Representative who executes the Pricing Confirmation shall require or approve (substantially final forms of the Indenture, the Credit Agreement and, if applicable, the Reserve Credit Agreement are to be delivered to the Authorized Representative concurrent with the Pricing Confirmation), such approval of the Authorized Representative and this Legislative Body to be conclusively evidenced by the execution of the Pricing Confirmation. If the Credit Agreement identified in the Pricing Confirmation is the Reserve Indenture, it is acknowledged that the Authority will issue the Reserve Bonds pursuant to and as provided in the Reserve Indenture as finally executed.

Any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Underwriter with such information relating to the Local Agency as the Underwriter shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement of the Authority. Upon inclusion of the information relating to the Local Agency therein, the Preliminary Official Statement and Official Statement or such other offering document is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the Local Agency and any Authorized Representative of the Local Agency is authorized to execute a certificate to such effect. If, at any time prior to the end of the underwriting period, as defined in the Rule, any event occurs as a result of which the information contained in the Preliminary Official Statement or other offering document relating to the Local Agency might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the Local Agency shall promptly notify the Underwriter.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which full reimbursement on a draw, payment or claim has not been made by the Maturity Date shall be deemed outstanding and shall not be deemed to be paid until (i) any Credit Provider providing a Credit Instrument with respect to the Note or the Series of Bonds issued in connection with the Note, has been reimbursed for any drawings, payments or claims made under or from the Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the applicable Credit Agreement, and, (ii) the holders of the Note, or Series of the Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Reserve Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Reserve Credit Instrument, if any, applies for which full reimbursement on a Drawing has not been made by the Reserve Principal Payment Date shall be deemed outstanding and shall not be deemed paid until (i) any Reserve Credit Provider providing a Reserve Credit Instrument with respect to the Reserve Bonds (against the Reserve Fund of which such Drawing was made) has been reimbursed for any Drawing or payment made under the Reserve Credit Instrument with respect to the Note, including interest accrued thereon, as provided...
therein and in the Reserve Credit Agreement, and (ii) the holders of the Note, or Series of Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For the purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

The Local Agency agrees to pay or cause to be paid, in addition to the amounts payable under the Note, any fees or expenses of the Trustee and, to the extent permitted by law, if the Local Agency’s Note is secured in whole or in part by a Credit Instrument and, if applicable, a Reserve Credit Instrument (by virtue of the fact that the Series of Bonds is secured by a Credit Instrument and, if applicable, Reserve Bonds are secured by a Reserve Credit Instrument), any Predefault Obligations and Reimbursement Obligations (to the extent not payable under the Note), (i) arising out of an "Event of Default" hereunder (or pursuant to Section 7 hereof) or (ii) arising out of any other event (other than an event arising solely as a result of or otherwise attributable to a default by any other Issuer). In the case described in (ii) above with respect to Predefault Obligations, the Local Agency shall owe only the percentage of such fees, expenses and Predefault Obligations equal to the ratio of the principal amount of its Note over the aggregate principal amounts of all notes, including the Note, of the Series of which the Note is a part, at the time of original issuance of such Series. Such additional amounts will be paid by the Local Agency within twenty-five (25) days of receipt by the Local Agency of a bill therefor from the Trustee.

Section 6. No Joint Obligation. The Note will be issued in conjunction with a note or notes of one or more other Issuers, assigned to secure a Series of Bonds. In all cases, the obligation of the Local Agency to make payments on or in respect to its Note is a several and not a joint obligation and is strictly limited to the Local Agency’s repayment obligation under this Resolution and the Note.

Section 7. Disposition of Proceeds of Note. A portion of the moneys received from the sale of the Note in an amount equal to the Local Agency’s share of the costs of issuance (which shall include any fees and expenses in connection with any Credit Instrument (and the Reserve Credit Instrument, if any) applicable to the Note or Series of Bonds and the corresponding Reserve Bonds, if any) shall be deposited in the Costs of Issuance Fund held and invested by the Trustee under the Indenture and expended as directed by the Authority on costs of issuance as provided in the Indenture. The balance of the moneys received from the sale of the Note to the Authority shall be deposited in the Local Agency’s Proceeds Subaccount hereby authorized to be created pursuant to, and held and invested by the Trustee under, the Indenture for the Local Agency and said moneys may be used and expended by the Local Agency for any purpose for which it is authorized to use and expend moneys, upon requisition from the Proceeds Subaccount as specified in the Indenture. Amounts in the Proceeds Subaccount are hereby pledged to the payment of the Note. The Trustee will not create subaccounts within the Proceeds Fund, but will keep records to account separately for proceeds of the Bonds allocable to the Local Agency’s Note on deposit in the Proceeds Fund which shall constitute the Local Agency’s Proceeds Subaccount.

Section 8. Source of Payment.

(A) The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1995-1996 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency hereby pledges certain unrestricted revenues (as hereinafter provided, the "Pledged Revenues")
which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1995-1996, and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the first moneys received by the Local Agency from such Pledged Revenues, and, to the extent not so paid, shall be paid from any other taxes, income, revenue, cash receipts and other moneys of the Local Agency lawfully available therefor (all as provided for in Sections 53856 and 53857 of the Act). The term "unrestricted revenues" shall mean all taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys, intended as receipts for the general fund of the Local Agency attributable to Fiscal Year 1995-1996 and which are generally available for the payment of current expenses and other obligations of the Local Agency. The Noteholders, Bondholders, Credit Provider and, if applicable, the Reserve Credit Provider shall have a first lien and charge on such certain unrestricted revenues as hereinafter provided which are received by the Local Agency and are attributable to Fiscal Year 1995-1996.

In order to effect the pledge referenced in the preceding paragraph, the Local Agency hereby agrees and covenants to establish and maintain a special account within the Local Agency's general fund to be designated the "1995 Tax and Revenue Anticipation Note Payment Account" (the "Payment Account") and further agrees and covenants to maintain the Payment Account until the payment of the principal of the Note and the interest thereon. Notwithstanding the foregoing, if the Local Agency elects to have Note proceeds invested in Permitted Investments to be held by the Trustee pursuant to the Pricing Confirmation, a subaccount of the Payment Account (the "Payment Subaccount") shall be established for the Local Agency under the Indenture and proceeds credited to such account shall be pledged to the payment of the Note. The Trustee need not create a subaccount, but may keep a record to account separately for proceeds of the Note so held and invested by the Trustee which record shall constitute the Local Agency's Proceeds Subaccount. Transfers from the Payment Subaccount shall be made in accordance with the Indenture. The Local Agency agrees to transfer to and deposit in the Payment Account the first amounts received in the months specified in the Pricing Confirmation as Repayment Months (each individual month a "Repayment Month" and collectively "Repayment Months") (and any amounts received thereafter attributable to Fiscal Year 1995-1996) until the amount on deposit in the Payment Account, together with the amount, if any, on deposit in the Payment Subaccount, is equal in the respective Repayment Months identified in the Pricing Confirmation to the percentage of the principal and interest due on the Note at maturity specified in the Pricing Confirmation. In making such transfer and deposit, the Local Agency shall not be required to physically segregate the amounts to be transferred to and deposited in the Payment Account from the Local Agency's other general fund moneys, but, notwithstanding any commingling of funds for investment or other purposes, the amounts required to be transferred to and deposited in the Payment Account shall nevertheless be subject to the lien and charge created herein. Any one of the Authorized Representatives of the Local Agency is hereby authorized to approve the determination of the Repayment Months and percentages of the principal and interest due on the Note at maturity required to be on deposit in the Payment Account and/or the Payment Subaccount in each Repayment Month, all as specified in the Pricing Confirmation, by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Legislative Body and such Authorized Representative; provided, however, that the maximum number of Repayment Months shall be six and the maximum amount of Pledged Revenues required to be deposited in each Repayment Month shall not exceed fifty percent (50%) of the principal and interest due on the Note at maturity. In the event on the day in each such Repayment Month that a deposit to the Payment Account is required to be made, the Local Agency has not received sufficient unrestricted revenues to permit the deposit into the Payment Account of the full amount of Pledged Revenues to be deposited in the Payment Account from said unrestricted revenues in said month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the Local Agency lawfully available for the payment of the principal of the Note and the interest thereon, as and when such other moneys are received or are otherwise legally available.
(B) Any moneys placed in the Payment Account or the Payment Subaccount shall be for the benefit of (i) the holder of the Note and the holders of Bonds issued in connection with the Notes, (ii) (to the extent provided in the Indenture) the Credit Provider, if any, and (iii) (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the Reserve Credit Provider, if any. The moneys in the Payment Account and the Payment Subaccount shall be applied only for the purposes for which such Accounts are created until the principal of the Note and all interest thereon are paid or until provision has been made for the payment of the principal of the Note at maturity with interest to maturity (in accordance with the requirements for defeasance of the Bonds as set forth in the Indenture) and, if applicable, (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the payment of all Predefault Obligations and Reimbursement Obligations owing to the Credit Provider and, if applicable, the Reserve Credit Provider.

(C) The Local Agency hereby directs the Trustee to transfer, at least two (2) Business Days (as defined in the Indenture) prior to the Note Maturity Date (as defined in the Indenture), any moneys in the Payment Subaccount to the Bond Payment Fund (as defined in the Indenture). In addition, at least two (2) Business Days prior to the Maturity Date of the Note, the moneys in the Payment Account shall be transferred by the Local Agency to the Trustee, to the extent necessary, to pay the principal of and interest on the Note or to reimburse the Credit Provider for payments made under or pursuant to the Credit Instrument. In the event that moneys in the Payment Account and/or the Payment Subaccount are insufficient to pay the principal of and interest on the Note in full on the Maturity Date, such moneys shall be applied in the following priority: first to pay interest on the Note; second to pay principal of the Note; third to reimburse the Credit Provider for payment, if any, of interest with respect to the Note; fourth to reimburse the Credit Provider for payment, if any, of principal with respect to the Note; fifth to reimburse the Reserve Credit Provider, if any, for payment, if any, of interest with respect to the Note; sixth to reimburse the Reserve Credit Provider, if any, for payment, if any, of principal with respect to the Note; and seventh to pay any Reimbursement Obligations of the Local Agency and any of the Local Agency's pro rata share of Predefault Obligations owing to the Credit Provider and Reserve Credit Provider (if any) as applicable. Any moneys remaining in or accruing to the Payment Account and/or the Payment Subaccount after the principal of the Note and the interest thereon and any Predefault Obligations and Reimbursement Obligations, if applicable, have been paid, or provision for such payment has been made, shall be transferred to the general fund of the Local Agency, subject to any other disposition required by the Indenture, or, if applicable, the Credit Agreement. Nothing herein shall be deemed to relieve the Local Agency from its obligation to pay its Note in full on the Maturity Date.

(D) Moneys in the Proceeds Subaccount and in the Payment Subaccount shall be invested by the Trustee pursuant to the Indenture as directed by the Local Agency in Permitted Investments as described in and under the terms of the Indenture. Any such investment by the Trustee shall be for the account and risk of the Local Agency, and the Local Agency shall not be deemed to be relieved of any of its obligations with respect to the Note, the Predefault Obligations or Reimbursement Obligations, if any, by reason of such investment of the moneys in its Proceeds Subaccount or the Payment Subaccount.

(E) At the written request of the Credit Provider, if any, or the Reserve Credit Provider, if any, the Local Agency shall, within ten (10) Business Days following the receipt of such written request, file such report or reports to evidence the transfer to and deposit in the Payment Account required by this Section 8 and provide such additional financial information as may be required by the Credit Provider, if any, or the Reserve Credit Provider, if any.

Section 9. Execution of Note. Any one of the Authorized Representatives of the Local Agency or any other officer designated by the Legislative Body shall be authorized to execute the Note by manual or facsimile signature and the Secretary or Clerk of the Legislative Body of the Local Agency,
or any duly appointed assistant thereto, shall be authorized to countersign the Note by manual or facsimile signature. Said Authorized Representative of the Local Agency, is hereby authorized to cause the blank spaces of the Note to be filled in as may be appropriate pursuant to the Pricing Confirmation. The Authorized Representative is hereby authorized and directed to cause the Authority to assign the Note to the Trustee, pursuant to the terms and conditions of the Purchase Agreement, this Resolution and the Indenture. In case any Authorized Representative whose signature shall appear on any Note shall cease to be an Authorized Representative before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Note need not bear the seal of the Local Agency, if any.

Section 10. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 11. Representations and Covenants of the Local Agency.

The Local Agency makes the following representations for the benefit of the holder of the Note, the owners of the Bonds, the Credit Provider, if any, and the Reserve Credit Provider, if any:

(A) The Local Agency is duly organized and existing under and by virtue of the laws of the State of California and has all necessary power and authority to (i) adopt this Resolution and perform its obligations thereunder, (ii) enter into and perform its obligations under the Purchase Agreement, and (iii) issue the Note and perform its obligations thereunder.

(B) (i) Upon the issuance of the Note, the Local Agency shall have taken all action required to be taken by it to authorize the issuance and delivery of the Note and the performance of its obligations thereunder, and (ii) the Local Agency has full legal right, power and authority to issue and deliver the Note.

(C) The issuance of the Note, the adoption of the Resolution and the execution and delivery of the Purchase Agreement, and compliance with the provisions hereof and thereof do not conflict with, breach or violate any law, administrative regulation, court decree, resolution, charter, by-laws or other agreement to which the Local Agency is subject or by which it is bound.

(D) Except as may be required under blue sky or other securities laws of any state or Section 3(a)(2) of the Securities Act of 1933, there is no consent, approval, authorization or other order of, or filing with, or certification by, any regulatory authority having jurisdiction over the Local Agency required for the issuance and sale of the Note or the consummation by the Local Agency of the other transactions contemplated by this Resolution, except those the Local Agency shall obtain or perform prior to or upon the issuance of the Note.

(E) The Local Agency has (or will have prior to the issuance of the Note) duly, regularly and properly adopted a preliminary budget for Fiscal Year 1995-1996 setting forth expected revenues and expenditures and has complied with all statutory and regulatory requirements with respect to the adoption of such budget. The Local Agency hereby covenants that it shall (i) duly, regularly and properly prepare and adopt its final budget for Fiscal Year 1995-1996, (ii) provide to the Trustee, the Credit Provider, if any, the Reserve Credit Provider, if any, and the Underwriter, promptly upon adoption, copies of such final budget and of any subsequent revisions, modifications or amendments thereto and (iii) comply with all applicable laws pertaining to its budget.

(F) The sum of the principal amount of the Local Agency’s Note plus the interest payable thereon, on the date of its issuance, shall not exceed fifty percent (50%) of the estimated amounts of the Local Agency’s uncollected taxes, income, revenue (including, but not limited to, revenue from
the state and federal governments), cash receipts, and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1995-1996, all of which will be legally available to pay principal of and interest on the Note.

(G) The Local Agency (i) has not defaulted within the past twenty (20) years, and is not currently in default, on any debt obligation and (ii), to the best knowledge of the Local Agency, has never defaulted on any debt obligation.

(H) The Local Agency’s most recent audited financial statements present fairly the financial condition of the Local Agency as of the date thereof and the results of operation for the period covered thereby. Except as has been disclosed to the Underwriter, the Credit Provider, if any, and the Reserve Credit Provider, if any, there has been no change in the financial condition of the Local Agency since the date of such audited financial statements that will in the reasonable opinion of the Local Agency materially impair its ability to perform its obligations under this Resolution and the Note. The Local Agency agrees to furnish to the Authority, the Underwriter, the Trustee, the Credit Provider, if any, and the Reserve Credit Provider, if any, promptly, from time to time, such information regarding the operations, financial condition and property of the Local Agency as such party may reasonably request.

(I) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, arbitrator, governmental or other board, body or official, pending or, to the best knowledge of the Local Agency, threatened against or affecting the Local Agency questioning the validity of any proceeding taken or to be taken by the Local Agency in connection with the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, this Resolution, or seeking to prohibit, restrain or enjoin the execution, delivery or performance by the Local Agency of any of the foregoing, or wherein an unfavorable decision, ruling or finding would have a materially adverse effect on the Local Agency’s financial condition or results of operations or on the ability of the Local Agency to conduct its activities as presently conducted or as proposed or contemplated to be conducted, or would materially adversely affect the validity or enforceability of, or the authority or ability of the Local Agency to perform its obligations under, the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution.

(J) Upon issuance of the Note and execution of the Purchase Contract, this Resolution, the Purchase Contract and the Note will constitute legal, valid and binding agreements of the Local Agency, enforceable in accordance with their respective terms, except as such enforceability may be limited by bankruptcy or other laws affecting creditors’ rights generally, the application of equitable principles if equitable remedies are sought, the exercise of judicial discretion in appropriate cases and the limitations on legal remedies against local agencies, as applicable, in the State of California.

(K) The Local Agency and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them, if any, for the levy, receipt, collection and enforcement of the Pledged Revenues in accordance with law for carrying out the provisions of this Resolution and the Note.

(L) The Local Agency shall not incur any indebtedness secured by a pledge of its Pledged Revenues unless such pledge is subordinate in all respects to the pledge of Pledged Revenues hereunder.

(M) So long as the Credit Provider, if any, is not in default under the Credit Instrument or the Reserve Credit Provider, if any, is not in default under the corresponding Reserve Credit Agreement, the Local Agency hereby agrees to pay its pro rata share of all Predefault Obligations and all Reimbursement Obligations attributable to the Local Agency in accordance with provisions of the Credit Agreement, if any, the Reserve Credit Agreement, if any, and/or the Indenture, as applicable.
Prior to the Maturity Date, moneys in the Local Agency’s Payment Account and/or Payment Subaccount shall not be used to make such payments. The Local Agency shall pay such amounts promptly upon receipt of notice from the Credit Provider or from the Reserve Credit Provider, if applicable, that such amounts are due to it.

(N) So long as any Bonds issued in connection with the Notes are Outstanding, or any Predefault Obligation or Reimbursement Obligation is outstanding, the Local Agency will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.

Section 12. Tax Covenants. (A) The Local Agency shall not take any action or fail to take any action if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on the Note or Bonds under Section 103 of the Internal Revenue Code of 1986 (the "Code"). Without limiting the generality of the foregoing, the Local Agency shall not make any use of the proceeds of the Note or Bonds or any other funds of the Local Agency which would cause the Note or Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code, a "private activity bond" within the meaning of Section 141(a) of the Code, or an obligation the interest on which is subject to federal income taxation because it is "federally guaranteed" as provided in Section 149(b) of the Code. The Local Agency, with respect to the proceeds of the Note, will comply with all requirements of such sections of the Code and all regulations of the United States Department of the Treasury issued or applicable thereunder to the extent that such requirements are, at the time, applicable and in effect.

(B) The Local Agency hereby (i) represents that the aggregate face amount of all tax-exempt obligations (including any tax-exempt leases, but excluding private activity bonds), issued and to be issued by the Local Agency during calendar year 1995, including the Note, is not reasonably expected to exceed $5,000,000; or (ii) covenants that the Local Agency will take all legally permissible steps necessary to ensure that all of the gross proceeds of the Note will be expended no later than the day that is six months after the date of issuance of the Note so as to satisfy the requirements of Section 148(f)(4)(B) of the Code.

(C) Notwithstanding any other provision of this Resolution to the contrary, upon the Local Agency’s failure to observe, or refusal to comply with, the covenants contained in this Section 12, no one other than the holders or former holders of the Note, the owners of the Bond, the Credit Provider, if any, the Reserve Credit Provider, if any, or the Trustee on their behalf shall be entitled to exercise any right or remedy under this Resolution on the basis of the Local Agency’s failure to observe, or refusal to comply with, such covenants.

(D) The covenants contained in this Section 12 shall survive the payment of the Note.

Section 13. Events of Default and Remedies.

If any of the following events occurs, it is hereby defined as and declared to be and to constitute an "Event of Default":

(A) Failure by the Local Agency to make or cause to be made the transfers and deposits to the Payment Account, or any other payment required to be paid hereunder, including payment of principal and interest on the Note, on or before the date on which such transfer, deposit or other payment is due and payable;

(B) Failure by the Local Agency to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Resolution, for a period of fifteen (15) days after written notice, specifying such failure and requesting that it be remedied, is given.
to the Local Agency by the Trustee, the Credit Provider, if applicable, or the Reserve Credit Provider, if applicable, unless the Trustee and the Credit Provider or the Reserve Credit Provider, if applicable, shall all agree in writing to an extension of such time prior to its expiration;

(C) Any warranty, representation or other statement by or on behalf of the Local Agency contained in this Resolution or the Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered by the Local Agency or in any instrument furnished in compliance with or in reference to this Resolution or the Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

(D) A petition is filed against the Local Agency under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect and is not dismissed within 30 days after such filing, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners’ (or Noteholders’) interests;

(E) The Local Agency files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or

(F) The Local Agency admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the Local Agency or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners’ or Noteholders’ interests.

Whenever any Event of Default referred to in this Section 13 shall have happened and be continuing, the Trustee, as holder of the Note, shall, in addition to any other remedies provided herein or by law or under the Indenture, if applicable, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(1) Without declaring the Note to be immediately due and payable, require the Local Agency to pay to the Trustee, as holder of the Note, an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the Local Agency the same shall become immediately due and payable by the Local Agency without further notice or demand; and

(2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder and under the Note or to enforce any other of its rights hereunder.

Notwithstanding the foregoing, if the Local Agency’s Note is secured in whole or in part by a Credit Instrument (other than the Reserve Fund) or if the Credit Provider is subrogated to rights under the Local Agency’s Note, as long as the Credit Provider has not failed to comply with its payment obligations under the Credit Instrument, the Credit Provider shall have the right to direct the remedies upon any Event of Default hereunder, and, notwithstanding the foregoing, if a Reserve Credit Instrument is applicable, as long as the Reserve Credit Provider has not failed to comply with its payment obligations
under the Reserve Credit Agreement, the Reserve Credit Provider shall have the right (prior to the Credit Provider) to direct the remedies upon any Event of Default hereunder, in each case so long as such action will not materially adversely affect the rights of any Bond Owner, and the Credit Provider’s and Reserve Credit Provider’s (if any) prior consent shall be required to any remedial action proposed to be taken by the Trustee hereunder.

If the Credit Provider is not reimbursed on the Maturity Date for the drawing, payment or claim, as applicable, used to pay principal of and interest on the Note due to a default in payment on the Note by the Local Agency, or if any principal of or interest on the Note remains unpaid after the Maturity Date, the Note shall be a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been made shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency’s obligation on the Defaulted Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

If the Credit Instrument is the Reserve Fund and the Reserve Bonds are secured by the Reserve Credit Instrument and all principal of and interest on the Note is not paid in full by the Reserve Principal Payment Date, the Defaulted Note shall become a Defaulted Reserve Note and the unpaid portion (including the interest component, if applicable) thereof (or the portion thereof with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency’s obligation on the Defaulted Reserve Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

Section 14. Trustee. The Local Agency hereby directs and authorizes the payment by the Trustee of the interest on and principal of the Note when such become due and payable, from amounts received by the Trustee from the Local Agency in the manner set forth herein. The Local Agency hereby covenants to deposit funds in such account or fund, as applicable, at the time and in the amount specified herein to provide sufficient moneys to pay the principal of and interest on the Note on the day on which it matures. Payment of the Note shall be in accordance with the terms of the Note and this Resolution.

Section 15. Sale of Note. The Note shall be sold to the Authority, in accordance with the terms of the Purchase Agreement, hereinbefore approved, and issued payable to the Trustee, as assignee of the Authority.

Section 16. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 17. Approval of Actions. The aforementioned Authorized Representatives of the Local Agency are hereby authorized and directed to execute the Note and cause the Trustee to accept delivery of the Note, pursuant to the terms and conditions of the Purchase Agreement and the Indenture. All actions heretofore taken by the officers and agents of the Local Agency or this Legislative Body with respect to the sale and issuance of the Note and participation in the Program are hereby approved, confirmed and ratified and the Authorized Representatives and agents of the Local Agency are hereby authorized and directed, for and in the name and on behalf of the Local Agency, to do any and all things and take any and all actions and execute any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note in accordance with, and related transactions contemplated by, this Resolution. The Authorized Representatives of the Local Agency referred to above in Section 4 hereof are hereby designated as "Authorized Local Agency Representatives" under the Indenture.
In the event that the Note or a portion thereof is secured by a Credit Instrument, any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Credit Provider and, if applicable, the Reserve Credit Provider, with any and all information relating to the Local Agency as such Credit Provider or Reserve Credit Provider may reasonably request.

Section 18. Proceedings Constitute Contract. The provisions of the Note and of this Resolution shall constitute a contract between the Local Agency and the registered owner of the Note, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrepealable. The Credit Provider, if any, and the Reserve Credit Provider, if any, are third party beneficiaries of the provisions of this Resolution and the Note.

Section 19. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the Local Agency shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefor as set forth in Section 8 hereof.

Section 20. Amendments. At any time or from time to time, the Local Agency may adopt one or more Supplemental Resolutions with the written consents of the Authority, the Credit Provider, if any, and the Reserve Credit Provider, if any, but without the necessity for consent of the owner of the Note or of the Bonds issued in connection with the Note for anyone or more of the following purposes:

(A) to add to the covenants and agreements of the Local Agency in this Resolution, other covenants and agreements to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(B) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(C) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(D) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(E) to amend or supplement this Resolution in any other respect;

provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owners of the Note or of the Bonds issued in connection with the Notes.

Any modifications or amendment of this Resolution and of the rights and obligations of the Local Agency and of the owner of the Note or of the Bonds issued in connection with the Note may be made by a Supplemental Resolution, with the written consent of the owners of at least a majority in principal amount of the Note and of the Bonds issued in connection with the Note outstanding at the time such consent is given; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note or any Bonds issued in connection with the Note remain outstanding, the consent of the owners of such Note or of such Bonds shall not be required. No such modification or amendment shall permit a change in the maturity of the Note or a reduction of the principal amount.
thereof or an extension of the time of any payment thereon or a reduction of the rate of interest thereon, or a change in the date or amounts of the pledge set forth in this Resolution, without the consent of the owners of such Note or the owners of all the Bonds issued in connection with the Note, or shall reduce the percentage of the Note or Bonds the consent of the owners of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee without its written assent thereto.

Section 21. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
Section 22. Appointment of Bond Counsel. The law firm of Orrick, Herrington & Sutcliffe, Los Angeles, California is hereby appointed as Bond Counsel for the Program.

Section 23. Appointment of Underwriter. Sutro & Co. Incorporated, Los Angeles, California, together with such co-underwriters, if any, identified in the Purchase Contract, is hereby appointed as underwriter for the Program.

Section 24. Effective Date. This Resolution shall take effect from and after its date of adoption.

Section 25. Resolution Parameters.

(A) Name of Local Agency: CITY OF MODESTO

(B) Maximum Amount of Borrowing: $3,000,000

(C) Authorized Representatives:

TITLE

1. Director of Finance

2. ______________________

3. ______________________

4. ______________________

[Attach form of Certification of the Secretary or Clerk of the Legislative Body, with respect to the Resolution, if desired (such form of Certification is not required).]
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(SEAL)

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: NORMINE COYLE, City Clerk
EXHIBIT A

[NAME OF LOCAL AGENCY]
1995-1996 TAX AND REVENUE ANTICIPATION NOTE, [SERIES _J:

<table>
<thead>
<tr>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Date of Original Issue</th>
</tr>
</thead>
</table>

REGISTERED OWNER:

PRINCIPAL AMOUNT: __________________________ DOLLARS

FOR VALUE RECEIVED, the Local Agency designated above (the "Local Agency"), acknowledges itself indebted to and promises to pay to the registered owner identified above, or registered assigns, on the maturity date set forth above, the principal sum specified above in lawful money of the United States of America, together with interest thereon at the rate of interest specified above (the "Note Rate"). Principal of and interest on this Note are payable in such coin or currency of the United States as at the time of payment is legal tender for payment of private and public debts, such principal and interest to be paid upon surrender hereof at the principal corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California, or its successor in trust (the "Trustee"). Interest shall be calculated on the basis of a 360-day year, consisting of twelve 30-day months, in like lawful money from the date hereof until the maturity date specified above and, if funds are not provided for payment at maturity, thereafter on the basis of a 360-day year for actual days elapsed until payment in full of said principal sum. Both the principal of and interest on this Note shall be payable only to the registered owner hereof upon surrender of this Note as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the holder hereof fails to properly present this Note for payment. If the Local Agency fails to pay this Note when due or the Credit Provider (as defined in the Resolution hereinafter described and in that certain Indenture of Trust, dated as of __________ 1, 1995 (the "Indenture"), by and between the California Statewide Communities Development Authority and U.S. Trust Company of California, N.A., as trustee), if any, is not reimbursed in full for the amount drawn on or paid pursuant to the Credit Instrument (as defined in the Resolution and the Indenture) to pay all or a portion (including the interest component, if applicable) of this Note on the date of such payment, this Note shall become a Defaulted Note (as defined in the Resolution and the Indenture) and with the consequences set forth in the Resolution and the Indenture, including, without limitation, that this Note as a Defaulted Note (and any related reimbursement obligation with respect to a credit instrument) shall bear interest at the Default Rate, as defined in the Indenture).

It is hereby certified, recited and declared that this Note represents the authorized issue of the Note in the aggregate principal amount authorized, executed and delivered pursuant to and by authority of certain resolutions of the Local Agency duly passed and adopted heretofore, under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (collectively, the "Resolution"), to all of the provisions and limitations of which the owner of this Note, by acceptance hereof, assents and agrees.

The principal of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1995-1996 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency has pledged the first amounts of unrestricted revenues of the Local Agency received on the last day of ____ and ____ (and any amounts received thereafter attributable to Fiscal Year 1995-1996) until the amount on deposit in the Payment Account (as defined in the Resolution), together with available amounts, if any, on deposit in the Payment Subaccount (as defined in the Resolution) in each such month, is equal to the corresponding percentages of principal of, and interest due on the Note at maturity set forth in the Pricing Confirmation (as defined in the Resolution) (such pledged amounts being hereinafter called the "Pledged Revenues"), and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues, and to the extent not so paid shall

---

If more than one Series of Bonds is issued under the Program in Fiscal Year 1995-1996 and if the Note is pooled with notes issued by other Issuers (as defined in the Resolution).
be paid from any other moneys of the Local Agency lawfully available therefor as set forth in the Resolution. The full faith and credit of the Local Agency is not pledged to the payment of the principal of or interest on this Note.

The Local Agency and the Trustee may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Local Agency and the Trustee shall not be affected by any notice to the contrary.

It is hereby certified that all of the conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of California and that the amount of this Note, together with all other indebtedness of the Local Agency, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

IN WITNESS WHEREOF, the Legislative Body of the Local Agency has caused this Note to be executed by the manual or facsimile signature of a duly Authorized Representative of the Local Agency and countersigned by the manual or facsimile signature of the Secretary or Clerk of the Legislative Body as of the date of authentication set forth below.

[NAME OF LOCAL AGENCY]

By ________________________________
Title: ______________________________

Countersigned

By ________________________________
Title: ______________________________
MODESTO CITY COUNCIL
RESOLUTION NO. 95-263

A RESOLUTION ESTABLISHING PARKS AND RECREATION PRIORITIES AND FEES FOR USE OF AQUATICS FACILITIES AT THE MJC, HIGH SCHOOL AND NEIGHBORHOOD POOL SITES AND FOR CO-SPONSORED PROGRAMS.

WHEREAS, on June 6, 1995, the City Council approved a Parks and Recreation Department Use Policy and Fee Structure Aquatics Program, and

WHEREAS, the Parks and Recreation Department has recommended the implementation of fees relating to the use of aquatics facilities at the MJC, High school and Neighborhood pool sites, and has set priorities for the use of said facilities

WHEREAS, the establishment of said fees was set for a public hearing of the City Council to be held on June 6, 1995, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider the establishment of said fees,

NOW, THEREFORE, BE IT RESOLVED that the priorities and fees for use of aquatics facilities at the MJC, High School and Neighborhood pool sites and for co-sponsored programs are hereby approved and established as are set forth on Exhibits "A" and B, attached hereto and incorporated herein by reference, respectively.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, 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, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

(Seal)

**ATTEST:**

JUDY Q. HALL, Acting City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
III. AQUATIC FACILITY USE PRIORITIES, FEE STRUCTURE AND SPECIAL SERVICES

A. Use Priorities and Fee Structure

#1. City of Modesto and/or Co-sponsored programs*, City of Modesto Swim Team, SOSF/SPLASH - Modesto/Stanislaus Water Polo and the Yosemite Community College District activities or fundraisers.
(MJC, High School and Neighborhood Pool Sites).

NO USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 50% USAGE FEE FOR COST OF SERVICE

#2. Local (majority of participants have Modesto mailing address) Public Schools and College programs, activities or fundraisers.
(MJC, High School and Neighborhood Pool Sites.)

50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

#3. Local (majority of participants have Modesto mailing address) Non-profit** Groups and Organizations programs, activities, or fundraisers.*** **** *****
(MJC and High School pools.)

No Membership Fee:
50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

Membership Fee:
100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT
(Note: membership fee is a fee paid by group members in order to participate in the group activity.)

* Co-sponsored program: City of Modesto Swim Team, SOSF/SPLASH, Yosemite Community College District (per written agreement) and/or a program that meets specific criteria as set for by the Parks and Recreation Department.

** Proof of tax-exempt status required.

*** Facility Supervisor will be required and cost is included in rental fee.

**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.

***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Lifeguard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user.
(Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)
#4. Non-local (majority of participants do not have Modesto mailing address) public schools and college programs, activities or fundraisers.*** **** ***** (MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#5. Non-local (majority of participants do not have Modesto mailing address) Non-profit** groups and organizations programs, activities or fundraisers. *** **** ***** (MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#6. Corporations and Businesses and Private Citizens (Not For Profit).*** **** ***** (MJC and High School pools. Private Citizens are permitted to rent the Neighborhood pools through the Wading Pool Parties for Children program.)

FAIR RENTAL VALUE AS DETERMINED BY THE MODESTO CITY SCHOOL DISTRICT (MJC and High School pools).

PROGRAM FEES FOR WADING POOL PARTIES for CHILDREN (Neighborhood pools).

B. Special Services

1. Special Services; i.e., cashier, tables, chairs, p.a. system. Services of this type will be offered and the fee will be negotiated.

** Proof of tax-exempt status required.
*** Facility Supervisor will be required and cost is included in rental fee.
**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.
***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Lifeguard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user.
(Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)
<table>
<thead>
<tr>
<th>RENTAL FEE</th>
<th>FUNDRAISER FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Priority #1</strong></td>
<td></td>
</tr>
<tr>
<td>No Fee</td>
<td>$ 21.00 first two hours</td>
</tr>
<tr>
<td></td>
<td>$ 6.00 each additional hour</td>
</tr>
<tr>
<td><strong>Priority #2</strong></td>
<td>$ 21.00 first two hours</td>
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<tr>
<td></td>
<td>$ 6.00 each additional hour</td>
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<tr>
<td><strong>Priority #3</strong></td>
<td>$ 42.00 first two hours</td>
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<tr>
<td>(No Membership Fee)</td>
<td>$ 11.00 each additional hour</td>
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<tr>
<td><strong>Priority #4</strong></td>
<td>$ 64.00 first two hours</td>
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<tr>
<td>(Membership Fee)</td>
<td>$ 22.00 each additional hour</td>
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<tr>
<td></td>
<td>Plus a negotiated percentage of the gross income of event.</td>
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<tr>
<td><strong>Priority #5</strong></td>
<td>$ 85.00 first two hours</td>
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<tr>
<td></td>
<td>$ 22.00 each additional hour</td>
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<tr>
<td></td>
<td>Plus a negotiated percentage of the gross income of event.</td>
</tr>
<tr>
<td><strong>Priority #6</strong></td>
<td>$ 110.00 first two hours</td>
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<tr>
<td></td>
<td>$ 45.00 each additional hour</td>
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EXHIBIT "B"
# JOHANSEN HIGH SCHOOL POOL

## RENTAL FEE

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<tr>
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<td>$41.00 first two hours</td>
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<td>$13.00 each additional hour</td>
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## Priority #2

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<tr>
<td>$41.00</td>
<td>$13.00</td>
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## Priority #3

(No Membership Fee)

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<tbody>
<tr>
<td>$60.00</td>
<td>$23.00</td>
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(Membership Fee)

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<tr>
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<th>Each Additional Hour</th>
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<tbody>
<tr>
<td>$120.00</td>
<td>$46.00</td>
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## Priority #4

<table>
<thead>
<tr>
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<th>Each Additional Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>$120.00</td>
<td>$46.00</td>
</tr>
</tbody>
</table>

## Priority #5

<table>
<thead>
<tr>
<th>First Two Hours</th>
<th>Each Additional Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>$120.00</td>
<td>$46.00</td>
</tr>
</tbody>
</table>

## Priority #6

<table>
<thead>
<tr>
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<tr>
<td>$198.00</td>
<td>$89.00</td>
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<tr>
<td>NEIGHBORHOOD PARK POOLS</td>
<td>FUNDRAISER FEE</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>RENTAL FEE</td>
<td></td>
</tr>
<tr>
<td>No Fee</td>
<td>Priority #1</td>
</tr>
<tr>
<td></td>
<td>$17.00 first two hours</td>
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<td></td>
<td>$4.00 each additional hour</td>
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<td>$34.00 first two hours</td>
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<tr>
<td>Priority #6</td>
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<tr>
<td>(Wading Pool Parties for Children)</td>
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<td>$4.00 per participant for Super Celebration</td>
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A RESOLUTION APPROVING AN AQUATICS USE POLICY FOR USE OF THE HIGH SCHOOL POOLS, MODESTO JUNIOR COLLEGE POOL, AND NEIGHBORHOOD PARK POOLS

WHEREAS, it has been deemed necessary to develop an aquatics use policy for use of high school pools, Modesto Junior College pool, and neighborhood park pools; and

WHEREAS, staff, user groups, and the Human Services/Public Safety Committee have met and agreed on a policy for the use of aquatic facilities.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Aquatics Use Policy", a copy of which is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
I. AUTHORITIES FOR USE POLICY AND FEE STRUCTURE

A. The Modesto City Council Financial Policy Committee requested staff to explore methods and opportunities for increased revenue generation in June, 1992.

B. The Modesto City Council Fiscal Year 94-95 Budget Policy Guidelines state: "Identify opportunities for user fees to fund services, especially those provided to only a portion of the community."

C. The increased demand for use of the aquatic facilities by non-profit community groups and organizations.


E. 1994 Parks and Recreation Department Organization Study, Recommendation #9, The City should re-evaluate the Aquatics program.

F. Modesto City School District of Stanislaus County initiated fees for use of school facilities, including swimming pools, effective July 1, 1993.

II. USE POLICY ACTIONS

A. Mission Statement for Use Policy

The primary purpose of the Aquatics program is to provide City sponsored class instruction and recreational swimming and to facilitate use of school and neighborhood park pools with the City of Modesto Swim Team, SOSF/SPLASH, schools, non-profit groups and organizations, corporations and businesses, and private citizens.

B. Program Objectives for Use Policy

1. To provide supervised and well planned instructional and recreational aquatic programs for community residents.

2. To encourage community use of aquatic facilities by non-profit groups and organizations, corporations and businesses, and private citizens.

3. To coordinate, facilitate and connect with other community agencies and aquatic organizations to introduce and implement programs.
4. To operate pools in a safe and sanitary manner, and be in compliance with State and local health and safety codes.

5. To generate revenue to offset the cost of pool operation.

C. Geographical Service Area for the Facilitation of Aquatic Facility Uses by Schools, Non-Profit Groups and Organizations, and Corporations and Businesses.

1. Policy expands the geographical service area to include schools, groups and organizations, and corporations and businesses from other cities, counties, states and countries.

D. Allow and Increase Versatile Use of Aquatic Facilities by Community.

1. Policy allows for fundraisers* by non-profit groups and organizations.

2. Policy allows for revenue generation through facility rentals and concessionaires.

E. Enable Access for Use of the Aquatic Facilities to the City of Modesto Swim Team - Parent's Club Non-Profit Organization.

1. An informal co-sponsorship agreement was entered into by the City of Modesto and the Swim Team Parent's Club in 1981.

2. The Swim Team Parent's Club was recognized as a State of California Non-Profit Organization and received tax-exempt status.

3. Policy recommends that the City of Modesto enter into a negotiated written agreement of co-sponsorship with the Swim Team, during the time said facilities are managed by the City, with pool usage time not to exceed the allocated hours during the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and enhances the overall delivery of the Aquatics program.

F. Enable Access for Use of the Aquatic Facilities by the Save Our Sports Foundation/SPLASH Non-Profit Organization.

1. The SOSF/SPLASH Board Members were primarily made up of representatives from the City of Modesto Swim Team and Modesto/Stanislaus Water Polo.

* Fundraiser: an event where the intent is to collect more money than the actual event expense. A statement of expenses and revenues must be provided to the Parks and Recreation Department.
2. Policy allows use of a "grandfather clause" in recognition of the funds contributed to the construction of the Johansen pool, to exempt the SOSF/SPLASH Non-Profit Organization from recommended fees, with the exception of fundraising fees, at all Aquatic facilities. "Grandfather clause" to be in effect for a period of not more than five (5) years, from the effective date written agreement is entered into by the City and said Organization, unless the term of the agreement is extended by mutual consent at any time prior to the expiration date.

3. Policy recognizes the City of Modesto Swim Team as a separate entity. SOSF/SPLASH will represent ONLY Modesto/Stanislaus Water Polo.

4. Policy recommends that the City of Modesto enter into negotiated written agreement of co-sponsorship with SOSF/SPLASH - Modesto/Stanislaus Water Polo, during the time said facilities are managed by the City, with pool usage time not to exceed the allocation of hours in the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and enhances the overall delivery of the Aquatics program.

G. Enable Access for Use of Aquatic Facilities to the Yosemite Community College District Sponsored Programs.

1. Policy recognizes that the Yosemite Community College District has not initiated fee charges for any college facility usage by the City of Modesto. It is therefore recommended that a written agreement be entered into providing for reciprocal (balanced and considered equal by both jurisdictions) facility usage, including, but not limited to Aquatic facilities, by the two entities with no fee charged.

H. Enable Access for Use of Aquatic Facilities to all Non-Profit Groups and Organizations, Corporations and Businesses, and Private Citizens.

1. Policy extends the use of pool facilities to non-aquatic non-profit groups and organizations, corporations and businesses, and private citizens, based on Aquatic facility availability.

I. Marketing Strategy to Ensure Greater Awareness of Available Aquatic Facilities.

1. Policy includes, but not be limited to such innovative strategies as discounts, bonuses, point systems, brochures, and paid ads.
III. AQUATIC FACILITY USE PRIORITIES, FEE STRUCTURE AND SPECIAL SERVICES

A. Use Priorities and Fee Structure

1. City of Modesto and/or Co-sponsored programs*, City of Modesto Swim Team, SOSF/SPLASH - Modesto/Stanislaus Water Polo and the Yosemite Community College District activities or fundraisers. (MJC, High School and Neighborhood Pool Sites).

NO USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 50% USAGE FEE FOR COST OF SERVICE

2. Local (majority of participants have Modesto mailing address) Public Schools and College programs, activities or fundraisers. (MJC, High School and Neighborhood Pool Sites.)

50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

3. Local (majority of participants have Modesto mailing address) Non-profit** Groups and Organizations programs, activities, or fundraisers.*** **** ***** (MJC and High School pools.)

No Membership Fee:
50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

Membership Fee:
100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT (Note: membership fee is a fee paid by group members in order to participate in the group activity.)

* Co-sponsored program: City of Modesto Swim Team, SOSF/SPLASH, Yosemite Community College District (per written agreement) and/or a program that meets specific criteria as set for by the Parks and Recreation Department.

** Proof of tax-exempt status required.

*** Facility Supervisor will be required and cost is included in rental fee.

**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.

***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Lifeguard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user. (Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)
#4. Non-local (majority of participants do not have Modesto mailing address) public schools and college programs, activities or fundraisers.*** **** *****
(MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#5. Non-local (majority of participants do not have Modesto mailing address) Non-profit** groups and organizations programs, activities or fundraisers. *** **** *****
(MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#6. Corporations and Businesses and Private Citizens (Not For Profit).*** **** *****
(MJC and High School pools. Private Citizens are permitted to rent the Neighborhood pools through the Wading Pool Parties for Children program.)

FAIR RENTAL VALUE AS DETERMINED BY THE MODESTO CITY SCHOOL DISTRICT (MJC and High School pools).

PROGRAM FEES FOR WADING POOL PARTIES for CHILDREN (Neighborhood pools).

B. Special Services

1. Special Services; i.e., cashier, tables, chairs, p.a. system. Services of this type will be offered and the fee will be negotiated.

** Proof of tax-exempt status required.
*** Facility Supervisor will be required and cost is included in rental fee.
**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.
***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Lifeguard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user.
(Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)
IV. AQUATIC FACILITY USES NOT GRANTED

A. Any use by an individual or group for the commission of any act intended to further any program or movement dedicated to overthrowing the United States or State of California governments by force, violence, or other unlawful means. (Education Code 40040 - Civic Center Act)

B. Any use which is inconsistent with the designed use of the aquatics facility.

C. Any use which is discriminatory in the legal sense.

D. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances at aquatics facility. (Health & Safety Code, Section 11053)

E. Any group or organization, whose bylaws do not meet Affirmative Action and American with Disabilities guidelines.

V. AQUATIC FACILITY HISTORY

High School, Junior College and Sonoma Pools

On June 24, 1952, the City of Modesto entered into an agreement with the Modesto High School District of Stanislaus County where the District permitted the City to use and operate the swimming pool on the Modesto High School grounds during the summer vacation months of each year. For the use of this pool facility, the City did not provide funds equaling one-half the total cost of construction. This pool remains in operation today under the original agreement.

Later, the City entered into agreements for the operation of pool facilities with Modesto City School District of Stanislaus County and Modesto Junior College District of Stanislaus County as follows:

- Downey High School: June 26, 1957
- Modesto Junior College: November 6, 1961
- Davis High School: July 7, 1965
- Beyer High School: June 5, 1972
- Johansen High School: September 7, 1993

The above agreements were similar with the City and the School Districts, with the exception that each jurisdiction contributed a sum equal to one half of the total cost of construction of the swimming pool and at the Johansen pool, SOSF/SPLASH, a local non-profit organization, contributed funds in the amount of $228,334, while the City and High School District each contributed funds in the amount of $453,000 each for the total cost of construction for a 50-meter pool.

-6-
The City basically has the sole and exclusive use of these pools during summer vacation for a period of not less than twelve continuous weeks and reimburses the Districts for cost of utilities, chemicals and any property damage occasioned by the City's use of the pool.

A similar agreement exits with Sonoma pool. However, this pool was not included in this Use Policy and Fee Structure as it is primarily a pool for the disabled population. In order to serve this population, the heat is maintained at 94 degrees, a temperature higher than most users prefer.

Neighborhood Park Pools

The first neighborhood park pool was constructed in 1963 at Whitmore park. Since then, the City has constructed a total of twenty-one neighborhood park pools. These pools, originally called "wading pools", were built with the objective of providing a planned, supervised and safe program alternative to the City's canals for water play.

In recent years, these pools have been referred to as "training pools" and have also been utilized for instructional swim lessons in the Aquatics program.

Local Elementary School Districts have reserved neighborhood park pools adjacent to their school site for Spring, school sponsored, pool activities.

VI. MAJOR IMPACTS CREATED WITH THE USE POLICY AND FEE STRUCTURE

A. There has not been a fee structure for aquatic facility use at any of the pool sites. The assessed usage fee for the cost of service will initiate first time costs for the various local school pool facility users. The impact of the fee structure for neighborhood pool use will occur in the Spring, 1995, and for high school and college pool use in the Summer, 1995.

Non-local schools and colleges, local and non-local non-profit groups and organizations, corporations and businesses, and private citizens that have not previously been granted access to pool facilities will be granted access with the use policy.

Regular user groups and organizations were verbally informed of the projected user fees in the fall, 1993. Groups and organizations that have made requests for use of the aquatic facilities in the summer, 1994, have been informed of future user fees. As elementary schools requested neighborhood pool usage during the spring, 1994, they were verbally informed of fees to be charged in the spring, 1995.
In accordance with the use policy and fee structure, a subsidy (Section III.A#1,#2,#3) will be provided to local schools and non-profit groups and organizations that conduct programs that meet the mission statement and that charge no fee or a fee to cover cost of service only to the program participants. A subsidy (Section III.A#1) will be granted for fundraisers. However, for fundraiser activities (Section III.A#2,#3) there will be no subsidies. Fundraisers in these priority areas will recover 100% cost of service.

The City of Modesto Swim Team has been included as a separate entity in the use policy and fee structure, recognizing the long term relationship between the City and the Swim Team. The existing relationship will be formalized by a negotiated, written agreement, for time said facilities are managed by the City, with pool usage not to exceed the allocated hours during the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and enhances the overall delivery of the Aquatics program. The Swim Team will be required to pay 50% cost of service for fundraisers, receiving a 50% subsidy.

In an effort to address the contribution provided for in the construction of the Johansen pool by the SOSF/SPLASH Non-Profit Organization, the use policy and fee structure includes a "grandfather clause" for the SOSF/SPLASH Organization. This "grandfather clause" permits Modesto/Stanislaus Water Polo use of the Aquatic facilities for no fee, for time said facilities are managed by the City, for pool usage time not to exceed the allocated hours during the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and enhances the overall delivery of the Aquatics program. SOSF/SPLASH Modesto/Stanislaus Water Polo will be required to pay 50% cost of service for fundraisers, receiving a 50% subsidy. A formal, written agreement for Aquatic facilities usage will be entered into by the City of Modesto and Modesto/Stanislaus Water Polo.

In consideration that the Yosemite Community College District - Modesto Junior College established a College Facilities - Procedures and Fees District Policy, in accordance with the Civic Center Act, and has not initiated fee charges with the City of Modesto for any college facility usage, the use policy and fee structure proposes that the City of Modesto and the Yosemite Community College District enter into a reciprocal (balanced and considered equal by both jurisdictions) facility usage agreement, including, but not limited to Aquatic facilities, where fees are not charged of either entity.
The use policy and fee structure will allow for additional user groups at 100% usage fee for cost of service, i.e., non-local schools and non-profit groups and organizations. These groups and organizations will also be permitted fundraisers at 100% usage fee for cost of service, plus a negotiated % of the gross income of the event.

Corporations and businesses and private citizens will be provided the opportunity for pool facility usage, paying a fair rental value fee for MJC and high school pools and the program fee for Children's Wading Pool Parties for the neighborhood pools.

B. Projected Revenue Generation

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<td>800</td>
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<td>Summer, 1995</td>
<td>1,370</td>
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*Based on 1994 uses of pools by schools and non-profit groups.

C. The Modesto School District of Stanislaus County initiated a fee structure for use of school facilities, including swimming pools in 1993. It is the intent of this Department to implement similar fees so major discrepancies do not exist for the user groups.

D. The Aquatics Fee Schedule will be reviewed and updated on an annual basis.
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO SWIM TEAM FOR USE OF AQUATIC FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Modesto Swim Team for use of aquatic facilities 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 June, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-266

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO/STANISLAUS WATER POLO FOR USE OF AQUATIC FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto/Stanislaus Water Polo for use of aquatic facilities 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 June, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE OF AQUATIC FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District, for use of aquatic facilities 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 June, 1995, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-268

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE DIGITAL TELEPHONE RECORDER/REPRODUCER

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specifications for the purchase of one digital telephone recorder/reproducer, 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 June 16, 1995, 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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-269

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR PROJECT NO. 21 - REPLACE CURB, DRIVE APRONS AND SIDEWALKS

WHEREAS, bids for Project No. 21 - replace curb, drive aprons and sidewalks were opened on May 23, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Teichert Construction in the amount of $204,257.99, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-270

A RESOLUTION ACCEPTING THE BID OF DONLEE PUMP COMPANY FOR FURNISHING AND INSTALLING THREE NEW SETS OF OVERHEAD LUBE REEL SYSTEMS

WHEREAS, Resolution No. 95-188, adopted by the Council of the City of Modesto on April 25, 1995, approved the plans and specifications for the purchase and installation of three new sets of overhead lube reel systems, and authorized the calling for bids; and

WHEREAS, the bids received for the overhead lube reel systems, were opened at 11:00 a.m. on May 16, 1995, 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 Donlee Pump Company, in the amount of $24,493.74, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF FIVE MOBILE DATA TERMINALS AND RELATED ACCESSORIES FROM MOTOROLA COMMUNICATIONS, TO BE INSTALLED IN NEW POLICE VEHICLES

WHEREAS, the Police Department has requested the purchase and installation of five mobile data terminals and related accessories to be installed in new patrol vehicles; and

WHEREAS, Motorola Communications is the only company which manufacturers these mobile data terminals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for purchase and installation of five mobile data terminals and related accessories to be installed in new patrol vehicles be, and it is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of five mobile data terminals and related accessories from Motorola Communications, for the total price of $37,618.05, 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 June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-272

A RESOLUTION APPROVING THE FINAL DRAFT 1995
WASTEWATER MASTER PLAN AS THE PROPOSED
PROJECT TO BE STUDIED IN THE ENVIRONMENTAL
IMPACT REPORT.

WHEREAS, in September 1992, the City Council adopted
the recommendation of the Public Works and Transportation
Department Audit to develop a long-range master plan for the
wastewater treatment plant and wastewater collection system, and

WHEREAS, a long-range master plan is necessary because
the Wastewater Treatment Plant is over capacity and in need of
serious rehabilitation, and future economic development will
require significant additional wastewater collection and
treatment capacity, and

WHEREAS, a Revenue and Financing Plan is also required
to plan the financing of necessary rehabilitation and
improvements, and

WHEREAS, because of the importance of the planning of
the wastewater treatment plant and collection system on area
business and the community at large, staff solicited input and
participation of major industries, developers, commercial users
and other rate payer classes, and

WHEREAS, an ad hoc citizens committee also participated
in the master planning process and provided input at the
beginning of the project as well as comments at the draft
document stage as well, and
WHEREAS, this involvement fostered a community-based consensus on the future of wastewater services, and

WHEREAS, the Council was introduced to the Draft Wastewater Master Plan in September 1994, which incorporated input from the community and the ad hoc committee, and

WHEREAS, the draft plan includes a strategy which will meet all environmental regulations with the least burden on the economic health of the community, and

WHEREAS, the Revenue and Financing Plan (R&FP) has been underway since September 1994, and the Sewer Rate Advisory Group has been helping staff refine the R&FP for consideration in the FY 95-96 budget process and beyond, and

WHEREAS, staff recommended that the Final Draft 1995 Wastewater Master Plan be adopted as the "Proposed Project" for purposes of beginning the environmental review process which is the final phase of developing the Master Plan, and

WHEREAS, on May 15, 1995, the Utility Services and Franchise Committee heard and considered the recommendations contained in the Master Plan, thereafter recommending to the City Council approval of certain key recommendations contained therein,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby accepts and approves the Final Draft 1995 Wastewater Master Plan as the Proposed Project to be studied in the Environmental Impact Report.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __th day of __June__, 1995, by Councilmember __Muratore__, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR THE NEW CITY HALL TENANT IMPROVEMENT PROJECT.

WHEREAS, the City Council authorized staff to enter into negotiations for professional services related to the new City Hall Tenant Improvement Project up to an amount of $300,000.

WHEREAS, the funding for this project will come from the Capital Facility Fee-Other Public Improvements Fund.

WHEREAS, the following adjustments are necessary:

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Expenditures</th>
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<tr>
<td>138-430-E628-6010</td>
<td>City Hall T.I. Project - Architectural</td>
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<tr>
<td>138-800-8000-8003</td>
<td>Contingency Reserve</td>
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</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 6th day of June, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PACIFIC DESIGN ASSOCIATES, INC., UPON COMPLETION OF NEGOTIATIONS WITH THE ARCHITECT, FOR PROFESSIONAL SERVICES RELATING TO THE NEW CITY HALL TENANT IMPROVEMENT PROJECT

WHEREAS, on April 18, 1995, staff was directed by Council to perform reference checks on all four architectural firms that were interviewed during the selection process for this project; and

WHEREAS, based upon results of the interviews conducted by the Selection Review Committee of each of the four firms, and upon the results of the reference check, staff recommends Pacific Design Associates, Inc. be the firm we enter into negotiations with for this project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute a professional agreement between the City of Modesto and Pacific Design Associates, Inc., upon completion of negotiations with the architect, for professional services relating to the new City Hall tenant improvement project.

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 June, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: JUDY G. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-275

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WEST YOST & ASSOCIATES TO PROVIDE CONSULTING SERVICES FOR THE CITY'S PROPOSED BIOSOLIDS CO-COMPOST PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and West Yost & Associates to provide consulting services for the City's proposed biosolids co-compost 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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $30,000 TO PROVIDE FUNDING FOR ROCKWELL REJUVENATION TO 70 PROBLEM ROCKWELLS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Village 1 Storm Drain Basin (628 480 E588) $30,000
TO: Storm Drain (628 480 5312 0235 and 0360) $30,000

These funds will pay for rejuvenating (rebuilding) 70 problem storm drain rockwells in neighborhood streets between May and July 1995. Wastewater collection division work plan targets are to rejuvenate 200 rockwells each dry season. Budgeted operating funds were wiped out during January and March 1995 storms. Village 1 storm drain basin funds will not all be used during FY 1994-95.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE DISTRICT FOR THE FEDERAL WORK STUDY PROGRAM FOR THE 1995-96 AUGUST TO JUNE ACADEMIC YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College for the Federal Work Study program for the 1995-96 August to June academic year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION 95-278

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CIP PROJECT.

WHEREAS, the City has received notification from the State that the Federal Land and Water conservation funding in the amount of $90,001 has been approved for construction of this project. In July staff will request that the City Council accept the grant award and appropriate the required match from Fund 052, the Local Transportation Fund-non motorized.

WHEREAS, the Parks and Recreation Department is ready to proceed with the project, and since enough funding was available in this fiscal year to prepare Bid documents, this portion of the project is being now and will count toward the City's required match.

WHEREAS, the following adjustments are necessary:

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Expenditures</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>052-310-E827-6010</td>
<td>Tuolumne River Regional Park Trail</td>
<td>$29,334</td>
</tr>
<tr>
<td>052-800-8000-8003</td>
<td>Local Transportation Fund-non Motorized Contingency Reserve</td>
<td>($29,334)</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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-279

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
RRM DESIGN GROUP FOR PREPARATION OF BID DOCUMENTS FOR THE TUOLUMNE RIVER REGIONAL
PARK TRAIL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and RRM Design Group for preparation of
bid documents for the Tuolumne River Regional Park Trail 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 6th day of June, 1995, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-280

A RESOLUTION APPROVING A PIPELINE CROSSING AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD COMPANY TO CONSTRUCT A WATERLINE ALONG MID LATERAL NO. 6 FROM SEMALLON DRIVE TO WELL NO. 48 WITHIN THE UNION PACIFIC RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the pipeline crossing agreement between the City of Modesto and Union Pacific Railroad Company to construct a waterline along MID Lateral No. 6 from Semallon Drive to Well No. 48 within the Union Pacific right of way 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 June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-281

A RESOLUTION APPROVING THE FINAL MAP OF THE CHARLESTON PLACE 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 18.03 acres, known as the Charleston Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission 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 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts
determined by the City Engineer have been paid, and subdividers
have furnished securities, as set forth in Section 4-4.605 of the
Modesto Municipal Code, which shall secure the obligations set
forth in Section 66499.3 of the Government Code of the State of
California. Said securities shall be in forms acceptable to the
City Attorney and in the amounts required by the Agreement
hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the
City Clerk be authorized to execute and attest, respectively, an
agreement with subdividers as required by Section 4-4.604(c) of
the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILLER, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-282

A RESOLUTION APPROVING A DEFERRED WORK AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLESTON PLACE IN CONJUNCTION WITH FINAL MAP APPROVAL OF CHARLESTON PLACE SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the deferred work agreement between the City of Modesto and Charleston Place in conjunction with the final map approval of Charleston Place Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-283

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund other than farebox revenues is the Local Transportation Fund, and

WHEREAS, 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, the City of Modesto's claim for fiscal year 1995-96 has been prepared in the amount of $3,992,432 which includes some funds for bicycle lanes and street maintenance purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said 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 $3,992,432 for fiscal year 1995-96 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 June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-284

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOAN CHECK FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JUNE 6, 1995

WHEREAS, Joan (Cardoza) Check was appointed a member of the Affirmative Action Commission on November 2, 1993; and

WHEREAS, Joan (Cardoza) Check has tendered her resignation from the Affirmative Action Commission, effective June 6, 1995; and

WHEREAS, Joan (Cardoza) Check 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 Joan (Cardoza) Check 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 Joan (Cardoza) Check 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 6th day of June, 1995, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JULY O' HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-285

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF VARIOUS TRAFFIC SIGNAL ACCESSORIES FROM PEEK TRAFFIC SIGNAL CONTROL

WHEREAS, the Electrical Division of the Public Works and Transportation Department has requested the purchase of various traffic signal accessories; and

WHEREAS, based on informal bids submitted, the recommended vendor is the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of various traffic signal accessories be, and it is hereby waived.

BE IT FURTHER RESOLVED that purchase of various traffic signal accessories from Peek Traffic Signal Control, for the total price of $26,109.80, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-286


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of June 13, 1995, considered the adoption of a conflict of interest code for the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Community Development Department of the City of Modesto as submitted, a copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-699 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CONFLICT OF INTEREST CODE
OF THE
COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF MODESTO

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

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.
<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Planner</td>
<td>1</td>
</tr>
<tr>
<td>Associate Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Associate Planner</td>
<td>1</td>
</tr>
<tr>
<td>Building Inspector I, II</td>
<td>1</td>
</tr>
<tr>
<td>Business Development Manager</td>
<td>1</td>
</tr>
<tr>
<td>Business Development Officer</td>
<td>1</td>
</tr>
<tr>
<td>Chief Building Official</td>
<td>1</td>
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<tr>
<td>Code Enforcement Officer I, II</td>
<td>1</td>
</tr>
<tr>
<td>Community Development Director</td>
<td>1</td>
</tr>
<tr>
<td>Community Development Program Specialist II</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>2</td>
</tr>
<tr>
<td>Deputy Chief Building Official</td>
<td>1</td>
</tr>
<tr>
<td>Development Services Manager</td>
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</tr>
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<td>Housing &amp; Neighborhoods Manager</td>
<td>1</td>
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<tr>
<td>Housing Finance Specialist</td>
<td>1</td>
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<td>Housing Program Supervisor</td>
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<td>Housing Rehabilitation Specialist II</td>
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<td>Neighborhood Preservation Supervisor</td>
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<td>Planning Assistant</td>
<td>1</td>
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<tr>
<td>Plan Review Engineer</td>
<td>1</td>
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<tr>
<td>Principal Planner</td>
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<tr>
<td>Public Improvement Specialist</td>
<td>1</td>
</tr>
</tbody>
</table>

5-15-95
COMMUNITY DEVELOPMENT DEPT. EXHIBIT "A" (continued)

Senior Building Inspector  1
Senior Housing Rehabilitation Specialist  1
Strategic Planning Manager  1
Supervising Building Inspector  1
Telecommunication Center Coordinator  1

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of June 13, 1995, considered the adoption of a conflict of interest code for the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Fire Department of the City of Modesto as submitted, a copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-701 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Cobbs, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CONFLICT OF INTEREST CODE
OF THE
FIRE DEPARTMENT
OF THE CITY OF MODESTO

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

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.
### FIRE DEPARTMENT CONFLICT OF INTEREST CODE

**EXHIBIT "A"**

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buyer</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Division Chief</td>
<td>1</td>
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<td>Fire Battalion Chief</td>
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<tr>
<td>Fire Marshall</td>
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<tr>
<td>Fire Prevention Bureau Captain</td>
<td>2</td>
</tr>
<tr>
<td>Haz/Mat Inspector</td>
<td>2</td>
</tr>
<tr>
<td>Plan Checker</td>
<td>2</td>
</tr>
</tbody>
</table>

5-15-95
MODESTO CITY COUNCIL
RESOLUTION NO. 95-288

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 94-702.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011,
this Council is the code reviewing body for agencies of the City
of Modesto, and

WHEREAS, the Council at its meeting of June 13, 1995,
considered the adoption of a conflict of interest code for the
various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Parks
and Recreation Department of the City of Modesto as submitted, a
copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-701
adopted by the Council is hereby rescinded.

RESCINDED
1996-616

06/09/95--CA
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.
## PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE

### EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst II</td>
<td>2</td>
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<tr>
<td>Arborist</td>
<td>2</td>
</tr>
<tr>
<td>Assistant Director of Parks and Recreation</td>
<td>1</td>
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<tr>
<td>Building Maintenance Supervisor</td>
<td>2</td>
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<tr>
<td>Building Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Custodian Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Director of Parks and Recreation</td>
<td>1</td>
</tr>
<tr>
<td>Events Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>General Services Manager</td>
<td>1</td>
</tr>
<tr>
<td>Golf Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Golf Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Historical Buildings Supervisor</td>
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<tr>
<td>Museum Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Operations Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Parks Maintenance Supervisor I</td>
<td>2</td>
</tr>
<tr>
<td>Parks Operations Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Parks Planning &amp; Development Manager</td>
<td>1</td>
</tr>
<tr>
<td>Recreation Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Recreation Supervisor II</td>
<td>2</td>
</tr>
<tr>
<td>Trees Maintenance Supervisor I, II</td>
<td>2</td>
</tr>
<tr>
<td>Urban Forestry Superintendent</td>
<td>1</td>
</tr>
</tbody>
</table>

5-15-95

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council at its meeting of June 13, 1995, considered the adoption of a conflict of interest code for the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Housing Rehabilitation Loan Committee of the City of Modesto as submitted, a copy of which Code is attached hereto, is hereby approved.

RESCINDED

DEC - 7 2010

THIS RESOLUTION WAS RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 06/10 - 493
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CONFLICT OF INTEREST CODE
OF THE
HOUSING REHABILITATION LOAN COMMITTEE
OF THE CITY OF MODESTO

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

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.
### Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson, All Committee Members</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 2:** A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-290

A RESOLUTION RESCINDING THE CONFLICT OF INTEREST CODE FOR THE PARKING AND TRAFFIC DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Parking and Traffic Department of the City of Modesto was approved by Modesto City Council Resolution No. 77-485 pursuant to Resolution No. 77-27 of the City of Modesto, and

WHEREAS, because there is no longer a Parking and Traffic Department the Council of the City of Modesto desires to rescind the Conflict of Interest Code for the Parking and Traffic Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code for the Parking and Traffic Department of the City of Modesto is hereby rescinded.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-290

A RESOLUTION RESCINDING THE PARKING AND TRAFFIC DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Parking and Traffic Department of the City of Modesto was approved by Modesto City Council Resolution No. 77-485 pursuant to Resolution No. 77-27 of the City of Modesto, and

WHEREAS, because there is no longer a Parking and Traffic Department the Council of the City of Modesto desires to rescind the Conflict of Interest Code for the Parking and Traffic Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code for the Parking and Traffic Department of the City of Modesto is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _____ day of June, 1995, by Councilmember __________, who moved its adoption, which motion being duly seconded by Councilmember __________, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-291

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND MANUEL REIS FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO’S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Manuel Reis for the purpose of rehabilitating his property at 2521 Strivens Avenue pursuant to the City of Modesto’s Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-292

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARTHA FIGUEROA FOR THE PURPOSE OR REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Martha Figueroa for the purpose of rehabilitating her property at 338 Rosedale Avenue pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: MORRINE COYLE, City Clerk
A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND AGUSTIN ALBERTO FOR THE PURPOSE OR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Agustin Alberto for the purpose of rehabilitating his property at 334 Colorado Avenue pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-294

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND HELEN D. HARDY FOR THE PURPOSE OR REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Helen D. Hardy for the purpose of rehabilitating her property at 2118 Whitcomb Way pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-295

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF R. KIRK LINDSEY FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE JUNE 13, 1995

WHEREAS, R. Kirk Lindsey was appointed a member of the International Friendship Committee on October 26, 1993; and

WHEREAS, R. Kirk Lindsey has tendered his resignation from the International Friendship Committee, effective June 13, 1995; and

WHEREAS, R. Kirk Lindsey 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 R. Kirk Lindsey from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to R. Kirk Lindsey 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 13th day of June, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING GENE D'ACCARDO 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. Gene D'Accardo is hereby appointed to the Culture Commission, term to expire 1/1/97.

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 13th day of June 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-297

A RESOLUTION APPOINTING NANCY NORTON 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. Nancy Norton is hereby appointed to the Affirmative Action Commission, term to expire 1/1/97.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-298

A RESOLUTION APPOINTING RICARDO CORDOVA TO THE REHABILITATION LOAN POOL
SUBCOMMITTEE AS A REPRESENTATIVE FROM 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. Ricardo Cordova is hereby appointed to the
Rehabilitation Loan Pool Subcommittee as a representative from the
Citizens Housing and Community Development Committee, term to expire
6/30/96.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Rehabilitation Loan
Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 13th day of June, 1995,
by Councilmember McClanahan, who moved its adoption, which motion
being duly seconded by Councilmember Muratore, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-299

A RESOLUTION AMENDING RESOLUTION NO. 92-678 TO REVISE THE TIPPING FEES AT THE WASTE-TO-ENERGY STANISLAUS RESOURCE RECOVERY FACILITY.

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

WHEREAS, pursuant to Resolution No. 92-678, which became effective on January 1, 1993, landfill fees increased from $25.00 per ton to $26.50 per ton, and the Ash Monofill tipping fees increased from $25.00 per ton to $29.00 per ton, and

WHEREAS, on June 20, 1995, the Board of Supervisors approved a tipping fee increase at the Waste-to-Energy Facility, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, the City of Modesto and the Stanislaus County, and

WHEREAS, the Council is required to hold a public hearing prior to setting tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed this issue and has recommended approval of an increase in the tipping fee, and staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present $26.50 per ton to $30.50 per ton, effective July 1, 1995, and
WHEREAS, the 20th day of June, 1995, at 7:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

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

1. That paragraph 3 on page 2 of Resolution No. 92-678 is hereby amended to read as follows: "Whereas, the Solid Waste-to-Energy Executive Committee has discussed this issue and has recommended approval of an increase in the tipping fee, and staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present $26.50 per ton to $30.50 per ton, effective July 1, 1995".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-300

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MODESTO AMENDING RESOLUTION NO. 93-350 AND
AUTHORIZING THE FILING OF AN AMENDED
COMPLAINT IN STANISLAUS COUNTY SUPERIOR COURT
ACTION NO. 296508 RELATING TO THE DEL ESTE
WATER SYSTEM ACQUISITION.

WHEREAS, on June 22, 1993, the City Council adopted
Resolution No. 93-350, a resolution determining that the public
interest and necessity required the acquisition of certain land
and directing the filing of eminent domain proceedings to acquire
the assets of the Del Este Water Company systems in the Modesto
Service Area, more particularly described in Exhibit A of said resolution, and

WHEREAS, on July 20, 1993, the City of Modesto filed a
complaint in eminent domain, action number 296508, in the
Superior Court of the County of Stanislaus, to acquire those
assets of Del Este Water Company described in Exhibit A of
Resolution No. 93-350, and

WHEREAS, in order to provide uniformity of water
quality and service and rate stability to the water users of the
City of Modesto and surrounding areas within and outside of the
City's sphere of influence, Resolution No. 93-350 and Stanislaus
County Superior Court Action No. 296508 should be amended to
provide for the acquisition of all of the assets of Del Este
Water Company, and

WHEREAS, on March 7, 1995, by Resolution No. 95-127,
the City Council approved a Negative Declaration and directed the filing of a Notice of Determination of the environmental impact relating to the acquisition of Del Este Water Company in its entirety, and on March 8, 1995, said Notice of Determination was filed with the Stanislaus County Clerk, and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real and personal property by virtue of Article 1, Section 19 of the Constitution of the State of California, Government Code Section 37350.5, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1240.240, 1240.410 and 1240.610 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto on the following matters:

(a) Whether the public interest and necessity require the acquisition;

(b) Whether the use for which the property is sought to be acquired is a more necessary public use than the use to which the property is appropriated;

(c) Whether the acquisition is planned or located in the manner that will be most compatible with the
greatest public good and the least private injury;

(d) Whether the property sought to be acquired is necessary; and

(e) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

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

1. The public interest and necessity require the acquisition of all of the assets of Del Este Water Company in order to provide uniformity of water quality and service and rate stability to the water users in the City of Modesto and surrounding areas within and outside the City's sphere of influence;

2. The use for which the property described in Exhibit AA is sought to be acquired--to provide uniformity of water quality and service and rate stability to water users in the City and surrounding areas within and outside its sphere of influence--is a more necessary public use than the use to which the property is appropriated;

3. The acquisition is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

4. The complaint in Stanislaus County Superior Court No. 296508 shall be amended by naming as defendants Beard Land and Investment Co. and such other parties as may be necessary,
and by deleting Exhibits A, B and C and substituting in its place, to the extent required, Exhibits AA, BB and CC.

5. The taking of the fee simple and/or absolute title in and to the property more particularly described in said Exhibit AA is necessary;

6. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the property;

7. The property described in Exhibit AA which is outside the territorial limits of the City of Modesto should be acquired for water supply purposes;

8. The City Attorney of the City of Modesto or his duly authorized designee be, and he is hereby, authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith; and

9. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT "AA"

All of the assets and properties of Del Este Water Company of every kind and description, real, personal or mixed, tangible or intangible, goodwill, except the following:

1. Wells Fargo Bank, Modesto Main Branch, Account Number 6250061363.

2. Improvements to and fixtures placed in the Del Este Water Company building, leased premises located at 430 Tenth Street, Modesto, California 95353, including but not limited to (a) a 1,000 gallon Con Vault fuel tank and pump, and (b) a 5 horsepower compressor and tank, all of which fixtures and improvements belong to the landlord under the terms of Del Este's lease of the premises.
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-301  

A RESOLUTION ACCEPTING THE BIDS OF VARIOUS VENDORS FOR FURNISHING REPLACEMENT UTILITY AND GROUNDS MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 95-190, adopted by the Council of the City of Modesto on April 25, 1995, approved the plans and specifications for the purchase of replacement utility and grounds maintenance equipment to be used by the Parks and Recreation Department for grounds maintenance at the golf courses, John Thurman Field and at various park sites, and authorized the calling for bids; and

WHEREAS, the bids received for the replacement utility and grounds maintenance equipment, were opened at 11:10 a.m. on May 16, 1995, 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 several vendors, for a total cost of $1,830,672.21, be accepted as the lowest responsible bids. The vendors are: Bobcat Control, Inc., California Utility, Central Valley Golf, Country Ford, F.B. Hart, Garton Ford, H.V. Carter, Jenkins Machinery, J.M. Equipment, Maita Chevrolet, Modesto Ford, Modesto Ford Tractor, Nixon-Egli Equipment Co., and Pacific utility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of the various vendors listed above 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 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-302

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $50,000 TO PROVIDE FUNDING FOR NEEDED LABORATORY ANALYTICAL SERVICES AT THE WATER QUALITY CONTROL PLANT AND REVIEW OF LOCAL LIMITS DEVELOPMENT DATA BY A CONSULTANT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Capital Improvement Program savings $50,000

TO: Laboratory Analytical Services $50,000

Under federal regulations, the State Water Resources Control Board requires every publicly owned treatment works to develop Local Limits for 128 priority pollutants that may occur in wastewater discharges. The City's Water Quality Control Plant has been conducting a multi-year testing program to assemble the data base to develop our Local Limits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-303

A RESOLUTION ACCEPTING A GRANT OFFER IN STATE OF CALIFORNIA WILDLIFE CONSERVATION BOARD FUNDS TOWARD PURCHASE OF LAND FOR THE TUOLUMNE RIVER REGIONAL PARK.

WHEREAS, on March 10, 1995, the City Council authorized the City Manager to sign a letter of intent to the State of California Wildlife Conservation Board for funding toward purchase of land for the Tuolumne River Regional Park, and

WHEREAS, these funds will be applied toward the purchase of approximately 20.6 acres of river frontage,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the State of California Wildlife Conservation Board for funding toward the purchase of 20.6 acres of land for the Tuolumne River Regional Park and approves the terms and conditions of the agreement.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby agrees that the property is being acquired for the purposes of preservation and restoration of riparian habitat along the Tuolumne River and that a Class I bicycle trail will be constructed within this area.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.
BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CIP PROJECT.

WHEREAS, the City has received notification from the State Wildlife Conservation Board (WCB) that it intends to award $455,000 to acquire land for the Tuolumne River Regional Park. The grant agreement stipulates that the City will own the land, indemnify the State, and will develop and maintain the property for riparian restoration and preservation.

WHEREAS, this resolution estimates and appropriates this revenue.

WHEREAS, the following adjustments are necessary:

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Revenues</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>170-510-9510-3134</td>
<td>State Grant Revenue</td>
<td>$455,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Expenditures</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>170-310-E967-6030</td>
<td>Tuolumne River Regional Park-partial Land Acquisition</td>
<td>$455,000</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 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

**NOES:**
- Councilmembers: None

**ABSENT:**
- Councilmembers: Patterson

ATTEST: NORMA COYLE, City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-305

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT TO REIMBURSE THEM FOR THE CITY’S SHARE OF COSTS TO IMPROVE BLUE GUM AVENUE AT THE COLLEGE’S WEST CAMPUS AND AUTHORIZE MULTI-YEAR PAYMENTS BEGINNING FISCAL YEAR 1995-96

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District to reimburse them for the City’s share of costs to improve Blue Gum Avenue at the College’s West Campus be, and it is hereby approved.

BE IT FURTHER RESOLVED that multi-year payments beginning fiscal year 1995-96 are hereby authorized.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-306

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $17,000 TO PROVIDE FUNDING FOR THE TRAFFIC SIGNAL PORTION OF IMPROVEMENTS TO BLUE GUM AVENUE AT THE YOSEMITE COMMUNITY COLLEGE DISTRICT WEST CAMPUS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Traffic Signal Modifications $17,000
(141 160 E471 6040)

TO: Carpenter & Blue Gum Traffic Signal Mod. $17,000
(141 160 D402 6040)

The additional funds are needed for this project as a result of unforeseen changes in the geometrics of the Carpenter and Blue Gum intersection by the Modesto Junior College.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: [Signature]
JUDY O' HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-307

A RESOLUTION ESTABLISHING PRICE AND POPULATION FACTORS TO BE USED IN DETERMINING THE 1995-96 "APPROPRIATIONS LIMIT" ACCORDING TO ARTICLE XIIIB OF THE CALIFORNIA CONSTITUTION.

WHEREAS, adoption of the fiscal year 1995-96 budget requires that Council also establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for fiscal year 1995-96, and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the City's appropriation limitation imposed by Article XIIIB (Proposition 4) for the State Constitution for 1995-96 is hereby established at $146,000,000, said limitation pertains only to appropriations financed from tax proceeds, and

WHEREAS, by a memorandum dated June 14, 1995, the City's Finance Director has advised the City Council that the City is in no danger of exceeding the ceiling; that a complete analysis of the City's status with regard to this Constitutional requirement will be included in the published Annual Budget document; that documentation used to compute the Proposition 4
limit is available for public review, that Schedule VI attached to said report shows the preferred price and population factors to be used and the appropriation limit; that the recommended factors to be used in calculating the limit are: the price factor of "State growth in per capita income" and the population factor of "growth rate in Stanislaus County". A copy of said report including Schedule VI is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit and the price and population factors to be used in determining the 1995-96 "Appropriations Limit" according to Article XIII B of the California Constitution is hereby established as set forth on Schedule VI 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 20th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVE::

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
SCHEDULE VI

CITY OF MODESTO

APPROPRIATION LIMIT CALCULATION

FISCAL YEAR 1995-96

FY 94-95 Appropriation Limit $137,342,681

Adjustment factors:

Population:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Modesto</td>
<td>1.0081</td>
</tr>
<tr>
<td>County</td>
<td>1.0178</td>
</tr>
</tbody>
</table>

Price:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Capita Income (State)</td>
<td>1.0472</td>
</tr>
<tr>
<td>Local non-residential new construction</td>
<td>Unavailable</td>
</tr>
</tbody>
</table>

Total Adjustment percentage 6.58%

Annual adjustment $9,037,148

Other adjustments (unknown until October 1995)

FY 1995-96 Appropriation Limit $146,379,829
MODESTO CITY COUNCIL
RESOLUTION NO. 95-308


WHEREAS, after financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the fiscal year 94–95.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1995–1996 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk,

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

SECTION 1. That the changes listed in "Schedule A" be made to the Annual Budget of the City of Modesto for Fiscal Year 94–95.

SECTION 2. That the "City of Modesto Proposed Budget 1995–1996", is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1996, and the several amounts stated therein as proposed expenditures and revenues are hereby appropriated for the various objects therein described.


BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>OBJT/</th>
<th>FD</th>
<th>AGY</th>
<th>ORGN</th>
<th>REV</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td>010</td>
<td>190</td>
<td>1961</td>
<td>3172</td>
<td>(75,000)</td>
</tr>
<tr>
<td><strong>EXPENSE-TRANSFER OUT</strong></td>
<td>010</td>
<td>700</td>
<td>7000</td>
<td>7080</td>
<td>(100,000)</td>
</tr>
<tr>
<td><strong>EXPENSE-RESERVE</strong></td>
<td>010</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>175,000</td>
</tr>
<tr>
<td><strong>REVENUE-TRANSFER IN</strong></td>
<td>080</td>
<td>700</td>
<td>7000</td>
<td>9010</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>EXPENSE-RESERVE</strong></td>
<td>080</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>(100,000)</td>
</tr>
<tr>
<td><strong>EXPENSE-TRANSFER OUT</strong></td>
<td>137</td>
<td>700</td>
<td>7000</td>
<td>7621</td>
<td>(139,223)</td>
</tr>
<tr>
<td><strong>EXPENSE-RESERVE</strong></td>
<td>137</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>(139,223)</td>
</tr>
<tr>
<td><strong>EXPENSE</strong></td>
<td>611</td>
<td>480</td>
<td>5013</td>
<td>0320</td>
<td>(486,899)</td>
</tr>
<tr>
<td><strong>EXPENSE-RESERVE</strong></td>
<td>611</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>486,899</td>
</tr>
<tr>
<td><strong>REVENUE-TRANSFER IN</strong></td>
<td>621</td>
<td>700</td>
<td>7000</td>
<td>9137</td>
<td>139,223</td>
</tr>
<tr>
<td><strong>EXPENSE-RESERVE</strong></td>
<td>621</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>139,223</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 95-309

A RESOLUTION REVISING SEWER SERVICE CHARGES AND
RESCINDING RESOLUTION NO. 94-599.

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, an annual review of sewer service charges has been made,

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 $10.96
Each dwelling unit in a duplex 8.56
One additional dwelling unit or mobile home on a lot 8.56
Each dwelling unit in an apartment building or dwelling group or mobile home space 7.05
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:
Group 1
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less

Group 2
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1

Group 3
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1

Group 4
Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1

(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:

<table>
<thead>
<tr>
<th>Group</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$22.77</td>
</tr>
<tr>
<td>Group 2</td>
<td>26.23</td>
</tr>
<tr>
<td>Group 3</td>
<td>32.16</td>
</tr>
<tr>
<td>Group 4</td>
<td>38.58</td>
</tr>
</tbody>
</table>

(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 55/100ths ($1.55) 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 $740.52 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 $87.58 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 $80.62 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. 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 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District’s system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City’s system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only) $6.79
Each dwelling unit in a duplex 3.24
One additional dwelling unit or mobile home on a lot 3.24
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park 3.24
Billing Fee 0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 7. 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 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity of Development Factor (IDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>0.25</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family High</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium</td>
<td>0.80</td>
</tr>
<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.31</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
<tr>
<td>Transportation/Utilities</td>
<td>0.40</td>
</tr>
<tr>
<td>Schools</td>
<td>0.25</td>
</tr>
<tr>
<td>Non-Profit Organizations</td>
<td>0.40</td>
</tr>
<tr>
<td>Government</td>
<td>0.70</td>
</tr>
</tbody>
</table>
Hospitals          0.50
Parks/Cemeteries  0.10
Agriculture       0.08
Undeveloped       0.00

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<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
An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.73</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>3.40</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>5.10</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 $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(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 9. EFFECTIVE DATE. This resolution shall become effective July 1, 1995.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 94-599.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
WHEREAS, the Council of the City of Modesto desires to approve a three (3%) percent salary increase for unrepresented Management and Confidential employees, and

WHEREAS, the Council desires to approve a three (3%) percent salary increase for Council Appointees, and

WHEREAS, the Council desires to approve a three (3%) percent increase in salary ranges for non-Council appointed Executive Managers,

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

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES.

The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established and approved effective June 27, 1995, to provide for a three (3%) percent salary adjustment for unrepresented Management and Confidential employees and a three (3%) percent salary adjustment for Council Appointees:

1. Exhibit "A" entitled "City of Modesto Class Range Table, Management and Confidential Non-Sworn Classes, Effective June 27, 1995".

2. Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 95/96, Effective June 27, 1995 - Schedule D Management/Confidential - General".
3. Exhibit "C" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective June 27, 1995".

4. Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 95/96, Effective June 27, 1995 - Schedule E Management/Confidential - Fire".

5. Exhibit "E" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 27, 1995".

6. Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 95/96, Effective June 27, 1995 - Schedule G Management/Confidential - Police (Unrepresented)".

7. Exhibit "G" entitled "City of Modesto Class Range Table, Executive Management, Effective June 27, 1995", which includes Council Appointees.

SECTION 2. COUNCIL APPOINTEES. Effective June 27, 1995, the salaries for the positions of the Council Appointees shall be as follows:

<table>
<thead>
<tr>
<th>TITLES</th>
<th>HOURLY</th>
<th>BI-WEEKLY</th>
<th>MONTHLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>$48.1603</td>
<td>$3,852.82</td>
<td>$8,379.88</td>
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<tr>
<td>City Attorney</td>
<td>$45.0203</td>
<td>$3,601.63</td>
<td>$7,833.54</td>
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<tr>
<td>City Clerk</td>
<td>$26.0953</td>
<td>$2,087.62</td>
<td>$4,540.57</td>
</tr>
</tbody>
</table>

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the
department under the Charter, ordinances and resolutions adopted by the City Council, including creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.
SECTION 8. REPEAL. Resolution No. 94-410 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORME COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective June 27, 1995

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

Exhibit "A"
<table>
<thead>
<tr>
<th>Class</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
<tr>
<td>424</td>
<td>Assistant Planner</td>
</tr>
<tr>
<td></td>
<td>Asst. City Clerk/Auditor</td>
</tr>
<tr>
<td>425</td>
<td>Administrative Analyst I</td>
</tr>
<tr>
<td></td>
<td>Executive Assistant</td>
</tr>
<tr>
<td></td>
<td>Legal Services Supervisor</td>
</tr>
<tr>
<td>426</td>
<td>Stores Manager</td>
</tr>
<tr>
<td></td>
<td>Museum Supervisor</td>
</tr>
<tr>
<td>427</td>
<td>Events Supervisor</td>
</tr>
<tr>
<td>428</td>
<td>Parks Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Airport Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Trees Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Equipment Maintenance Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Social Services Coordinator</td>
</tr>
<tr>
<td></td>
<td>Buyer</td>
</tr>
<tr>
<td></td>
<td>Accountant II</td>
</tr>
<tr>
<td></td>
<td>Budget Analyst</td>
</tr>
<tr>
<td></td>
<td>Public Works Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Building Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Customer Services Specialist</td>
</tr>
<tr>
<td>429</td>
<td></td>
</tr>
<tr>
<td>430</td>
<td>Associate Planner</td>
</tr>
<tr>
<td></td>
<td>Parks Construction Supervisor I</td>
</tr>
<tr>
<td></td>
<td>Junior Civil Engineer</td>
</tr>
<tr>
<td></td>
<td>Junior Traffic Engineer</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Preservation Supervisor</td>
</tr>
<tr>
<td>431</td>
<td>Administrative Analyst II</td>
</tr>
<tr>
<td></td>
<td>Affirmative Action Officer</td>
</tr>
<tr>
<td></td>
<td>Personnel Analyst</td>
</tr>
<tr>
<td></td>
<td>Training Coordinator</td>
</tr>
<tr>
<td></td>
<td>Assistant Risk Manager</td>
</tr>
<tr>
<td></td>
<td>Recycling Program Coordinator</td>
</tr>
<tr>
<td></td>
<td>Senior Budget Analyst</td>
</tr>
<tr>
<td>432</td>
<td>Plant Mechanic Supervisor</td>
</tr>
<tr>
<td></td>
<td>Recreation Supervisor II</td>
</tr>
<tr>
<td></td>
<td>Historical Buildings Supervisor</td>
</tr>
<tr>
<td></td>
<td>Senior Accountant</td>
</tr>
<tr>
<td></td>
<td>Youth Program Supervisor</td>
</tr>
<tr>
<td></td>
<td>Industrial Waste Supervisor</td>
</tr>
<tr>
<td>Class Range Table</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td>Management and Confidential Non-Sworn Class</td>
<td></td>
</tr>
<tr>
<td>Page 3</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>Position</th>
</tr>
</thead>
</table>
| 433  | Assistant Civil Engineer  
      | Laboratory Supervisor  
      | Assistant Traffic Engineer |
| 434  | Senior Programmer Analyst  
      | Electrical Supervisor  
      | Engineering Systems Manager  
      | Sr. Housing Rehab. Specialist  
      | Public Works Supervisor II  
      | Secondary Treatment Site Supv.  
      | Operations Supervisor  
      | Arborist  
      | Land Surveyor  
      | Equipment Maintenance Supervisor II |
| 435  | Management Analyst  
      | Deputy City Attorney I  
      | Senior Personnel Analyst  
      | Budget Officer  
      | Financial/Investment Officer  
      | Administrative Services Officer  
      | Integrated Waste Specialist |
| 436  | Senior Planner |
| 437  |  |
| 438  | Asst. Water Quality Control Supt.  
      | Transportation Planner  
      | Housing Program Supervisor  
      | Business Development Officer  
      | Parks Planning and Development Manager  
      | Communications and Marketing Manager |
| 439  | Deputy City Attorney II  
      | Associate Civil Engineer  
      | Associate Traffic Engineer |
| 440  | Purchasing Officer |
### Class Range Table

Management and Confidential Non-Sworn Class

Page 4

<table>
<thead>
<tr>
<th>Code</th>
<th>Position</th>
</tr>
</thead>
</table>
| 441  | Sr. Deputy City Attorney I  
Airport Manager  
Solid Waste Program Manager  
Transit Manager  
Streets Maintenance Supt.  
Parks Operations Superintendent  
Risk Manager  
Assistant Personnel Director  
Recreation Superintendent  
Golf Superintendent  
Fleet Manager  
Urban Forestry Superintendent  
Wastewater Collections Superintendent  
Water Superintendent  
Building Maintenance Superintendent  
Police Records Manager  
Fire Marshal |
| 442  | Supv. Building Inspector  
Finance Data Processing Manager  
Supv. Construction Inspector  
Manager of Budget and Financial Analysis |
| 443  | Deputy Chief Bldg. Official |
| 444  | General Services Manager  
Water Quality Control Supt.  
Principal Planner |
| 445  | Customer Services Division Manager  
Accounting Division Manager  
Housing and Neighborhoods Division Manager |
| 446  | Senior Civil Engineer  
Traffic Engineer |
| 447  | Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. - Civic Center  
Asst. Parks & Recreation Dir. - Parks  
Asst. Parks & Recreation Dir. - Recreation  
Business Development Division Manager  
Development Services Division Manager  
Strategic Planning Division Manager |
<p>| 448  | Sr. Deputy City Attorney II |
| 449  | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>3.00%</th>
<th>HOURLY</th>
<th>BY-WEEKLY</th>
<th>MONTHLY</th>
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<tbody>
<tr>
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<td>B</td>
<td>C</td>
<td>D</td>
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<td>MONTHLY</td>
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<td>B</td>
<td>C</td>
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SCHEDULE-D
MANAGEMENT/CONFIDENTIAL GENERAL
RANGE

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0455
0456
0457
0458
0459
0460
0461
0462
0463
-0464
0465
0466
0467
0468
0469
0470
0471
0472
0473
0474
0475
0476
0477
0478
0479
1J41l0

3.00%
A
32.7366
33.5550
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60.6918
62.2091
63.7643

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95

HOURLY

BY-WEEKLY

B

C

D

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37.0164
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38.8903
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E

I

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B

C

D

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Exhibit "C"
### CITY OF MODESTO
### SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
### EFFECTIVE 6/27/95

#### SCHEDULE - E
MANAGEMENT/CONFIDENTIAL FIRE

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CITY OF MODESTO  
CLASS RANGE TABLE  
POLICE MANAGEMENT CLASSES (Unrepresented)  

Effective June 27, 1995

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Exhibit "E"
CiTY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
SCHEDULE-G
EFFECTIVE 6/27/95
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED
RANGE

1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
_1613
..
1614
1615
_.
1616
1617
1618
--'
1619
1620
_.
1621
1622
1623
1624
1625
1626

__

3.00%
A

B

HOURLY
C

D

E

A

B

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BY-WEEKLY
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4,607.02
4,722.19
4,840.25
4,961.26
5,085.28
5,212.43
5,342.74
5,476.32
5,613.22
5,753.55
5,897.40
6,044.83
6,195.97
6,350.87
6,509.64
6,672.36

D

3,778.93
3,873.44
3,970.22
4,069.51
4,171.26
4,275.53
4,382.41
4,491.96
4,604.28
4,719.40
4,837.37
4,958.30
5,082.26
5,209.34
5,339.56
5,473.04
5,609.89
5,750.13
5,893.88
6,041.24
6,192.27
6,347.06
6,505.77
6,668.42
6,835.11
7,005.98

E

3,967.87
4,067.12
4,168.74
4,272.98
4,379.80
4,489.31
4,601.52
4,716.57
4,834.50
4,955.39
5,079.26
5,206.21
5,336.36
5,469.80
5,606.54
5,746.70
5,890.38
6,037.65
6,188.57
6,343.30
6,501.90
6,664.42
6,831.07
7,001.85
7,176.87
7,356.26


### CITY OF MODESTO
### CLASS RANGE TABLE
### EXECUTIVE MANAGEMENT

**Effective June 27, 1995**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
<th>MINIMUM</th>
<th>MAXIMUM</th>
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</thead>
<tbody>
<tr>
<td>703</td>
<td>City Clerk/Auditor</td>
<td>4115</td>
<td>5144</td>
</tr>
<tr>
<td>704</td>
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<tr>
<td>712</td>
<td></td>
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<td></td>
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<tr>
<td>713</td>
<td>Personnel Director</td>
<td>5266</td>
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<td>714</td>
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<tr>
<td>716</td>
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<tr>
<td>717</td>
<td>Finance Director</td>
<td>5814</td>
<td>7268</td>
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<td>719</td>
<td></td>
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<td></td>
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<tr>
<td>720</td>
<td>Parks &amp; Recreation Director</td>
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<td>7827</td>
</tr>
<tr>
<td></td>
<td>Fire Chief</td>
<td></td>
<td></td>
</tr>
<tr>
<td>722</td>
<td>City Attorney</td>
<td>6578</td>
<td>8222</td>
</tr>
<tr>
<td></td>
<td>Police Chief</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Development Director</td>
<td></td>
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<tr>
<td>723</td>
<td>Public Works and Transportation Director</td>
<td>6742</td>
<td>8428</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>724</td>
<td>Deputy City Manager</td>
<td>6911</td>
<td>8639</td>
</tr>
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<td>725</td>
<td></td>
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<td></td>
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<tr>
<td>726</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>727</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>728</td>
<td>City Manager</td>
<td>7628</td>
<td>9536</td>
</tr>
</tbody>
</table>

Exhibit "G"
MODESTO CITY COUNCIL
RESOLUTION NO. 95-311

A RESOLUTION AMENDING A LABOR POLICY PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY THE CITY ON BEHALF OF UNEPREDITED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING DEPARTMENT HEADS AND COUNCIL APPOINTEES.

WHEREAS, by Resolution No. 94-386 adopted by the Council on June 28, 1994, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend that policy as it pertains to unrepresented management and confidential employees, including department heads and Council appointees,

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

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay eight percent (8%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 25, 1996, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions
(EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay six and one-half percent (6.5%) of the normal member contributions of seven percent (7%) as employer paid member contributions (EPMC) and report same to PERS as compensation for non-safety management and confidential employees (miscellaneous members). Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 25, 1996, the City of Modesto elects to pay six and one-quarter percent (6.25%) of the normal member contributions of seven percent (7%) as employer paid member contributions (EPMC) and report same to PERS as compensation for non-safety management and confidential employees (miscellaneous members). Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

The effective date of this Resolution shall be June 27, 1995.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 94-386 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 20th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-312

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 94-35.

WHEREAS, Section 5-5.32 of the Modesto Municipal Code provides that charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 94-35, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing July 1, 1995, and

WHEREAS, June 27, 1995, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revisions of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, a report dated June 22, 1995, from the Public Works and Transportation Department, a copy of which is on file
in the office of the City Clerk, sets forth recommended revisions of rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Charges for Garbage Service, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective July 1, 1995, until revised by the City Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 94-35 is hereby superseded, effective July 1, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST:  

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney
CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Monthly Rates
(Once a Week Pickup service)

<table>
<thead>
<tr>
<th>Container Size</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>One 60 gallon container</td>
<td>$11.44</td>
</tr>
<tr>
<td>One 90 gallon container</td>
<td>13.90</td>
</tr>
<tr>
<td>Each additional container</td>
<td>10.73</td>
</tr>
</tbody>
</table>

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) (a-5).

DETAICHABLE CONTAINERS

Number of Collections Per Week

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>29.03</td>
<td>48.06</td>
<td>67.09</td>
<td>86.12</td>
<td>105.15</td>
<td>124.18</td>
</tr>
<tr>
<td>1 1/2 CY</td>
<td>38.55</td>
<td>67.10</td>
<td>95.65</td>
<td>124.20</td>
<td>152.75</td>
<td>181.30</td>
</tr>
<tr>
<td>2 CY</td>
<td>46.06</td>
<td>86.12</td>
<td>124.18</td>
<td>162.24</td>
<td>200.30</td>
<td>238.36</td>
</tr>
<tr>
<td>3 CY</td>
<td>67.09</td>
<td>124.18</td>
<td>181.27</td>
<td>238.36</td>
<td>295.45</td>
<td>352.54</td>
</tr>
<tr>
<td>4 CY</td>
<td>86.12</td>
<td>162.24</td>
<td>238.36</td>
<td>314.46</td>
<td>390.50</td>
<td>466.72</td>
</tr>
<tr>
<td>5 CY</td>
<td>105.15</td>
<td>200.30</td>
<td>295.45</td>
<td>390.50</td>
<td>495.65</td>
<td>580.80</td>
</tr>
<tr>
<td>6 CY</td>
<td>124.18</td>
<td>238.36</td>
<td>352.54</td>
<td>456.72</td>
<td>580.90</td>
<td>695.08</td>
</tr>
</tbody>
</table>

DETAICHABLE CONTAINER RENTAL RATES ARE INCLUDED IN ABOVE SCHEDULE

| Monthly rental rate | 1 CY to 6 CY | 10.00 |

DROP BOX CONTAINERS

<table>
<thead>
<tr>
<th>Pickup charge</th>
<th>$100.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental charge</td>
<td>2.00</td>
</tr>
<tr>
<td>Disposal charge</td>
<td>Actual charge to be paid by customer</td>
</tr>
</tbody>
</table>

Garbage company will provide up to 40 CY drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS

Number of Collections per week

<table>
<thead>
<tr>
<th>Front Loader Type</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>87.60</td>
<td>175.20</td>
<td>262.80</td>
<td>350.40</td>
<td>438.00</td>
</tr>
<tr>
<td>1 1/2 CY</td>
<td>112.77</td>
<td>225.54</td>
<td>338.31</td>
<td>451.08</td>
<td>563.85</td>
</tr>
<tr>
<td>2 CY</td>
<td>87.60</td>
<td>175.20</td>
<td>262.80</td>
<td>350.40</td>
<td>438.00</td>
</tr>
<tr>
<td>3 CY</td>
<td>112.77</td>
<td>225.54</td>
<td>338.31</td>
<td>451.08</td>
<td>563.85</td>
</tr>
<tr>
<td>4 CY</td>
<td>148.94</td>
<td>297.88</td>
<td>446.82</td>
<td>595.76</td>
<td>744.70</td>
</tr>
<tr>
<td>5 CY</td>
<td>185.09</td>
<td>370.18</td>
<td>555.27</td>
<td>740.36</td>
<td>925.45</td>
</tr>
<tr>
<td>6 CY</td>
<td>221.24</td>
<td>442.48</td>
<td>663.72</td>
<td>884.96</td>
<td>1106.20</td>
</tr>
</tbody>
</table>

ROLL-OFF TYPE

<table>
<thead>
<tr>
<th>Roll-Off Type</th>
<th>5 CY to 40 CY</th>
<th>91.85 per pickup</th>
</tr>
</thead>
</table>

Washing of compactor at the request of customer $30. Disposal charge: Actual charge to be paid by customer.

EXTRA PICKUPS

<table>
<thead>
<tr>
<th>Standard containers or equivalent</th>
<th>$ 3.50 plus $0.60/container</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detachable containers</td>
<td>$12.00 plus $2.50/CY</td>
</tr>
</tbody>
</table>

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETAICHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th>Size</th>
<th>1 CY</th>
<th>1 1/2 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10.12</td>
<td>11.00</td>
<td>12.10</td>
<td>15.40</td>
<td>20.24</td>
<td>25.08</td>
<td>29.92</td>
</tr>
</tbody>
</table>

NOTATIONS

1. The above residential rates include the 10 cent per month per household recycling surcharge.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-313

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES TO MEET CITY NEEDS FOR FISCAL YEAR 1995-1996

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of bulk gasoline and diesel fuels for the fiscal year 1994-95 is hereby waived.

BE IT FURTHER RESOLVED that purchase of gas and diesel fuels from the source with the best available price or from any other source available in the event of restricted supplies, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR THE TRAFFIC SIGNAL CONSTRUCTION PROJECT AT YOSEMITE BOULEVARD/CREEKWOOD DRIVE

WHEREAS, bids for the traffic signal construction project at Yosemite Boulevard/Creekwood Drive, were opened on June 13, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical in the amount of $89,500, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:  Councilmembers:  None
ABSENT:  Councilmembers:  Patterson

ATTEST:  

NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $38,478 TO PROVIDE FUNDING FOR THE TRAFFIC SIGNAL CONSTRUCTION PROJECT AT YOSEMITE BOULEVARD/CREEKWOOD DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Coffee/Rumble (141 160 1601 E447) $20,000
    Coffee/Floyd (141 160 1601 E446)   $18,478

TO: Yosemite Blvd/Creekwood Traffic Signal (141 160 1601 D298) $38,478

These funds are needed to complete the traffic signal construction project at Yosemite Boulevard/Creekwood Drive. The two project accounts from which funds are being transferred have surplus funds available and will not affect the successful completion of these projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-316

A RESOLUTION ACCEPTING THE MILDRED PERKINS PARK BALLFIELD IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Mildred Perkins Park ballfield improvements has been completed by Ireland's in accordance with the contract agreement dated January 17, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Mildred Perkins Park ballfield improvements, be accepted from said contractor, Ireland's; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $32,212.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-317

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $38,000 TO PROVIDE
FUNDING FOR THE EMERALD INFUENT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: Lakewood sewer trunk extension $38,000
(622 480 D311 6050)

TO: Emerald Influent project $38,000
(622 480 E600 6060)

During the course of construction, a number of unforeseen
conditions were encountered which resulted in additional
expenditures being charged against the project.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 27th day of June, 1995,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY OR APPROPRIATE TO IMPLEMENT AND CARRY OUT THE SETTLEMENT AND ASSET PURCHASE AGREEMENT BY AND BETWEEN THE CITY OF MODESTO AND THE DEL ESTE WATER COMPANY.

WHEREAS, the Settlement And Asset Purchase Agreement (the "Agreement") previously approved by the City Council on March 7, 1995, contemplates that the transaction will close on or about July 1, 1995, and

WHEREAS, the Agreement also contemplates that several other collateral agreements will be executed on or before the closing date, and

WHEREAS, the Agreement also requires that someone on behalf of the City shall execute various authorizations, consents, waivers, certificates, assignments, and assumptions prior to closing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to take such actions and execute such documents as may be necessary or appropriate to implement and carry out the Settlement And Asset Purchase Agreement by and between the City of Modesto and the Del Este Water Company dated March 7, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

The foregoing is a correct copy of the original on file in this office which has not been revoked and is now in full force and effect.

JUDY C. HALL, Acting City Clerk of the City of Modesto, County of Stanislaus, State of California.
BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Water Certificate of Participation Fund
TO: Purchase of Del Este Water Co.

$10.2 million  $10.2 million

Staff considered many alternatives for the most prudent and least costly way to complete the acquisition. This proposed redirection of bond proceeds already in hand will accomplish this with no additional cost to the new rate payers, and with a neutral impact to the existing rate payers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUND FROM THE MID WATER FUND RESERVE IN THE AMOUNT OF $3.65 MILLION TO PROVIDE THE REMAINING FUNDING FOR PURCHASE OF THE DEL ESTE WATER COMPANY.

BE IT RESOLVED the City Council of the City of Modesto approved the amending the Fiscal Year 1995-96 Annual Budget from MID Water Fund reserves to provide funding for Purchase of Del Este Water Company.

WHEREAS, after evaluating the available alternative financing strategies, staff is recommending utilizing the Water Fund's existing resources and amending the Water Fund's budget to appropriate funds from the MID Water Fund Reserve in the amount of $3.65 million. This will provide the remaining financing requirement for the Del Este Water Company acquisition.

WHEREAS, on March 7, 1995 the City and Del Este Water Company entered into a Settlement Agreement for the City's acquisition of the water company. During the interim period, staff considered many alternatives and concluded the above mentioned alternative to be the most prudent and least costly way to complete the acquisition. This proposed redirection of bond proceeds already in hand will accomplish the desired results with no additional cost to the new rate payers and with a neutral impact to the existing rate payers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following change be made to the Annual Budget of the Water Fund of the City of Modesto for Fiscal Year 1995-96 as follows:

**Water Fund**

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>611-800-8000 Reserve</td>
<td>&lt;$3,650,000&gt;</td>
</tr>
<tr>
<td>611-480-E632 Del Este Acquisition</td>
<td>$3,650,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk (SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION 95-321

RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES IN THE WATER FUND.

WHEREAS, at the direction of the City Council, staff has been evaluating various aspects of the City's acquisition of the Del Este Water Company on July 1, 1995. Staff has prepared an Operating and CIP Budget for the acquired water company to amend to the annual budget of the City of Modesto for the Fiscal Year 1995-1996.

WHEREAS, this action will require adding two additional funds: Fund 615-MID Service Area (receives treated water), and Fund 616-Non-MID Service Area. The MID Service Area will contain three operating organizations: Operations, DBCP, and Billing and Collection. The Non-MID Service Area will contain two organizations: Operations and Billing and Collection.

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for Fiscal Year 1995-96 to re-estimate total City revenues and expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the Water Fund of the City of Modesto for Fiscal Year 1995-96 as shown in:

Schedule I  DEWC Budget Amendments
Schedule II  DEWC Staffing Impacts
Schedule III  DEWC Revenue
Schedule IV  Water Fund Proforma

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 27th day of June, 1995, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Muratore, was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney
### General Fund

**1221 Cashiering**
- Employee Services: 37,255
- Professional & Contract Services: 12,000
- Material and Supplies: 500
- Other: 14,000
- Service Credits: 
  - Capital: 14,000
  - (63,755)

**1223 Utilities and Collections**
- Employee Services: 74,511
- Professional & Contract Services: 130,800
- Material and Supplies: 23,000
- Other: 74,511
- Service Credits: 
  - (228,311)

**4612 Streets**
- Employee Services: 
- Professional & Contract Services: 
- Material and Supplies: 
- Other: 9,005
- Service Credits: 
  - (9,005)

### Water Fund

**5012 Water Operations**
- Employee Services: 727,294
- Professional & Contract Services: 
- Material and Supplies: 
- Other: 727,294
- Service Credits: 
  - (727,294)

**5099 Billing and Collections**
- Employee Services: 
- Professional & Contract Services: 4,000
- Material and Supplies: 
- Other: 
- Service Credits: 4,000
Schedule I

Water Fund - DEWC Component
Fiscal Year 1995-96
Budget Summary

Wastewater Fund

5213 Wastewater Treatment-Primary

Employee Services 53,384
Professional & Contract Services
Material and Supplies
Other
Service Credits (53,384) 0

5215 Wastewater Monitoring and Control

Employee Services 41,999
Professional & Contract Services
Material and Supplies
Other
Service Credits (41,999) 0

5299 Billing and Collection

Employee Services
Professional & Contract Services
Material and Supplies 6,020
Other
Service Credits 6,020

Fund 615 Non-MID Service Area

5051 Operations

Employee Services 0
Professional & Contract Services 1,375,398
Material and Supplies 3,424,880 *
Other 18,000
Service Credits 0
4,818,278
* Includes $3,299,000 for Water Treatment and Delivery

5052 DBCP

Employee Services
Professional & Contract Services 315,600
Material and Supplies
Other
Service Credits 315,600
## Schedule I

**Water Fund - DEWC Component**  
**Fiscal Year 1995-96**  
**Budget Summary**

### 5097 Billing and Collection

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Services</td>
<td>0</td>
</tr>
<tr>
<td>Professional &amp; Contract Services</td>
<td>167,961</td>
</tr>
<tr>
<td>Material and Supplies</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
</tr>
<tr>
<td>Service Credits</td>
<td>167,961</td>
</tr>
</tbody>
</table>

### Fund 616 Non-MID Service Area

#### 5061 Operations

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Services</td>
<td>0</td>
</tr>
<tr>
<td>Professional &amp; Contract Services</td>
<td>987,971</td>
</tr>
<tr>
<td>Material and Supplies</td>
<td>108,560</td>
</tr>
<tr>
<td>Other</td>
<td>50,000</td>
</tr>
<tr>
<td>Service Credits</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,146,531</td>
</tr>
</tbody>
</table>

### 5098 Billing and Collection

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Services</td>
<td>0</td>
</tr>
<tr>
<td>Professional &amp; Contract Services</td>
<td>112,125</td>
</tr>
<tr>
<td>Material and Supplies</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
</tr>
<tr>
<td>Service Credits</td>
<td>112,125</td>
</tr>
</tbody>
</table>

### 628 Storm Drain Fund

#### 5399 Billing and Collection

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Services</td>
<td>0</td>
</tr>
<tr>
<td>Professional &amp; Contract Services</td>
<td>1,960</td>
</tr>
<tr>
<td>Material and Supplies</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
</tr>
<tr>
<td>Service Credits</td>
<td>1,960</td>
</tr>
</tbody>
</table>
### Schedule II

**Water Fund - DEWC Component**  
**Fiscal Year 1995-96**  
**Staffing Allocation**

<table>
<thead>
<tr>
<th>Staffing Allocation</th>
<th>Water Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5012 Water Operations</strong></td>
<td></td>
</tr>
<tr>
<td>Supervisor</td>
<td>1.0</td>
</tr>
<tr>
<td>Senior Equipment Operator (1/2 Year)</td>
<td>0.5</td>
</tr>
<tr>
<td>Line Workers</td>
<td>6.0</td>
</tr>
<tr>
<td>Administrative Clerk</td>
<td>1.0</td>
</tr>
<tr>
<td>Pump Mechanic</td>
<td>3.0</td>
</tr>
<tr>
<td>Meter Repair Worker</td>
<td>4.0</td>
</tr>
<tr>
<td>Secretary (1/2 Year)</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>16.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wastewater Fund</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5213 Wastewater Monitoring and Control</strong></td>
<td></td>
</tr>
<tr>
<td>Assistant Laboratory Tech</td>
<td>1.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Fund</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1221 Cashiering</strong></td>
<td></td>
</tr>
<tr>
<td>Account Clerk</td>
<td>1.0</td>
</tr>
</tbody>
</table>

| **1223 Utilities and Collections** |      |
| Account Clerk               | 2.0   |
|                              | 21.0  |
Schedule III

Water Fund - DEWC Component
Fiscal Year 1995-96
Revenue Projection

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Estimated Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fund 615 MID Service Area</strong></td>
<td></td>
</tr>
<tr>
<td>4201 Water Sales-Flat</td>
<td>3,386,112</td>
</tr>
<tr>
<td>4202 Water Sales-Metered</td>
<td>3,525,600</td>
</tr>
<tr>
<td>4203 Senior/disabled discount</td>
<td>(5,300)</td>
</tr>
<tr>
<td>4204 Delinquent service fee</td>
<td>70,000</td>
</tr>
<tr>
<td>4205 Fire Standby fee</td>
<td>0</td>
</tr>
<tr>
<td>4250 Water Systems fee</td>
<td>0</td>
</tr>
<tr>
<td>4251 Water taps and connections</td>
<td>20,000</td>
</tr>
<tr>
<td>4252 Fire hydrant connection fees</td>
<td>0</td>
</tr>
<tr>
<td>8121 DBCP Litigation</td>
<td>315,600</td>
</tr>
<tr>
<td>6101 Interest on Bank Accounts</td>
<td>30,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7,342,012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Estimated Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fund 616 Non-MID Service Area</strong></td>
<td></td>
</tr>
<tr>
<td>4201 Water Sales-Flat</td>
<td>869,784</td>
</tr>
<tr>
<td>4202 Water Sales-Metered</td>
<td>1,089,924</td>
</tr>
<tr>
<td>4203 Senior/disabled discount</td>
<td>(1,650)</td>
</tr>
<tr>
<td>4204 Delinquent service fee</td>
<td>22,000</td>
</tr>
<tr>
<td>4205 Fire Standby fee</td>
<td>0</td>
</tr>
<tr>
<td>4250 Water Systems fee</td>
<td>0</td>
</tr>
<tr>
<td>4251 Water taps and connections</td>
<td>10,000</td>
</tr>
<tr>
<td>4252 Fire hydrant connection fees</td>
<td>0</td>
</tr>
<tr>
<td>4253 Water meter sales</td>
<td>0</td>
</tr>
<tr>
<td>6101 Interest on Bank Accounts</td>
<td>20,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,010,058</td>
</tr>
</tbody>
</table>

**Total Revenue**                                      **9,352,070**
## Revenues, Expenditures, and Changes in Working Capital
### 1995-96 Budget

<table>
<thead>
<tr>
<th>Estimated Available Working Capital 6/30/95</th>
<th>Total All Funds</th>
<th>Operating Fund 610</th>
<th>MID Water Fund 611</th>
<th>CIP/COP Fund 612</th>
<th>Del Este MID Fund 615</th>
<th>Del Este Non_MID Fund 616</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Available Working Capital 6/30/95</td>
<td>$5,523,753</td>
<td>$4,562,956</td>
<td>$918,742</td>
<td>$42,055</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>1995-96 Estimated Revenue</td>
<td>$25,606,185</td>
<td>$15,975,615</td>
<td>$228,500</td>
<td>$50,000</td>
<td>$428,012</td>
<td>$2,010,058</td>
</tr>
<tr>
<td>Transfer in from 610 for Water T&amp;DA</td>
<td>$7,868,000</td>
<td>0</td>
<td>7,868,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transfer in from 610 for Debt Service - Water CIP bond</td>
<td>1,820,421</td>
<td>0</td>
<td>0</td>
<td>1,820,421</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transfer in from 615/616-Installment on Purchase Loan</td>
<td>240,000</td>
<td>0</td>
<td>240,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$41,058,359</td>
<td>$20,538,571</td>
<td>$9,255,242</td>
<td>$1,912,476</td>
<td>$7,342,012</td>
<td>$2,010,058</td>
</tr>
<tr>
<td>1995-96 Operating Requests</td>
<td>$16,640,595</td>
<td>$5,511,100</td>
<td>$7,868,000</td>
<td>0</td>
<td>$2,002,839</td>
<td>$1,258,656</td>
</tr>
<tr>
<td>Debt Service Payments on DWR loan</td>
<td>$244,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>244,000</td>
<td>0</td>
</tr>
<tr>
<td>Debt Service Payments-Advances in Aid of Construction</td>
<td>$153,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>87,000</td>
<td>66,000</td>
</tr>
<tr>
<td>CIP Bonds - Principal Payments</td>
<td>$1,820,421</td>
<td>0</td>
<td>0</td>
<td>1,820,421</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>T/O to 010 - Indirect Costs</td>
<td>$1,385,304</td>
<td>1,256,288</td>
<td>0</td>
<td>0</td>
<td>89,152</td>
<td>39,864</td>
</tr>
<tr>
<td>T/O to 611 - MID water Treatment &amp;Delivery Agreement</td>
<td>$11,167,000</td>
<td>7,868,000</td>
<td>0</td>
<td>0</td>
<td>3,299,000</td>
<td>0</td>
</tr>
<tr>
<td>T/O to 611 - First installment of purchase loan repayment</td>
<td>$240,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>120,000</td>
</tr>
<tr>
<td>T/O to 612 - Bond Debt Service Pmt</td>
<td>$1,820,421</td>
<td>1,082,421</td>
<td>0</td>
<td>0</td>
<td>369,000</td>
<td>369,000</td>
</tr>
<tr>
<td>T/O to 130 - RS6000 Debt Service</td>
<td>$7,107</td>
<td>7,107</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>T/O to 720 - Vehicles 95-96</td>
<td>$29,000</td>
<td>29,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1995-96 CIP Requests</td>
<td>$550,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>375,000</td>
<td>125,000</td>
</tr>
<tr>
<td>Total Appropriations</td>
<td>$34,056,848</td>
<td>$15,803,916</td>
<td>$7,868,000</td>
<td>$1,820,421</td>
<td>$6,585,991</td>
<td>$1,978,520</td>
</tr>
<tr>
<td>Estimated Available Working Capital 6/30/96</td>
<td>$7,001,511</td>
<td>$4,734,655</td>
<td>$1,387,242</td>
<td>$92,055</td>
<td>$756,021</td>
<td>$31,538</td>
</tr>
</tbody>
</table>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DECLARING ITS INTENTION TO
REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN
EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION OF CERTAIN
CAPITAL IMPROVEMENTS.

WHEREAS, the City of Modesto (the "City") is a chartered city and municipal corporation organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City has paid, beginning no earlier than April 28, 1995 and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition of water system capital improvements consisting of the assets of the Del Este Water Company, as more fully described in the Settlement and Asset Purchase Agreement dated March 7, 1995, among the City, the Del Este Water Company and Beard Land and Investment Company (the "Project"), and

WHEREAS, the City Council of the City (the "City Council") has determined that those moneys previously advanced on and after April 28, 1995 and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds"),

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

Section 1. The City Council hereby declares the City's intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after April 28, 1995, which date is no more than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is $10,000,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after
the date on which the Expenditure is paid. The City recognizes
that exceptions are available for certain "preliminary
expenditures," costs of issuance, certain de minimis amounts,
expenditures by "small issuers" (based on the year of issuance
and not the year of expenditure) and expenditures for
construction projects of at least 5 years.

Section 5. This resolution shall take effect upon its
adoption by the City Council.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 27th
day of June, 1995, by Councilmember Friedman, who
moved its adoption, which motion being duly seconded by
Councilmember Muratore was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-323

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE MODESTO IRRIGATION DISTRICT FOR THE CITY TO ASSUME PREVIOUS DEL ESTE WATER COMPANY OBLIGATIONS UNDER THE DOMESTIC WATER PROJECT TREATMENT AND DELIVERY AGREEMENT AND RELATED MATTERS.

WHEREAS, on or about April 21, 1992, the City of Modesto ("City"), Modesto Irrigation District ("MID") and Del Este Water Company ("DEW") entered into the Treatment and Delivery Agreement Among Modesto Irrigation District, City of Modesto, and DEW (the "Treatment and Delivery Agreement"), relating to the Modesto Domestic Water Project (as defined as "Project" in the Treatment and Delivery Agreement, hereinafter the "Project"), and

WHEREAS, pursuant to the Settlement and Asset Purchase Agreement Among the City of Modesto and DEW and Beard Land and Investment Co. dated March 7, 1995 (the "Settlement and Asset Purchase Agreement"), the City acquired virtually all of the assets and liabilities of DEW, including all of DEW's rights, interests and obligations in and to the Treatment and Delivery Agreement and the Project, and

WHEREAS, section 6.4.5 of the Treatment and Delivery Agreement provides that DEW shall have the right without the prior written consent of the other parties to assign and transfer its rights and interests in the Treatment and Delivery Agreement
and the Project, subject to the conditions set forth in section 6.4.5, and

WHEREAS, section 6.4.6 of the Treatment and Delivery Agreement provides that, subject to the provisions of section 6.4.5, the Treatment and Delivery Agreement shall inure to the benefit of and bind the parties and their successors and assigns, and

WHEREAS, in approving the Treatment and Delivery Agreement, the City also approved a rate covenant as security for the financing of the Project pursuant to section 16.3.2.A of the Treatment and Delivery Agreement, and

WHEREAS, by this resolution, the City as successor of DEW intends to approve and implement the conditions of section 6.4.5 of the Treatment and Delivery Agreement as necessary to finalize and complete the transfer and assignment of DEW's rights, interests, and obligations in and to the Treatment and Delivery Agreement and Project to the City,

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

1. The City hereby assumes and accepts (a) all of the rights, interests and obligations of DEW under the Treatment and Delivery Agreement, and (b) DEW's obligations to operate the water system utility assets so transferred by DEW to the City and to conduct the retail water business attached to such assets.

2. The City hereby agrees that the security provided
by the City to MID pursuant to section 16.3.2 of the Treatment and Delivery Agreement shall also secure the obligations of DEW to MID under the Treatment and Delivery Agreement now acquired and assumed by the City.

3. The City Manager is hereby directed, immediately after the closing under the Settlement and Asset Purchase Agreement, to provide notice to MID pursuant to section 6.4.5 of the Treatment and Delivery Agreement of the transfer of DEW's rights, interests and obligations in and to the Treatment and Delivery Agreement and Project to the City, and include with such notice a certified copy of this resolution. Furthermore, the City Manager is hereby authorized and directed to enter into the Security Agreement, in substantially the form attached hereto as Exhibit A, with such insubstantial changes, additions or deletions as the City Manager shall approve, his execution thereof being conclusive evidence of such approval.

4. The City Manager is hereby authorized to file such instructions or directions with the Trustee for the City's 1992 Water Revenue Certificates of Participation in order to permit the application of not more than $11 million of the proceeds of such Certificates to the purchase of the Del Este System pursuant to the Settlement and Asset Purchase Agreement.

5. The City Manager or his designee is hereby authorized to execute and deliver such agreements or certificates as are necessary or appropriate in order to assist MID in
converting to a fixed interest rate the financing for Del Este's portion of the Project as contemplated by section 18.5.2.C of the Treatment and Delivery Agreement, including a continuing disclosure agreement with respect to any offering documents used for the sale of Modesto Irrigation District Financing Authority bonds.

6. This resolution is contingent upon, and shall not take effect until, the closing of the purchase and sale of the assets from DEW to the City pursuant to the terms and conditions of the Settlement and Asset Purchase Agreement. If, for whatever reason, the transfer and acquisition contemplated by the Settlement and Asset Purchase Agreement does not close, then this resolution shall have no force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney
SECURITY AGREEMENT

by and between

MODESTO IRRIGATION DISTRICT

and

CITY OF MODESTO

Dated as of July 1, 1995

RELATING TO

MODESTO IRRIGATION DISTRICT FINANCING AUTHORITY
DOMESTIC WATER PROJECT REVENUE BONDS,
SERIES 1995C

EXHIBIT A
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<td>A-1</td>
</tr>
</tbody>
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SECURITY AGREEMENT

THIS SECURITY AGREEMENT is dated as of July 1, 1995, by and between the MODESTO IRRIGATION DISTRICT, an irrigation district duly organized and existing under and by virtue of the laws of the State of California (the "District") and the CITY OF MODESTO, a municipal corporation, duly organized and existing under and by virtue of the laws of the State of California (the "City"),

WITNESSETH:

WHEREAS, Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California authorizes and empowers the District and the City of Redding, California ("Redding") to form a joint powers authority and Article 4 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California authorizes and empowers such an authority to cause to be issued revenue bonds for the purpose of financing public capital improvements, working capital, liability and other insurance needs or projects whenever there are significant public benefits as determined by the local agency; and

WHEREAS, pursuant to the laws of the State of California, the District and Redding have created and established the Modesto Irrigation District Financing Authority (the "Authority") for the purpose of financing the acquisition, design, construction, installation and improvement of certain treatment, transmission and distribution facilities and administration facilities and equipment of the District; and

WHEREAS, the District is authorized under the provisions of the California Irrigation District Law, constituting Division 11 of the California Water Code, as amended, to make and perform any necessary contracts to acquire interests in and construct facilities for the generation, transmission and distribution of electricity, for the exchange, transfer and delivery of water and for other District purposes; and

WHEREAS, the Authority pursuant to an Installment Purchase Contract, dated as of November 1, 1992 and amended and restated as of July 1, 1995 (the "Installment Purchase Contract"), by and between the Authority and the District is authorized to assist the District in financing the acquisition, design, construction and installation of the domestic water treatment and delivery system of the District (the "Project") through the issuance of revenue bonds of the Authority; and

WHEREAS, the District desires to issue its Domestic Water Project Revenue Bonds, Series 1995C (the "Bonds") pursuant to the terms and provisions of that certain Trust Agreement, dated as of July 1, 1995 (the "Trust Agreement"), by and among the Authority, the District and First Interstate Bank of California, as trustee, to finance the Project; and

WHEREAS, pursuant to the Trust Agreement, the Bonds are payable from revenues consisting of certain installment payments (the "Installment Payments") received by the Authority from the District pursuant to the terms and provisions of the Installment Purchase Contract; and
WHEREAS, the Installment Payments are payable from and secured by a pledge of payments to be made by the City to the District pursuant to the terms and provisions of that certain Treatment and Delivery Agreement (the "Treatment and Delivery Agreement") entered into among the City, the District and Del Este Water Company ("Del Este"); and

WHEREAS, pursuant to the Treatment and Delivery Agreement, the obligation of the City to make payments to the District under such Treatment and Delivery Agreement is limited to City Gross Water Revenues (as hereinafter defined); and

WHEREAS, pursuant to that certain Settlement and Asset Purchase Agreement, dated as of March 7, 1995 (the "Acquisition Agreement"), by and among the City, Del Este and Beard Land and Investment Company ("Beard"), the City acquired the assets of Del Este from Beard; and

WHEREAS, in connection with such acquisition of Del Este's assets, the City pursuant to the Acquisition Agreement assumed certain liabilities of Del Este, including Del Este's obligations under the Treatment and Delivery Agreement (the "1995 City Assumed Obligations"); and

WHEREAS, the City and the District desire to secure for the term of this Security Agreement the City's payment of the 1995 City Assumed Obligations to the District pursuant to the terms and provisions as set forth herein;

NOW THEREFORE, in consideration of the above recitals and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the District and the City agree as follows:

1. **Definitions.** Unless the context otherwise requires, the terms defined in this section shall for all purposes hereof and of any amendment hereof or supplement hereto and of any report or other document mentioned herein or therein have the meanings defined herein, the following definitions to be equally applicable to both the singular and plural forms of any of the terms defined herein:

   (a) **Acquisition Agreement.** The term "Acquisition Agreement" shall mean that certain Settlement and Asset Purchase Agreement, dated as of March 7, 1995, by and among the City, Del Este and Beard Land and Investment Company.

   (b) **Authority.** The term "Authority" means the Modesto Irrigation District Financing Authority, a joint exercise of powers authority duly organized and existing under and by virtue of the laws of the State of California.

   (c) **Bonds.** The term "Bonds" means the Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 1995C.
(d) **CDWR Loan.** The term "CDWR Loan" means that certain loan in the outstanding aggregate principal amount of $4,340,550 by the State of California Department of Water Resources ("CDWR") to Del Este pursuant to a loan contract, dated June 10, 1993, by and between the CDWR and Del Este, which the City assumed pursuant to the terms and provisions of the Acquisition Agreement.

(e) **City.** The term "City" means the City of Modesto, a municipal corporation organized and existing under and by virtue of the laws of the State of California.

(f) **City Certificates.** The term "City Certificates" means $25,065,000 aggregate principal amount of outstanding Certificates of Participation (1992 Water System Improvement Project), evidencing direct, undivided fractional interests in installment payments to be made by the City pursuant to an Installment Sale Agreement, dated as of November 1, 1992, by and between the City and the Modesto Public Financing Authority.

(g) **City Gross Water Revenues.** The term "City Gross Water Revenues" shall have the meaning set forth in the Treatment and Delivery Agreement.

(h) **City Municipal Water System.** The term "City Municipal Water System" shall have the meaning set forth in the Treatment and Delivery Agreement.

(i) **Depositary.** The term "Depositary" shall mean First Interstate Bank of California, as the District's depositary bank.

(j) **District.** The term "District" means Modesto Irrigation District, an irrigation district duly organized and existing under and by virtue of the laws of the State of California.

(k) **1995 City Assumed Obligations.** The term "1995 City Assumed Obligations" shall mean the obligations of Del Este under the Treatment and Delivery Agreement which have been assumed by the City pursuant to the terms and provisions of the Acquisition Agreement.

(l) **Security Agreement Account.** The term "Security Agreement Account" shall mean the account established pursuant to Section 4(d) hereof.

(m) **Senior Obligations.** The term "Senior Obligations" means the following obligations of the City: (i) the obligations of the City entered into in 1992 under the Treatment and Delivery Agreement; (ii) the City Certificates; and (iii) the CDWR Loan.

(n) **Treatment and Delivery Agreement.** The term "Treatment and Delivery Agreement" means the Treatment and Delivery Agreement, executed and delivered during 1992 by the District, the City and Del Este.
(e) **Trust Agreement.** The term "Trust Agreement" means the Trust Agreement, dated as of July 1, 1995, by and among the Trustee, the District and the Authority which provides for the issuance of the Bonds.

(p) **Trustee.** The term "Trustee" means First Interstate Bank of California, San Francisco, California, acting in its capacity as Trustee under and pursuant to the Trust Agreement, and its successors and assigns.

2. **Maximum Term of Security Agreement.** The term of this Security Agreement shall commence on July 1, 1995 and shall terminate on July 31, 1996, unless such term is terminated sooner as hereinafter provided.

3. **Representations and Warranties.** The City hereby represents and warrants that:

(a) **Authority.** It has the authority, and has completed all proceedings and obtained all approvals and consents necessary, to execute, deliver and perform this Security Agreement and the transactions contemplated hereby;

(b) **No Default.** Such execution, delivery and performance of this Security Agreement will not contravene, or constitute a default under or pursuant to any applicable law or regulation or any contract, agreement, judgment, order, decree, or other instrument binding upon or affecting the City;

(c) **Enforceability.** This Security Agreement constitutes a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

(d) **No Litigation.** There is no action, suit or proceeding pending or, to the best knowledge of the City after reasonable investigation, threatened against the City which might, (i) restrain or enjoin the execution or delivery of this Security Agreement, or (ii) adversely affect the validity or enforceability of, or the authority or ability of the City to perform its obligations under, this Security Agreement.

4. **Covenants and Agreements of the City.** The City hereby agrees:

(a) The City does hereby pledge, lien and encumber the City Gross Water Revenues to secure the 1995 City Assumed Obligations; provided that such pledge, lien and encumbrance shall be subordinate only to the Senior Obligations of the City.

(b) The City hereby agrees that upon the filing of a written report described in Section 4(f) hereof which demonstrates that the 1995 City Assumed Obligations may be secured by a parity lien with the Senior Obligations, (i) it will file a certificate, substantially in the form attached hereto as Exhibit A (the "Certificate of the City") signed by an authorized representative of the City, with the District, the Trustee and the trustee for the City Certificates to that effect, (ii) this Security Agreement shall terminate and (iii) the existing pledge of the
Treatment and Delivery Agreement shall secure the 1995 City Assumed Obligations on a parity with other Senior Obligations.

(c) The City shall not, throughout the term of this Security Agreement, (i) incur any indebtedness or obligation of any kind that is secured by a pledge or lien senior to the 1995 City Assumed Obligations and (ii) incur any indebtedness or obligation of any kind that is secured by a pledge or lien on a parity with the Security Agreement in an aggregate amount greater than $4,500,000 plus related costs of issuance and a reasonably required reserve fund.

(d) Throughout the term of this Security Agreement, the City shall establish and maintain with First Interstate Bank of California, the District's depositary bank (the "Depositary"), a special reserve and redemption account (the "Security Agreement Account") and shall at all times maintain on deposit therein an amount equal to Maximum Annual Debt Service (as that term is defined in the Treatment and Delivery Agreement) on the 1995 City Assumed Obligations. Amounts on deposit in the Security Agreement Account may be applied by the District in its discretion to satisfy any payment due and payable from the City under the 1995 City Assumed Obligations which the City has not paid in a timely manner. Upon termination of this Security Agreement, the District shall immediately direct the Depositary to transfer the funds on deposit in the Security Agreement Account to the City. The initial deposit to the Security Agreement Account shall be made from lawfully available funds of the City placed on deposit with the Depositary. Investment earnings on the amounts on deposit in the Security Agreement Account shall be transferred monthly to the City.

(e) Except for the Senior Obligations and Section 4(c) above, the City shall not pledge or encumber any City Gross Water Revenues or other City Municipal Water System assets in a manner that has priority over, or is senior to, or is on a parity with the pledge set forth in this Security Agreement.

(f) The City shall file a written report with the District at least once each month, commencing August 1, 1995, detailing its calculation of the debt service coverage ratio based upon City Gross Water Revenues for the preceding 12 consecutive months and calculated in a manner consistent with the additional borrowing covenant for the City Certificates so that the parties to this Security Agreement can monitor the City's progress towards achieving parity senior lien status for the 1995 City Assumed Obligations.

(g) If upon the expiration of the maximum term of this Security Agreement the City has not yet filed its Certificate of the City described in Section 4(b) above, the City shall take all necessary steps to have the 1995 City Assumed Obligations secured by a parity lien with the Senior Obligations, including without limitation one of the following options, as the City in its discretion may determine: (a) refinancing the City Certificates; (b) obtaining consent of the owners of the City Certificates to a modification of the additional borrowing covenant for the City Certificates; (c) increasing municipal water rates or reducing operating and maintenance expenses to the extent necessary to satisfy such additional borrowing covenant.

5. Severability. If any section, paragraph, sentence, clause or provision of this Security Agreement shall for any reason be held to be invalid or unenforceable, the
invalidity or unenforceability of such section, paragraph, sentence, clause or provision shall not affect any of the remaining provisions of this Security Agreement.

6. **Successors and Assigns.** All of the covenants and agreements in this Security Agreement contained by or on behalf of the District or the City shall bind and inure to the benefit of their respective successors and assigns, whether so expressed or not.

7. **Governing Law.** This Security Agreement shall be governed by the applicable laws of the State of California.

8. **Business Day.** Whenever under the terms of this Security Agreement the performance date of any act to be done hereunder shall fall on a day which is not a Sunday nor a legal holiday nor a day upon which banking institutions are authorized by law to close, the performance thereof on the next succeeding day which is not a Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close shall be deemed to be in full compliance with this Security Agreement.

9. **Headings.** Any headings preceding the text of the several Sections hereof, and any table of contents appended to copies hereof, are for convenience of reference only and shall not constitute a part of this Security Agreement, nor shall they affect its meaning, construction or effect.

10. **Counterparts.** This Security Agreement may be executed in any number of counterparts, each of which for all purposes shall be deemed to be one original and all of which shall together constitute but one and the same instrument.

11. **Amendment.** This Security Agreement may not be amended or modified except by writing, duly authorized, executed and delivered by each of the parties hereto.
IN WITNESS WHEREOF, the parties hereto have executed and attested this Security Agreement by their officers thereunto duly authorized as of the day and year first written above.

MODESTO IRRIGATION DISTRICT

By ____________________________

General Manager

CITY OF MODESTO

By ____________________________

Mayor

(SEAL)

Attest

____________________________

City Clerk
CERTIFICATE OF THE CITY OF MODESTO

The undersigned authorized representative of the City of Modesto (the "City") hereby certifies that:

1. I am an authorized representative of the City authorized to execute this Certificate on behalf of the City.

2. The 1995 City Assumed Obligations are now secured by a parity lien with the Senior Obligations.

3. The existing pledge of the Treatment and Delivery Agreement now secures the 1995 City Assumed Obligations on a parity with the Senior Obligations.

4. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in that certain Security Agreement, dated as of July 1, 1995, by and between the City and the Modesto Irrigation District.

IN WITNESS WHEREOF, I hereunto set my hand this ______ day of __, 199_.

CITY OF MODESTO

By _____________________________
Authorized Representative
MODESTO CITY COUNCIL
RESOLUTION NO. 95-324

A RESOLUTION ADOPTING A RATE STRUCTURE AND RATE SCHEDULE FOR THE CUSTOMERS SERVED BY THE DEL ESTE WATER COMPANY FOR THE NEW SERVICE AREA TO BE ACQUIRED UNDER A SETTLEMENT AGREEMENT IN THE EMINENT DOMAIN PROCEEDINGS.

WHEREAS, on March 7, 1995, the City entered into a settlement agreement on the eminent domain proceedings wherein the City sought to acquire the Del Este Water Company, and

WHEREAS, the attached rate schedule shows the proposed rate for each customer class, and

WHEREAS, a significant feature of the proposed rate structure is the creation of two new rate zones to include the Del Este area, to distinguish from the current customer area, and

WHEREAS, the Utility Services and Franchises Committee reviewed this proposal on June 20, 1995, and

WHEREAS, on June 27, 1995, the Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following rate structure to distinguish the current customer area and to include the customers served by the Del Este Water Company is hereby established as follows:
RATE STRUCTURE:

Zone 1: Current and any additional City water customers.

Zone 2: Del Este customers receiving MID Drinking Water Plant water.

Zone 3: Del Este customers in outlying communities, not receiving MID water.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following rate schedule to distinguish the current customer area and to include the customers served by the Del Este Water Company is hereby established as follows:

RATE SCHEDULE:

The rates for metered and flat rate customers shall be as shown on Schedule A attached.

EFFECTIVE DATE: The effective date of the above rate structure and rate schedule shall be as shown on Schedule A attached. The July 7, 1995, date as shown on Schedule A attached, is the anticipated date of the Del Este escrow closing.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
Schedule A  
CITY OF MODESTO  
RATE STRUCTURE & RATES  
FOR FORMER DEL ESTE WATER COMPANY CUSTOMERS

## Schedule 1

### Metered Water w/M.I.D

**Effective July 7, 1995**

<table>
<thead>
<tr>
<th>Quantity Rates</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st 10,000 cf/Cc</td>
<td>1.005</td>
<td>0.475</td>
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<tr>
<td>Over 10,000 cf/Cc</td>
<td>0.971</td>
<td>0.436</td>
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### Service Charge

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<tr>
<th>Diameter</th>
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<th>ZONE 3</th>
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<tr>
<td>5/8&quot;</td>
<td>$5.80</td>
<td>$6.22</td>
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<tr>
<td>3/4&quot;</td>
<td>$8.12</td>
<td>$8.79</td>
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<tr>
<td>1&quot;</td>
<td>$10.17</td>
<td>$11.02</td>
</tr>
<tr>
<td>1-1/2&quot;</td>
<td>$15.53</td>
<td>$16.67</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$21.09</td>
<td>$22.56</td>
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<td>3&quot;</td>
<td>$33.73</td>
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<td>6&quot;</td>
<td>$83.08</td>
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<tr>
<td>8&quot;</td>
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<tr>
<td>10&quot;</td>
<td>$180.55</td>
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<tr>
<td>12&quot;</td>
<td>$219.36</td>
<td>$232.32</td>
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</table>

## Schedule 2

### Flat Rate Sales

**Effective August 1, 1995**

<table>
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<tr>
<th>Square Feet</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
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</thead>
<tbody>
<tr>
<td>0-6,000 SF</td>
<td>$24.61</td>
<td>$12.35</td>
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<tr>
<td>6-10,000 SF</td>
<td>$28.58</td>
<td>$14.39</td>
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<td>10-16,000 SF</td>
<td>$34.30</td>
<td>$17.24</td>
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<tr>
<td>16-25,000 SF</td>
<td>$41.11</td>
<td>$20.62</td>
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<tr>
<td>OVER 25,000 SF</td>
<td>$50.73</td>
<td>$25.46</td>
</tr>
</tbody>
</table>

## Schedule 4

### Private Fire Protection Service

**Effective July 7, 1995**

Per inch diameter

<table>
<thead>
<tr>
<th>Per inch diameter</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4.28</td>
<td>$4.70</td>
<td></td>
</tr>
</tbody>
</table>

## Notes:

1. Includes DWR surcharge & M.I.D. obligations
2. Zone 1 is the existing City water customers.
3. Connection charges per existing City fee schedule
MODESTO CITY COUNCIL
RESOLUTION NO. 95-325

A RESOLUTION ESTABLISHING WATER CONNECTION CHARGES FOR THE CUSTOMERS SERVED BY THE DEL ESTE WATER COMPANY FOR THE NEW SERVICE AREA TO BE ACQUIRED UNDER A SETTLEMENT AGREEMENT IN THE EMINENT DOMAIN PROCEEDINGS.

WHEREAS, on March 7, 1995, the City entered into a settlement agreement on the eminent domain proceedings wherein the City sought to acquire the Del Este Water Company, and

WHEREAS, the Utility Services and Franchises Committee reviewed this proposal on June 20, 1995, and

WHEREAS, on June 27, 1995, the Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following connection charges for the customers served by the Del Este Water Company are hereby established as follows:

CONNECTION CHARGES:

1. For customers in the former Del Este territory and within the Modesto City limits, the established connection charges shall apply as set forth in Resolution No. 93-261.

2. For customers in the former Del Este territory and outside the City limits, the connection charges for new services shall be calculated based on actual costs to extend mains and make the service connection, except when there is an existing
outside City water service connection agreement, which could take precedence over this resolution and which decision would be based on the discretion of the Public Works and Transportation Director.

EFFECTIVE DATE: The effective date of the above water connection charges for the customers served by the Del Este Water Company for the new service area to be acquired under a settlement agreement in the eminent domain proceedings shall be July 7, 1995, the anticipated date of the Del Este escrow closing.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORM COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-326

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA CHECK CASHING, INC. TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2508 OAKDALE ROAD, #3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Check Cashing, Inc. to receive utility bill payments from customers at 2508 Oakdale Road #3, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:    Councilmembers: Cogdill

ABSENT:  Councilmembers: Patterson

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-327

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA CHECK CASHING, INC. TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1320 STANDIFORD AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Check Cashing, Inc. to receive utility bill payments from customers at 1320 Standiford 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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrince Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-328

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NEW DEAL MARKET TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1612 CROWSLANDING ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and New Deal Market to receive utility bill payments from customers at 1612 Crowslanding Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-329

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND QUESENBERRY'S WATERFORD PHARMACY TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Quesenberry's Waterford Pharmacy to receive utility bill payments from customers be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-330

A RESOLUTION AUTHORIZING A COMBINED TOTAL REDUCTION IN AUDITED TRANSIENT OCCUPANCY TAX DUE THE CITY FOR CALENDAR YEARS 1991 THROUGH 1993 FOR MALLARDS INN, RED LION HOTEL, SUPER 8 LODGE, TOWN HOUSE LODGE, AND VAGABOND MOTOR MOTEL.

WHEREAS, in the Finance Department's Organization Study conducted by Arroyo Seco Associates, Inc., a recommendation was suggested that the City should initiate a new audit program for the Business License Section, and

WHEREAS, on June 8, 1993, the Council, by Resolution No. 93-337, authorized an amended agreement with Municipal Resource Consultants (MRC) to conduct audits for business license tax franchise fees, transient occupancy tax, utility user tax and documentary transfer tax in addition to sales tax audits already being performed by MRC, and

WHEREAS, MRC has recently completed its audits of hotels/motels for compliance of the Transient Occupancy Tax for calendar years 1991 through 1993, and

WHEREAS, audit findings show that 19 of 23 hotels audited were not in compliance with the City's Transient Occupancy Tax, and potentially $138,824 in taxes are due the City, and

WHEREAS, the primary problem being that hotel/motel operators were exempting Federal, State and local government officials from the tax, which exemption is not provided for under...
Section 8-2.604 of the Modesto Municipal Code, and City staff should have challenged the exemptions, and

WHEREAS, City staff has recommended a fifty percent (50%) reduction in audited taxes due the City for calendar years 1991 through 1993 for Mallards Inn, Red Lion Hotel, Super 8 Lodge, Town House Lodge, and Vagabond Motor Motel, the combined total representing $28,352, and the Financial Policy Committee has reviewed and agreed with the staff recommendation, and

WHEREAS, the Council considered this matter at its meeting of June 27, 1995,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby authorizes a fifty percent (50%) reduction in audited taxes due the City for calendar years 1991 through 1993 for Mallards Inn, Red Lion Hotel, Super 8 Lodge, Town House Lodge, and Vagabond Motor Motel, the combined total reduction in the amount of $28,352 for audited Transient Occupancy Tax due the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-331

A RESOLUTION REQUIRING THAT CANDIDATES FOR
THE NOVEMBER 7, 1995, REGULAR MUNICIPAL
ELECTION SHALL PAY THE COST OF THEIR
STATEMENTS.

WHEREAS, according to Fair Political Practices
Commission ruling, Proposition 73, November, 1988, the City is
prohibited from bearing any expense of candidates' statements,
and

WHEREAS, State Elections Code Section 13307, which is
still in effect, provides that before the opening of the
nomination period the Council must determine whether the
candidates will pay for their statements,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby declares that candidates for election in
the Regular Municipal Election to be held on November 7 1995, are
hereby required to pay the cost of their statements since the
statement is not required but may be submitted at the option of
the candidate.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-332

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ETHEL NOWAK, FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ethel Nowak, for the purpose of rehabilitating her property at 2606 Strivens Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-333

A RESOLUTION ENDORSING A HOUSING AND URBAN DEVELOPMENT GRANT APPLICATION FOR THE CALIFORNIA STATE UNIVERSITY, STANISLAUS, AND CERTIFYING THAT ACTIVITIES PROPOSED ARE CONSISTENT WITH THE CONSOLIDATED PLAN.

WHEREAS, the California State University, Stanislaus, ("University") is intending to apply for a Housing and Urban Development ("HUD") grant under the new Joint Community Development Program, and

WHEREAS, said application, if awarded, would be of immense value and benefit to the West Modesto/Paradise neighborhood, specifically, and to the City of Modesto ("City") as a whole, and

WHEREAS, the University has established a meaningful and beneficial presence in the area through their work with BRIDGE, a non-profit cultural type organization, and

WHEREAS, the University has agreed to enter into a partnership with the City to allow the City to administer a majority of the grant funds on Community Development Block Grant (CDBG) eligible activities in the west Modesto neighborhood,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds that the activities identified in the Housing and Urban Development ("HUD") grant application by California State University, Stanislaus, are consistent with the Modesto Consolidated Plan, and the City Council hereby endorses said application for positive
consideration by HUD.

BE IT FURTHER RESOLVED that the Council hereby states its intention to enter into a written agreement with the California State University, Stanislaus, for the administration of grant activities located within the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DENNIS AND APRIL STARKWEATHER FOR LEASE OF 1204 RIVER ROAD (MANCINI HOUSE)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dennis and April Starkweather for the lease of 1204 River Road (Mancini house) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-335

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
CATHRYNE "K.C." GREEN, dba VALLEY TRAFFIC AND NEWS, FOR THE LEASE OF THE FORMER
CONFERENCE ROOM IN THE FORMER AIRPORT ADMINISTRATION OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cathryne "K.C." Green, dba Valley Traffic and News, for the lease of the former conference room in the former Airport Administration office be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-336

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF $614,608 TO COMPLETE THE AIRPORT'S CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 1995/96.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvements, and

WHEREAS, on January 24, 1995, the City Council approved an application for federal funds through the Federal Aviation Administration (FAA) in the amount of $745,913, and

WHEREAS, following the submittal of the grant application, the FAA notified City staff that only $614,608 was tentatively allocated for the Modesto City-County Airport projects, and

WHEREAS, based on that information, staff has adjusted the airport capital program and will defer one of the original recommended projects to FY 1997,

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 application for federal funds in the amount of $614,608 to complete the airport's recommended FY 1995/96 improvement projects.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to
execute any and all pertinent documents on behalf of the City of Modesto in relation to this application for federal funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:
Councilmembers: None

ABSENT:
Councilmembers: Patterson

ATTEST:
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, Acting City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-337

A RESOLUTION APPOINTING DAN THAYER TO THE PLANNING COMMISSION

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

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

SECTION 1. Dan Thayer is hereby appointed to the Planning Commission, term to expire 1/1/98.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION REAPPOINTING ROBERT BORANIAN, KATHLEEN MORGAN, PETER DUTTON, JEANIE PALLESCHI AND CHICO ROBERTS TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Robert Boranian, Kathleen Morgan, Peter Dutton, Jeanie Palleschi and Chico Roberts, are hereby reappointed to the Community Qualities Forum, terms to expire 1/1/98.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to 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 27th day of June, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________________
NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE ROCKWELL REPLACEMENT/ADDITION 1995-96 PROJECT

WHEREAS, bids for the rockwell replacement addition 1995-96, were opened on June 13, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Teichert Construction in the amount of $349,519.00, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lnag
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-340

A RESOLUTION ACCEPTING THE RIP RAP REPAIR PROJECT AT STORAGE PONDS ON JENNINGS ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the rip rap repair project at storage ponds on Jennings Road has been completed by Moody Construction in accordance with the contract agreement dated April 25, 1995.

NOW, THEREFORE, BE IT RESOLVED that the rip rap repair project at storage ponds on Jennings Road, be accepted from said contractor, Moody Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $61,306.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-341

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK
MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council
of the City of Modesto on December 18, 1988, initiated
proceedings for the formation of Landscape Assessment District
No. 1 for the purpose of administering the maintenance of
landscaping in the public right of way within the street medians
and adjacent to the access control walls in Dry Creek Meadows
Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in
accordance with the Landscaping Act of 1972, (Streets and
Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code
requires the City Engineer, the person designated by this Council
as Engineer of Work for Assessment District No. 1, to prepare and
file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has
prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by
motion, and

WHEREAS, Section 22623 of the Streets and Highways Code
requires the legislative body (the City Council) to adopt a
resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1995-96.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:
a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 18th day of July, 1995, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-342

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1995-96.

2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and
Creekwood Meadows Subdivision and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 18th day of July, 1995, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council
located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORM COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MIKE MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-343

A RESOLUTION SUMMARILY VACATING AND
ABANDONING THE CHESTNUT STREET RIGHT-OF-WAY
BETWEEN JEFFERSON AND 8TH STREETS (BETWEEN
BLOCK 435 AND 436), NORTH OF ELM STREET, AND
RESERVING A TEN-FOOT PUBLIC UTILITY EASEMENT
WITHIN THE SUBJECT RIGHT-OF-WAY.

WHEREAS, the City of Modesto's Fleet Manager has requested the vacation and abandonment of the Chestnut Street right-of-way between Jefferson and 8th Streets (between Block 435 and 436), North of Elm Street, and the reservation of a ten-foot public utility easement within the subject right-of-way, and

WHEREAS, the California Streets and Highways Code authorizes a City Council, by resolution, to summarily vacate excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is located on Chestnut Street between Jefferson and 8th Streets (between Block 435 and 436), and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8334, of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Chestnut Street between Jefferson and 8th Streets (between Block 435 and 436), in the City of Modesto, as more particularly
described in Exhibit "A" attached hereto, is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on Chestnut Street between Jefferson and 8th Streets (between Block 435 and 436) in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves a ten-foot public utility easement within the subject right-of-way.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: ________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

VACATE AND ABANDON CHESTNUT STREET
BETWEEN 8TH STREET AND JEFFERSON STREET

All that real property in the State of California, County of Stanislaus, City of Modesto, Southwest Section 29, Township 3 south, Range 9 east, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwest corner of Block 435 as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence North 0° 49' 23" West 79.86 feet; thence South 88° 55' East 202.1 feet; thence South 43° 32' East 112.26 feet; thence North 88° 54' West 278.3 feet to the true point of beginning.

Reserving from above, a 10 foot wide Public Utility Easement, adjoining and measured at right angels to 8th Street and Jefferson Street, for the right necessary to maintain, operate, replace, remove or renew the public utility facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-344

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $12,990 TO COVER ADDITIONAL COSTS OF THE BUS YARD MODIFICATION PROJECT ON CHESTNUT STREET

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:  
Purchase 9 transit buses  
(651 160 E518 6070)  
$12,990

TO:  
New entry for bus yard  
(651 160 E515 6040)  
$12,990

The original project to modify the bus yard has been expanded to include fencing of the Chestnut Street closure and replacement of curb. As originally planned, the project required more space than was available and would not comply with fire codes. Transfer of funds is required to cover additional costs of project, and are available for transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-345  

A RESOLUTION APPOINTING FRED CRUZ TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AS THE PLANNING COMMISSION REPRESENTATIVE

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. Fred Cruz is hereby appointed to the Citizens housing and Community Development Committee as the Planning Commission representative.

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 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST:  
NORRINE COYLE, City Clerk
A RESOLUTION REJECTING BIDS FOR FURNISHING A DIGITAL TELEPHONE RECORDER/REPRODUCER OPENED IN THE OFFICE OF THE CITY CLERK JUNE 16, 1995, WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASING OFFICER TO NEGOTIATE AND ISSUE A PURCHASE ORDER

WHEREAS, Resolution No. 95-268, adopted by the Council of the City of Modesto on June 6, 1995, approved the plans and specifications for the purchase of a digital telephone recorder/reproducer, and authorized the call for bids; and

WHEREAS, the bids received for the purchase of a digital telephone recorder/reproducer, were opened at 11:00 a.m. on June 16, 1994; and

WHEREAS, of the two vendors who responded, one was over budget and the other did not submit a proper bid; and

WHEREAS, since these are the only 2 vendors who have the potential to meet the required specifications, staff suggests bids be waived in favor of negotiating a procurement to acquire the digital telephone recorder/reproducer within the budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the purchase of digital telephone recorder/reproducer, and opened in the office of the City Clerk on June 16, 1994, are hereby rejected.

BE IT FURTHER RESOLVED the Purchasing Officer is hereby authorized to negotiate and issue a purchase order to the vendor who meets the required specifications for one digital telephone recorder/reproducer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of
July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-347

A RESOLUTION DECLARING 700 FEET OF 1-1/2 INCH FIRE HOSE SURPLUS PROPERTY AND AUTHORIZING THE DONATION OF SAID FIRE HOSE TO THE CAMP MENSINGER BOY SCOUTS CAMP.

WHEREAS, the Fire Department of the City of Modesto has 700 feet of 1-1/2 inch fire hose which has become surplus property to the City's needs, and

WHEREAS, it has been recommended by Fire Department personnel that said fire hose should be donated to the Camp Mensinger Boy Scouts Camp, and

WHEREAS, the hose numbers of the hose recommended to be given to the Camp Mensinger Boy Scouts Camp are as follows: 451, 473, 480, 423, 38, 461, 26, 35, 37, 454, 469, 488, 487, and 20. Each number length of hose is 50 feet long, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that 700 feet of 1-1/2 inch fire hose has become surplus property to the City's needs, and the Council hereby authorizes the donation of 700 feet of 1-1/2 inch fire hose to the Camp Mensinger Boy Scouts Camp.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Systems Technician

The revised specifications for the classification of Systems Technician (Range 120), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Systems Analyst

The revised specifications for the classification of Systems Analyst (Range 423), as shown on the attached Exhibit "B", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Printing Services Operator I
Printing Services Operator II
Senior Printing Services Operator

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after July 11, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
No. 3722

DEFINITION

Under supervision, assists users in locating and resolving computer network problems related to communications, hardware and software; participates in providing training to internal customers regarding personal computer hardware/software; performs research and development tasks in network areas, and assists in testing and maintenance of mini- and micro-computer hardware and software.

SUPERVISION RECEIVED

Receives general supervision from management staff.

EXAMPLES OF DUTIES

Duties may include, but are not limited to, the following:

Tests, installs, configures and sets up new micro-computer hardware and software.

Assists in researching and evaluating new advances in personal computer hardware and software.

Troubleshoots personal computer hardware and software problems.

Performs minor maintenance to personal computer hardware.

Assists with the design, installation, troubleshooting, maintenance and administration of Local Area Networks (LAN).

Installs computer cables, personal computer devices, and hardware upgrades as assigned.

Assists in providing citywide training for personal computer hardware, software and user-oriented languages.

Assists in maintaining inventory of existing and newly acquired computer hardware and software.

Maintains cable route maps, software license and version tracking and end-user support.

Performs related duties as required.

Exhibit "A"
QUALIFICATIONS

Knowledge of:

Personal computer hardware architecture.

Principles of multiple complex personal computer operating systems and network systems which should include familiarity with MS-DOS, Unix, Windows and Novell systems among others.

Principles and techniques of computer systems analysis and programming.

Principles of customer oriented languages.

Local Area Network concepts and terminology.

Principles of Information Systems security.

Ability to:

Present training programs.

Develop and maintain effective working relationships with those contacted in the course of work.

Communicate effectively both verbally and in writing.

Follow oral and written instructions.

Research and evaluate micro-computer hardware and software.

Gather, analyze and organize information.

Troubleshoot, configure, perform simple repairs, and install micro-computer hardware and software.

Experience and Training Guidelines:

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

Experience:

Two years experience in supporting personal computer users in a networked environment.
Experience and Training Guidelines, (Continued)

Education:

Equivalent to completion of an Associate of Arts Degree in computer science, information technology, mathematics or a closely related field.

License:

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

Other Requirement: Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department Systems.
SYSTEMS ANALYST

DEFINITION

To perform technical work in the administration installation, testing and maintenance of mini- and micro-computer hardware and software; to provide training and technical assistance for users; to diagnose and repair hardware problems, to assist in the selection of new systems and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Systems Manager. May supervise technical support staff.

EXAMPLES OF DUTIES

Researches and evaluates advances in personal computer hardware and software.

Participates in planning, policy development and budgeting for short- and long-range office systems needs.

Assists in review of all capital budget requests for personal computer equipment; insures connectivity of systems; coordinates between user departments, purchasing unit and vendors in hardware and software acquisition and staff training.

Develops, selects and monitors City-wide training programs for personal computer hardware, software and user-oriented languages.

Serves as technical resource for developing office systems and solving wide area networking problems; assists in programming and systems analysis.

Installs personal computer hardware and peripherals at workstations; cables and installs emulation boards; hooks up modems; installs boards and cards as necessary.

Installs system, emulation and application software packages.

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

Exhibit "B"
EXAMPLES OF DUTIES (continued)

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

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

Assists with installation and maintenance of centralized computer systems, telecommunications and data communications equipment.

Maintains records; prepares oral and written reports.

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

Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Principles and techniques of training.

Principles and techniques of budgeting.

Personal computer hardware and software.

Principles of office automation systems.

Principles of customer oriented languages.

Personal computer hardware architecture.

Principles of multiple complex personal computer operating systems and network systems.

Principles and techniques of computer systems analysis and programming.

Ability to:

Develop and maintain effective working relationships.

Communicate effective both verbally and in writing.
Ability to: (Continued)

Work independently with minimal supervision.

Research and evaluate office automation hardware and software.

Gather, analyze and organize information.

Develop and evaluate training programs.

Coordinate information and programs, write clear instructions, and train others.

Experience and Training Guidelines:

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

Experience:

Three years of experience in the analysis and design of office automation systems, including word processing and personal computing.

Education:

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

License:

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

Other Requirement: Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department systems.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-349

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE
TABLE TO ESTABLISH A SALARY RANGE FOR SYSTEMS
TECHNICIAN.

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 July 11, 1995", which is attached
hereto and made a part hereof as though set forth in full herein.
Said amended Exhibit "A" adopts class specifications for Systems
Technician (Range 120).

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after July 11, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
## CITY OF MODESTO

### CLASS RANGE TABLE

#### GENERAL NON-SWORN CLASSES

**Effective July 11, 1995**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>103</td>
<td>Administrative Clerk I</td>
</tr>
<tr>
<td>104</td>
<td></td>
</tr>
<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 |
| 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 |

**Class Range Table**

**General Non-Sworn Classes**
116  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  

117  Electrical Technician II  
    Storm Water Inspector  

118  Tree Trimmer  
    Senior Storeskeeper  
    Street Trees Crewleader  
    Parking Lot Maintenance Crewleader  
    Parks Crewleader  

119  Maintenance Mechanic - Parks  
    Planning Technician II  
    Maintenance Mechanic - Pumps  
    Wastewater Treatment Plant Operator  
    Civil Engineering Technician I  
    Building Maintenance Mechanic  
    Police Administrative Assistant  
    Public Information Technician  

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

121
<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>
</tr>
<tr>
<td></td>
<td>Programmer Analyst I</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industrial Waste Inspector I</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cross Connection Specialist</td>
<td></td>
</tr>
<tr>
<td>123</td>
<td>Sr. Wastewater Treatment Plant Operator</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maint. Mech. Crewleader - Pumps</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Civil Engineering Technician II</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maint. Mech. Crewleader - Parks</td>
<td></td>
</tr>
<tr>
<td>124</td>
<td>Plant Mechanic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Laboratory Technician</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equipment Mechanic Crewleader</td>
<td></td>
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<tr>
<td></td>
<td>Planning Assistant</td>
<td></td>
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<tr>
<td></td>
<td>Equipment Crewleader</td>
<td></td>
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<tr>
<td></td>
<td>Community Development Program Specialist I</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wastewater Collection System Crewleader</td>
<td></td>
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<tr>
<td>125</td>
<td>Crime Analyst</td>
<td></td>
</tr>
<tr>
<td>126</td>
<td>Coach Mechanic Crewleader</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building Inspector I</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Electrician</td>
<td></td>
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<tr>
<td></td>
<td>Housing Rehab. Specialist I</td>
<td></td>
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<tr>
<td></td>
<td>Housing Financial Specialist</td>
<td></td>
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<tr>
<td></td>
<td>Industrial Waste Inspector II</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior Fire Equipment Mechanic</td>
<td></td>
</tr>
<tr>
<td>127</td>
<td>Civil Engineering Assistant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Landscape Technician</td>
<td></td>
</tr>
<tr>
<td>128</td>
<td>Instrument Repair Technician</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Programmer Analyst II</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Improvement Specialist</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Development Program Specialist II</td>
<td></td>
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<tr>
<td>129</td>
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<tr>
<td>130</td>
<td>Building Inspector II</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Construction Inspector</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Housing Rehabilitation Spec. II</td>
<td></td>
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<tr>
<td></td>
<td>Hazardous Materials Inspector</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior Crime Analyst</td>
<td></td>
</tr>
<tr>
<td>131</td>
<td>Sr. Civil Engineering Asst.</td>
<td></td>
</tr>
<tr>
<td>132</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
133

134 Senior Building Inspector
    Senior Construction Inspector
    Fire Plan Checker
    Plan Review Engineer
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CONSTRUCTION AND MAINTENANCE OF THE TRAFFIC SIGNAL AT YOSEMITE BOULEVARD (STATE ROUTE 132) CREEKWOOD DRIVE.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans for the construction and maintenance of the traffic signal at Yosemite Boulevard (State Route 132) Creekwood 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 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-351

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT TO S.A.A.G. THE STANISLAUS COUNTY CONGESTION MANAGEMENT PROGRAM (CMP) ANNUAL SELF-CERTIFICATION CHECKLIST.

WHEREAS, the Stanislaus County Congestion Management Program (CMP) became effective on July 1, 1992, and

WHEREAS, one requirement of the CMP is an annual Self-Certification Checklist, which must be submitted to S.A.A.G. by July 15, 1995, and each July 15 thereafter, and

WHEREAS, the Transportation Policy Committee has reviewed and approved the Self-Certification Checklist filled out by City staff which covers the period between May 1, 1994, through April 30, 1995, and

WHEREAS, completion of the checklist and submittal to S.A.A.G. will satisfy the City's requirement to demonstrate its compliance with the CMP requirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Self-Certification Checklist form is hereby approved and the City Manager or his authorized designee is hereby authorized to execute the Self-Certification form for submittal to S.A.A.G. to comply with CMP requirements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-352

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO LEASE POLE SPACE AS PART OF THE ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation to lease pole space as part of the Advanced Traffic Management system (ATMS) project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
NORRINE COYLE, City Clerk
A RESOLUTION PROPOSING A CHARTER AMENDMENT TO BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 1995, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 502 OF THE CHARTER RELATING TO COUNCIL VACANCIES.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 7, 1995, the proposal to amend the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:
PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election


MEASURE ____.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 502 of the Charter of the City of Modesto as follows:

SECTION 502. COUNCIL VACANCIES.

Except as set forth in the next sentence, the provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy.

In addition, a vacancy on the Council shall also exist if any member, including the Mayor, is absent for any reason from twelve consecutive regular meetings. At any time prior to the twelfth such consecutive absence, the Council, in its discretion, may increase the number of absences causing a vacancy from twelve to sixteen.

Note: All of the above wording which is shaded would be added by this measure.

SECTION 2. FORM OF BALLOT. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to amend Section 502 of the Charter of the City of Modesto to address the problem posed by chronically ill councilmembers:
CITY OF MODESTO MEASURE

<table>
<thead>
<tr>
<th>MEASURE</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto Charter Proposal: Shall the Modesto City Charter be amended to provide that a vacancy on the Council shall exist if any member, including the Mayor, is absent for any reason from twelve consecutive regular meetings; and at any time prior to the twelfth such consecutive absence, the Council, in its discretion, may increase the number of absences causing a vacancy from twelve to sixteen.</td>
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</tbody>
</table>

SECTION 3. NOTICE. Pursuant to Section 12114 of the California Elections Code, the City Clerk of the City of Modesto is hereby authorized to prepare and sign a notice of measure to be voted on, in the form required by law, relating to said measure, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in The Modesto Bee, the official newspaper of said City and a newspaper of general circulation printed and published in said City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: NORRINE COYLE, City Clerk
CLERK'S CERTIFICATION

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 11th day of July 1995, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was, upon motion of Councilmember McClanahan, seconded by Councilmember Muratore and adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.
WITNESS my hand and the seal of said City of Modesto,
this 11th day of July, 1995.

NORRINE COYLE
City Clerk of the City of Modesto,
California
MODESTO CITY COUNCIL
RESOLUTION NO. 95-355

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a
resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1995-96, and

WHEREAS, the Council has adopted Resolution No. 95-341 on July 5, 1995, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1995-96 and to set a public hearing to be held on July 18, 1995, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 1 and hereby levies the assessment set forth therein for fiscal year 1995-96.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-356

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file and annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a
resolution of intention to levy and collect assessments within
the assessment district for the fiscal year 1995-96, and

WHEREAS, the Council has adopted Resolution No. 95-342
on July 5, 1995, which is the Resolution of Intention to levy and
collect assessments within the assessment district for fiscal
year 1995-96 and to set a public hearing to be held on July 18,
1995, in the meeting place of the City Council located in the
City Hall, 801 Eleventh Street, Modesto, California. Notice of
the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council
afforded to every interested person an opportunity to make a
protest to the annual report either in writing or orally, and the
City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby confirms the diagram and assessment as set
forth in the annual report of the City Engineer, said Engineer of
Work, for Landscape Maintenance Assessment District No. 2 and
hereby levies the assessment set forth therein for fiscal year
1995-96.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-357

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING AND INSTALLING OF ONE VEHICLE LIFT.

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The specification 9596-2 for the furnishing and installing of one vehicle lift, 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 August 14, 1994, 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 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES:    Councilmembers: None

ABSENT:  Councilmembers: None

ATTEST:  NORKINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-358

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR 1995 CAPE AND SLURRY SEALS.

WHEREAS, the bids received for 1995 CAPE AND SLURRY SEALS were opened at 11:00 A.M. on July 6, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Graham Contractors, Inc. in the amount of $453,822.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, 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 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-359

A RESOLUTION ACCEPTING THE BID OF FALCO CONSTRUCTION FOR CROWS LANDING DRAIN BASIN OUTFALL.

WHEREAS, the bids received for Crows Landing Drain Basin Outfall were opened at 2:00 p.m. on June 20, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Falco Construction in the amount of $51,986.00, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $22,000 TO FULLY FUND THE CROW'S LANDING DRAIN BASIN OUTFALL REBUILD.

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Claus Road Waterline from Briggsmore to Sylvan (612 480 C181)  $22,000
TO: Water Well No. 49 Slope Protection at the Crowslanding Drainage Basin (612 480 F797)  $22,000

Flushing sand from Water Well No. 49 has eroded the bank of the Crowslanding Drainage Basin. A diversion structure and slope protection rock will be installed around the outlet pipe of the water well. Transfer of funds are required and are available.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-361

A Resolution Approving An Appropriation Transfer of $6,000 to Fully Fund the Crows Landing Drain Basin Outfall Rebuild.

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Crows Landing Drain Basin Outfall Rebuild (628 480 F796) $6,000
TO: Crows Landing Drainage Outfall (628 480 R574) $6,000

The 1994/1995 Winter rains caused major outfall erosion. This project required additional funding to install more slope protection rock. Transfer of funds is required to cover additional costs of project, and are available for transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-362

A RESOLUTION APPROVING AN INCREASE IN THE SCOPE OF WORK FOR PROJECT NO. 21 - REPLACE CURB, DRIVE APRONS AND SIDEWALKS

WHEREAS, bids for Project No. 21 - replace curb, drive aprons and sidewalks were opened on May 23, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, at the recommendation of the Director of Public Works and Transportation, the Council of the City of Modesto accepted the bid of Teichert Construction Company in the amount of $204,257.99, by Res. No. 95-269, adopted on June 6, 1995; and

WHEREAS, due to the favorable bid prices from the contractor, funds are available within the budgeted amount to do more work and reduce the backlog of citizen work requests on curb, gutters and sidewalk;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an increase in the Scope of Work for Project No. 21 - replace curb, drive aprons and sidewalks and the issuance of a change order in the amount of $70,772 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 July, 1995, by Councilmember Muratore, 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, Friedman, Mcclanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-363

A RESOLUTION ACCEPTING THE RUMBLE ROAD LIFT STATION REHABILITATION PROJECT - PHASE 2 AS COMPLETE.

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Rumble Road Lift Station Rehabilitation Project Phase 2 has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated November 1st, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Rumble Road Lift Station Rehabilitation Project Phase 2, 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 $26,949.90 as provided in the contract and amended by change orders, 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 July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-364

A RESOLUTION TRANSMITTING COPY OF PROPOSED CITY CHARTER AMENDMENT MEASURE TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS

WHEREAS, Section 9280 of the State Elections Code provides that whenever any Charter amendment or measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the amendment or measure to the City Attorney for preparation of an impartial analysis;

WHEREAS, a copy of the proposed City Charter amendment measure, proposed for the November 7, 1995, election, marked Exhibit "A" is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of said measure to the City Attorney for preparation of an impartial analysis explaining the effect of the measure.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK
MEASURE G

CITY OF MODESTO CHARTER PROPOSAL

Shall the Modesto City Charter be amended to provide that a vacancy on the Council shall exist if any member, including the Mayor, is absent for any reason from twelve consecutive regular meetings; and at any time prior to the twelfth such consecutive absence, the Council, in its discretion, may increase the number of absences causing a vacancy from twelve to sixteen?

Exhibit "A"
A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR A GRANT TO CONSTRUCT AN AMTRAK STATION ON THE SANTA FE TRACKS, APPROVING THE CITY'S PARTICIPATION, AND MAKING THE REQUIRED ASSURANCES TO CTC RELATED TO THE PROJECT.

WHEREAS, at its meeting of July 18, 1995, the Council considered an application to the California Transportation Commission (hereafter referred to as "CTC") for a grant to construct an Amtrak station on the Santa Fe railroad tracks in Modesto, subject to completion of the CEQA process, and

WHEREAS, the Council considered the City's participation in the project with a commitment of $607,528 worth of capital improvements related to the project, subject to completion of the CEQA process, and

WHEREAS, the Council considered certain assurances to the CTC related to the project, which are required to be submitted to the CTC as part of its Proposition 116 application process,

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

SECTION 1. That the Council has considered the application to the California Transportation Commission (hereafter referred to as "CTC") for a grant to construct an Amtrak station on the Santa Fe railroad tracks in Modesto, subject to completion of the CEQA process, and the Council hereby
approves the submittal of said application.

SECTION 2. That the Council has considered the City's participation in the project with a commitment of $607,528 worth of capital improvements related to the project, subject to completion of the CEQA process, and the Council hereby approves the City's participation in the project.

SECTION 3. That the Council has considered certain assurances to the CTC related to the project, which are required to be submitted to the CTC as part of its Proposition 116 application process, and the Council hereby makes the following assurances:

1. Provide all environmental documentation required by the CTC for project approval.

2. Public fixed-route transit would be available to the site.

3. Security concerns would be addressed with a neighborhood police facility.

4. The City agrees to maintain the station at City expense (estimated at $17,000 per year), and not charge Amtrak rent except for utilities.

5. The City participation of $607,528 will be used to acquire up to five acres for the site, construct infrastructure hookups, hazardous material evaluation, all necessary environmental clearances, traffic signal and road improvements to access the site, expedited zoning and permits processing and increased parking up to 150 stalls.

6. The City of Modesto has the financial and institutional ability to implement the project and is empowered to: let a contract; to sue or be sued by another entity or person; and to carry out its other responsibilities and duties.
7. This project will be available to the general public, or its primary purpose will be to benefit the public and does not benefit a private entity or individual.

8. The matching funds required for said project are available and committed to this project.

9. If the project exceeds the State and local funds currently available, the City will provide the additional local funds needed to complete the project, or the project will be reduced in scope.

10. This project fulfills the requirements of the High Density Housing Demonstration Program, providing the applicant wishes to have its rail transit station project considered under this program.

11. The City of Modesto will comply with the Commission's Hazardous Waste Identifications and Clean-up Policy for Rail Right-of-Way;

   a. This project will be fully investigated by the City to determine the absence/presence of hazardous wastes.

   b. The City will take reasonable steps to assure full due diligence, clean-up of the site, as appropriate, as well as not seeking state funds for clean-up, damage or liability costs associated with hazardous wastes.

12. The City will comply with the Commission's Timely Use of Funds Policies.

13. No other capital funds previously programmed, planned or approved for rail purposes will be used for other than rail purpose.

14. The proposed project has no unnecessary enhancements and is not an unnecessarily elaborate alternative.

15. Unless otherwise specified in Proposition 116, the City states that new or increased development fees, taxes or exactions, or permit fees will not be included in the operating budget of this project or for the purpose of matching funds for Proposition 116 grants.
16. If the Transit Integration Plan has not been completed, the City states that a plan will be completed and submitted to the Commission for review before the line begins operations.

17. An Amtrak passenger safety program will be put in place.

18. The agency shall comply with the Proposition 116 accessibility requirements for the disabled and for providing access to bicyclists.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to execute any and all pertinent documents in relation to this application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, McClanshan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

07/18/95
MODESTO CITY COUNCIL
RESOLUTION NO. 95-366

A RESOLUTION REVISING THE POSITION
CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Systems Manager

The job specification for the classification of Systems Manager (Range 434), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 18, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

ATTEST: Norrine Coyle, City Clerk
CITY OF MODESTO
No. 3699

SYSTEMS MANAGER

DEFINITION

To manage and plan for system analysis and application development of mini- and micro-computer hardware and software. Coordinates the allocation of personnel and material resources to provide information technology support to all City departments consistent with the City's expectations of high quality and efficiency. This is a highly technical position requiring a thorough knowledge of Information Technology, Wide and Local Area Networking.

DISTINGUISHING CHARACTERISTICS

This is a single position class with managerial authority and program budget responsibility for multi-protocol Local Area Networks (LAN) and Wide Area Networks (WAN) to include the planning and design of systems towards a client server environment and networking.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Deputy City Manager. May exercise supervision of clerical, technical and management staff.

EXAMPLES OF DUTIES

Duties may include, but are not limited to, the following:

- Works with the department's customers, department management and other information technology staff to define automated solutions to short- and long-range computing services and integrated Network needs.
- Sets priorities and allocates assigned resources for the development and implementation of computing services projects.
- Manages and supports application software products installed throughout the City including connectivity with multiple remote sites.
- Plans for and implements Wide Area Networks as well as Local Area Networks.
- Develops staff skills to support a client server environment as well as Networking.
- Evaluates and recommends hardware/software and Network solutions.
- Sets standards and ensures compliance regarding documentation, access and security application support, scheduling, applications

Exhibit "A"
EXAMPLES OF DUTIES, (Continued)

development, Network support, back-up and archiving.

Ensures integration, monitoring and routine backing-up of network.

Coordinates hardware installation, configuration and maintenance.

Develops and monitors budget for assigned program.

Prepares professional reports, correspondence and memoranda as required.

Provides excellent customer service.

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

Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Network architecture, protocols, and interconnectivity requirements for internal/external transmission.

Network system management and understanding of heterogeneous networks.

Principles of operating systems associated with City's computer environment, local area networks and City's installed base of personal computers, which includes peripheral devices associated with City's central (host) computer and with installed base of personal computers. This should include familiarity with MS-DOS, Unix, Windows, and Novelles systems among others.

Theory and techniques of structured system analysis and design, integration, testing, implementation, documentation and monitoring and evaluation of system performance.

Principles and practices of budget preparation and control.
Knowledge of (Continued)

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

Principles of Information Systems security.

Ability to:

Supervise, coordinate and direct systems analysis and design.

Analyze systems data and situations, identify problems, reason logically and develop conclusions and effective solutions.

Establish, monitor and control project and division priorities.

Provide leadership, supervision, and technical assistance to staff.

Prepare a wide variety of professional reports, documentation and correspondence.

Experience and Training Guidelines:

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

Experience:

Five years of increasingly responsible experience in the design, development and implementation of complex personal computer applications including two years as a project manager, lead analyst or programmer.

Education:

Equivalent to graduation from an accredited college or university with a Bachelor’s Degree in computer science, information technology, electronic engineering or other related field.

License:

Possession of, or ability to obtain, a valid and appropriate California driver’s license.
QUALIFICATIONS, (Continued)

Other Requirement: Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department systems.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-367

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-310 ENTITLED "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 94-410", TO AMEND THE CLASS RANGE TABLE TO ADD SYSTEMS MANAGER.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective June 27, 1995, attached to Resolution No. 95-310, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 18, 1995", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Systems Manager at Range 434.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 18, 1995.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Effective July 18, 1995

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

Exhibit "A"
<table>
<thead>
<tr>
<th>Code</th>
<th>Job Title</th>
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<tbody>
<tr>
<td>422</td>
<td>Office Supervisor</td>
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<tr>
<td>423</td>
<td>Systems Analyst</td>
</tr>
</tbody>
</table>
| 424  | Assistant Planner  
Asst. City Clerk/Auditor                                           |
| 425  | Administrative Analyst I  
Executive Assistant  
Legal Services Supervisor                                      |
| 426  | Stores Manager  
Museum Supervisor                                                        |
| 427  | Events Supervisor                                                         |
| 428  | Parks Maintenance Supervisor I  
Airport Maintenance Supervisor  
Trees Maintenance Supervisor I  
Equipment Maintenance Supervisor I  
Social Services Coordinator  
Buyer  
Accountant II  
Budget Analyst  
Public Works Supervisor I  
Building Maintenance Supervisor  
Customer Services Specialist                                  |
| 430  | Associate Planner  
Parks Construction Supervisor I  
Junior Civil Engineer  
Junior Traffic Engineer  
Neighborhood Preservation Supervisor                             |
| 431  | Administrative Analyst II  
Affirmative Action Officer  
Personnel Analyst  
Training Coordinator  
Assistant Risk Manager  
Recycling Program Coordinator  
Senior Budget Analyst                                               |
| 432  | Plant Mechanic Supervisor  
Recreation Supervisor II  
Historical Buildings Supervisor  
Senior Accountant  
Youth Program Supervisor  
Industrial Waste Supervisor                                         |
Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433 Assistant Civil Engineer
       Laboratory Supervisor
       Assistant Traffic Engineer

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

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

436 Senior Planner

437

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

439 Deputy City Attorney II
       Associate Civil Engineer
       Associate Traffic Engineer

440 Purchasing Officer
<table>
<thead>
<tr>
<th>Class</th>
<th>Range Table</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Management and Confidential Non-Sworn Class</td>
</tr>
<tr>
<td></td>
<td>Page 4</td>
</tr>
</tbody>
</table>

| 441   | Sr. Deputy City Attorney I  
|       | Airport Manager  
|       | Solid Waste Program Manager  
|       | Transit Manager  
|       | Streets Maintenance Supt.  
|       | Parks Operations Superintendent  
|       | Risk Manager  
|       | Assistant Personnel Director  
|       | Recreation Superintendent  
|       | Golf Superintendent  
|       | Fleet Manager  
|       | Urban Forestry Superintendent  
|       | Wastewater Collections Superintendent  
|       | Water Superintendent  
|       | Building Maintenance Superintendent  
|       | Police Records Manager  
|       | Fire Marshal |

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

| 443   | Deputy Chief Bldg. Official |

| 444   | General Services Manager  
|       | Water Quality Control Supt.  
|       | Principal Planner |

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

| 446   | Senior Civil Engineer  
|       | Traffic Engineer |

| 447   | Chief Building Official  
|       | Assistant to City Manager  
|       | Asst. Parks & Recreation Dir. - Civic Center  
|       | Asst. Parks & Recreation Dir. - Parks  
|       | Asst. Parks & Recreation Dir. - Recreation  
|       | Business Development Division Manager  
|       | Development Services Division Manager  
|       | Strategic Planning Division Manager |

| 448   | Sr. Deputy City Attorney II |

<p>| 449   | |</p>
<table>
<thead>
<tr>
<th>Class Range Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management and Confidential Non-Sworn Class</td>
</tr>
<tr>
<td>Page 5</td>
</tr>
</tbody>
</table>

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

| 451  |

| 452  | Assistant City Attorney |
MODESTO CITY COUNCIL
RESOLUTION NO. 95-368

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SILAS GREEN AND CLYDE HARTER.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Silas Green for the purpose of rehabilitating property at 443 Pine Street; and the agreement between the City of Modesto and Clyde Harter for the purpose of rehabilitating property at 1021 Empire Avenue are 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 July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-369

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DENNIS V. JACKMAN FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE JULY 18, 1995

WHEREAS, Dennis V. Jackman was appointed a member of the Citizens Advisory Committee on Recycling on February 22, 1994; and
WHEREAS, Dennis V. Jackman has tendered his resignation from the Citizens' Advisory Committee on Recycling, effective July 18, 1995; and
WHEREAS, Dennis V. Jackman 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 Dennis V. Jackman 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 Dennis V. Jackman for outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, 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, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-370

A RESOLUTION DENYING THE APPEAL OF GARY AND LORI MARTINEZ TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING AN APPLICATION FOR A VARIANCE TO ALLOW A SIX-FOOT HIGH FENCE WITHIN ONE FOOT OF THE SIDE STREET SIDE YARD PROPERTY LINE ALONG URSINI LANE, INCLUDING A TEN-FOOT CORNER CUT-OFF OF THE FENCE ADJACENT TO PROPERTY AT 1901 SYLVAN AVENUE.

WHEREAS, an application for a variance from the provisions of Section 10-2.510(c) of the Modesto Municipal Code to permit a six-foot-high fence within one foot of the side street side yard property line along Ursini Lane, property located at 1901 Sylvan Avenue, was filed by Gary and Lori Martinez on January 22, 1995, and

WHEREAS, Sections 10-1.202(a) and 10-2.1501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on April 27, 1995, 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, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 95-05 on April 27, 1995, which denied the requested application filed by Gary and Lori Martinez for a variance, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment was filed by Gary and Lori Martinez, and

WHEREAS, the Board of Zoning Adjustment denied the appeal of Gary and Lori Martinez to the decision of the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT RESOLVED, that the appeal of Gary and Lori Martinez to the decision of the Board of Zoning Adjustment is hereby denied.

BE IT FURTHER RESOLVED, that the Board of Zoning Adjustment shall not be enjoined from the enforcement of the provisions of Section 10-2.510(c) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED, that this resolution shall be filed with the Clerk of the City Council and recorded in the Office of the County Recorder of Stanislaus County.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be delivered to the Board of Zoning Adjustment.

BE IT FURTHER RESOLVED, that the Clerk of the City Council shall cause this resolution to be published in the official newspaper of the City of Modesto, and

RESOLVED, all other things considered, duly passed and enacted this 28th day of July, 1995.

[Signature]
Mayor

[Signature]
City Clerk
Adjustment's denial of the request for a variance was filed by Gary and Lori Martinez by letter dated May 1, 1995, 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 May 23, 1995 at 4:00 p.m., and

WHEREAS, based on submittal of a new plot plan proposed by Gary and Lori Martinez, the Council, at its meeting of May 23, 1995, referred the matter back to the Board of Zoning Adjustment for review of the new plot plan proposal as presented by the applicants, said revised plan proposed a ten-foot-45-degree-corner cut-off of the proposed fence along Ursini Lane, immediately adjacent to the property at 1912 Ursini Lane, and

WHEREAS, a public hearing relating to said matter was held by the Board of Zoning Adjustment on June 22, 1995, 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, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 95-09 on June 22, 1995, which denied the request of Gary and Lori Martinez for a variance, as revised, and

WHEREAS, a second appeal to the decision of the Board of Zoning Adjustment's denial of the request for the variance, as revised, was filed by Gary and Lori Martinez by letter dated June
30, 1995, 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 July 25, 1995 at 4:00 p.m., and

  WHEREAS, after hearing evidence both oral and
documentary, the Council found and determined that said appeal to
the decision of the Board of Zoning Adjustment which denied an the
request for a variance, as revised, to allow a ten-foot-45-degree-
corner cut-off of the proposed fence along Ursini Lane immediately
adjacent to the property at 1912 Ursini Lane, should be denied and
the decision of the Board of Zoning Adjustment should be affirmed
for the reason that Sections 10-1.202(a) and 10-2.1501 of the
Modesto Municipal Code authorize the Board of Zoning Adjustment to
grant variances subject to findings specified in Section 10-
2.2502, and the Board of Zoning Adjustment found and determined
that the required findings could not be met for the following
reason:

  The eight-foot setback of the existing six-
foot-high fence along Ursini Lane, approved by
Board of Zoning Adjustment Resolution No. 1339,
provides an adequate landscape setback from
Ursini Lane while allowing the property owners
full use of their private yard area, and that
a revised corner cut-off design of the proposed
fence adjacent to 1912 Ursini Lane does not
address neighborhood concerns.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City
of Modesto that the appeal of Gary and Lori Martinez to the
decision of the Board of Zoning Adjustment which denied an application for a variance to allow a ten-foot-45-degree-corner cut-off of the proposed fence along Ursini Lane, immediately adjacent to the property at 1912 Ursini Lane, is hereby denied and the decision of the Board of Zoning Adjustment is affirmed for the reasons as set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, Acting City Attorney
A RESOLUTION DESIGNATING THE GRAHAM RESIDENCE AT 206 ROSELAWN AVENUE AS A MODESTO LANDMARK PRESERVATION SITE.

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 May 15, 1995, and continued to June 19, 1995, 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. 95-1, that the Graham Residence at 206 Roselawn Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and adaptive use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact and capable of restoration.

4. The existing and proposed uses are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 25, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the
Graham Residence at 206 Roselawn Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 206 Roselawn Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Graham Residence at 206 Roselawn Avenue has architectural, historic, and cultural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The architectural significance is that this residence, a brick bungalow, its brick garage and brick pumphouse, built in 1921, are authentic examples of the residential architecture of the 1920's and are in the process of being restored.

2. The historic and cultural significance are:
   a. The Graham Family, a pioneer family, built the house and out-buildings, from 32,000 bricks handmade by 17-year old Kenny Graham.
   b. Mattie Graham Streeter, and her family have also been significant contributors to the betterment of Modesto, in public as well as private employment.

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 July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

[Signature]
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

102-09-17 includes Lots 35 and 36, Block 332, City of Modesto.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-372

A RESOLUTION DESIGNATING THE MASONIC TEMPLE AT 1500 J STREET AS A MODESTO LANDMARK PRESERVATION SITE.

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 June 19, 1995, 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. 95-4, that the Masonic Temple at 1500 J Street is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and adaptive use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact and capable of restoration.

4. The existing and proposed uses are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 25, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Masonic Temple at 1500 J Street is eligible for designation as a
Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 1500 J Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Masonic Temple at 1500 J Street has architectural, historic, and cultural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The architectural significance is that this fine Neoclassical Building is one of the few remaining examples of this style in Modesto.

2. The historic and cultural significance is that the building was erected in 1917 and the exterior has remained intact with few alterations.

3. The cultural significance is that the building served the Masonic Lodge from 1917 to 1973.

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 July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

105-07-11 includes Lots 31 and 32 of Block 122, City of Modesto.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-373

A RESOLUTION DESIGNATING THE STOCKTON SAVINGS BANK AT 1101 J STREET AS A MODESTO LANDMARK PRESERVATION SITE.

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 June 19, 1995, 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. 95-3, that the Stockton Savings Bank at 1101 J Street is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and adaptive use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact and capable of restoration.

4. The existing and proposed uses are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 25, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Stockton Savings Bank at 1101 J Street is eligible for
designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 1101 J Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Stockton Savings Bank at 1101 J Street has architectural significance because it represents a diminishing inventory of prominent Modesto commercial buildings in the Art Deco style of architecture of the 1930's, and is hereby designated a Landmark Preservation Site.

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 July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

LEGAL DESCRIPTION FOR STOCKTON SAVINGS BANK

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lots 17, 18, 19, 20 and 21 in Block 85 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at the Southwestern corner of said Block 85, said point being the intersection of the Northwestern line of 80.00 foot "J" Street with the Northeastern line of 80.00 foot Eleventh Street, said point also being the Southwestern corner of said Lot 17; thence Northwesterly along said Northeastern line of Eleventh Street and the Southwestern line of said Lots 17, 18, 19, 20 and 21, a distance of 112 feet, to a point 13 feet Southeasterly from the Northwestern corner of Lot 21; thence Northeasterly along a line parallel with and 13 feet, measured at right angles, Southeasterly from the Northwestern line of Lot 21, a distance of 98 feet, to a point on a line which is parallel with and 42 feet, measured at right angles, Southwesterly from the Southwestern line of the 20-foot alley in said Block 85; thence Southeasterly along said last mentioned parallel line, a distance of 112 feet, to a point on said Northwestern line of "J" Street; thence Southwesterly along the Northwestern line of "J" Street, a distance of 98 feet, to the point of beginning.
MODESTO CITY COUNCIL  
RESOLUTION NO. 95-374  

A RESOLUTION DESIGNATING A PORTION OF THE FRONTEGE FACADE OF MODESTO HIGH SCHOOL LOCATED AT 18 H STREET AS A MODESTO LANDMARK PRESERVATION SITE.  

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 June 19, 1995, 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. 95-2, that a Portion of the H Street Frontage Facade of Modesto High School located at 18 H Street is eligible for designation as a Landmark Preservation Site for the following reasons:  

1. The location and setting is compatible with future preservation and use.  

2. The physical condition is such that preservation, maintenance, and adaptive use are economically feasible.  

3. The distinguishing characteristics of significance are for the most part original and intact and capable of restoration.  

4. The existing and proposed uses are compatible with the preservation and maintenance of the site.  

and  

WHEREAS, after a public hearing held on July 25, 1995, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that a Portion of the H Street Frontage Facade of Modesto High School located at 18 H Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Portion of the H Street Frontage Facade of Modesto High School located at 18 H Street is more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that a Portion of the H Street Frontage Facade of Modesto High School located at 18 H Street has historic, and cultural significance and is hereby designated, subject to the terms noted in Exhibit "C" attached hereto and incorporated herein by reference, as a Landmark Preservation Site for the following reasons:

1. Historic significance - Modesto High School was established in 1883, 112 years ago. The H Street frontage and site has been the "home" of Modesto High School since 1918, 77 years ago.

2. Cultural significance - This public educational facility of 112 years has 29 graduates noted in the MHS Centennial Book as members of the MHS Hall of Fame with several added since.

3. Fifty years is the minimum age for this determination. As noted in the historic inventory, the 1918 building is no longer in existence. But the rebuilding have occurred during 1947-1951 makes the H Street Facade eligible architecturally in 1997-2001. Historic and cultural significance are sufficient for designation at this time.
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 July, 1995, by Mayor Lang, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
Landmark consists of the H Street facade of the Main Building of the Modesto High School site which includes all property located within Block 334, City of Modesto, as shown on the following maps:

Shaded portion represents portion of H Street Facade that is Designated.
Shaded portion represents portion of H Street Facade that is Designated.
RECOGNITION OF MODESTO HIGH SCHOOL AS HISTORIC LANDMARK

(a) It is acknowledged that Modesto High School is considered to have significant historical, architectural and cultural significance for the community which it is desirable to recognize and preserve.

(b) It is also acknowledged, however, that serving the needs of the existing community in a cost-effective manner by providing an educationally appropriate, healthful and safe environment for today's students must take precedence and may sometimes conflict with the goals of preservation.

(c) The Landmark Preservation Commission proposes that the Modesto High School site and the H Street facade of the main building be designated as an historic landmark. This designation is intended to recognize importance of both the site and the many community leaders who have attended Modesto High School as part of the community's history. Designation is also intended to encourage preservation of the main facade to the extent possible while still supporting the ongoing educational needs of the community.

(d) The Landmark Preservation Commission requests that the Modesto City Schools Board of Education consider the proposed landmark designation at a public meeting. It is acknowledged that the school board cannot be limited in its ability to maintain, move, modify or demolish buildings in order to meet current health, safety or educational needs. Therefore, the board may reject, accept, or conditionally agree to the proposal. This process is intended to provide public recognition by the school board of appropriate community interests in the Modesto High School site while recognizing that fiscal constraints may limit the feasibility of full preservation.

(e) If the Modesto City Schools Board of Education agrees, or conditionally agrees, to recognition of Modesto High School as a landmark, such findings shall be conveyed to the Landmark Preservation Commission, including any restrictions, limitations or rights which the school board may have chosen to retain.

(f) Any recommendation by the Landmark Preservation Commission to the City Council, or adoption of an ordinance by the Council, regarding designation of the Modesto High School site and main building facade shall specify that the school board retains the right to make any needed alterations, repairs, construction, demolition or relocation, subject to findings by the board that preservation is fiscally infeasible.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-375

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR CONSTRUCTION OF STREET LIGHTING PROJECT ON SCENIC DRIVE BETWEEN ROSE AVENUE AND OAKDALE ROAD

WHEREAS, bids for the construction of street lighting project on Scenic Drive between Rose Avenue and Oakdale Road, were opened on July 7, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical Company in the amount of $31,000, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-376

A RESOLUTION ACCEPTING THE SEWER LIFT STATION REHABILITATION PROJECT - TRASK/ENCINA AND COLLEGE/ORANGEBURG AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sewer Lift Station Rehabilitation Project - Trask/Encina and College/Orangeburg, has been completed by Conco West, Inc., in accordance with the contract agreement dated September 6th, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Sewer Lift Station Rehabilitation Project - Trask/Encina and College/Orangeburg, 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 $247,519.75 as provided in the contract and amended by change orders, 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 July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES:         Councilmembers: None

ABSENT:       Councilmembers: Dobbs

ATTEST:       NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE MAZE BOULEVARD LIFT STATION INFLECT LINE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Maze Boulevard lift station influent line project, has been completed by Rolfe Construction, in accordance with the contract agreement dated January 24, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Maze Boulevard lift station influent line project, be accepted from said contractor, Rolfe Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $52,234 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 July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-378

A RESOLUTION APPROVING THE FINAL PARAMETERS OF THE FORTHCOMING MODESTO IRRIGATION DISTRICT BOND FINANCING RELATED TO THE ACQUISITION OF THE DEL ESTE WATER COMPANY.

WHEREAS, on June 27, 1995, the Modesto City Council Resolution No. 95-323, which provided legislative authorization for the City Manager to execute all documents necessary to allow the Modesto Irrigation District (hereinafter referred to as "MID") to proceed with a bond financing, under the MID’s name and credit, on behalf of the City of Modesto (hereinafter referred to as "CITY") Water Fund, and

WHEREAS, the MID has now provided specific parameters for the financing, which is scheduled to be priced in the capital markets on July 26, 1995, and to close on August 17, 1995, and

WHEREAS, one condition of the bond issue is the bond shall be in an amount not to exceed $30,000,000, and the second condition of the bond issue is that the true interest cost shall not exceed seven (7%) percent, and

WHEREAS, both of the above conditions must be met on the day of sale, or the MID and its financing team shall not proceed, and

WHEREAS, the purpose of the MID financing is to replace short-term, variable-rate commercial paper bearing taxable interest (first issued by MID in 1992 to support the Del Este Water Company’s share of the Domestic Water Project) with long-term, fixed-rate revenue bonds bearing tax-exempt interest, and
WHEREAS, the tax-exempt nature of said financing has been made possible by the City's acquisition of the Del Este Water Company's assets and liabilities, and

WHEREAS, the dollar amount of the MID financing is expected to be approximately $24.4 million, but a higher "not-to-exceed" figure is used in case a debt service reserve fund needs to be included, instead of a surety bond as currently envisioned, and for other last-minute market contingencies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the parameters as provided by the Modesto Irrigation District are hereby approved for the financing, which is scheduled to be priced in the capital markets on July 26, 1995, and to close on August 17, 1995, subject to the conditions that the bond issue shall be in an amount not to exceed $30,000,000, and the bond issue in the true interest cost shall not exceed seven (7%) percent, both of which conditions must be met on the day of sale, or the MID and its financing team shall not proceed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND HEIN HETTINGA AND AMOS DE GROOT FOR THE LEASE OF APPROXIMATELY 2,565 ACRES OF THE SECONDARY WASTEWATER TREATMENT FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Hein Hettinga and Amos De Groot for the lease of approximately 2,565 acres of the secondary wastewater treatment facility 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 July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-380

A RESOLUTION REVISIONING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

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

City Clerk/Auditor

The revised specifications for the classification of City Clerk/Auditor (Range 705), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 25, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
NO. 1321

CITY CLERK/AUDITOR

DEFINITION
To plan, direct, and review the activities and operations of the City Clerk and Auditor's Office, including serving as liaison between the City Council and the public; to coordinate assigned activities with other City departments and outside agencies; to perform auditing functions of the Finance Department; and to provide highly responsible and complex administrative support to the City Council.

SUPERVISION RECEIVED AND EXERCISED
Receives policy direction from the City Council.
Exercises direct supervision over assigned staff.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Develop, plan, and implement goals and objectives; recommend and administer policies and procedures.

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

Supervise the preparation, organization, printing, and distribution of the agenda for the City Council, Redevelopment Agency, Industrial Development Agency meetings, and any other agencies for which the City Council serves as the governing board.

Supervise and coordinate City and School District elections; train election staff; order and maintain election supplies and equipment.

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

Direct and oversee the development of the Office's work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

EXHIBIT "A"
Supervise and participate in the development and administration of the City Council and City Clerk/Auditor's Office budget; direct the forecast of funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement mid-year adjustments.

Perform auditing functions of the Finance Department, including approving and signing checks for accounts payable and payroll, accept and process wage garnishments, stop notices on city projects, claims and summons, review purchase orders, invoices, and records.

Select, train, motivate, and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Maintain a variety of City records and files, including, but not limited to, deeds, agreements, contracts, grants ordinances, resolutions, insurance certificates, claims, and statements of economic interest.

Plan and direct the maintenance, updating and filing of official municipal documents.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Assist the public and City staff by providing information and research assistance.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Pertinent Federal, State, and local laws, codes, and regulations.
- Election laws and procedures.
- Political reform requirements.
- Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs.
Knowledge of: (continued)

Principles of supervision, training, and performance evaluation.

Business English, spelling, grammar, and punctuation.

Principles and practices of municipal budget preparation and administration; principles and methods of record keeping and report writing.

Modern office procedures, methods, and computer software.

Ability to:

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

Direct the microfilming/retention/destruction of official records in accordance with applicable laws and regulations.

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

Prepare and administer a department budget.

Select, supervise, train, and evaluate assigned staff; establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

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

Experience:
Five years of increasingly responsible experience in complex administrative office work in a City Clerk and Auditor's office, including two years of administrative and supervisory responsibility.

Training:
Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, business administration, or a related field.

The Certified Municipal Clerks (CMC) designation is desirable.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-381

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 95-310 TO AMEND THE CLASS RANGE TABLE FOR CITY CLERK/AUDITOR.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "G" entitled "City of Modesto Class Range Table, Executive Management, Effective June 27, 1995," attached to Resolution No. 95-310, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table, Executive Management, Effective July 25, 1995", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adjusts the salary range for City Clerk/Auditor (Range 705) by Five Percent (5%).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 25, 1995.

RESCINDED

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A RESOLUTION SUPPORTING CRIME PREVENTION AND
PROCLAIMING TUESDAY, AUGUST 1, 1995, AS
"NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is
sponsoring the 11th Annual edition of a special, coast-to-coast
community crime prevention event on Tuesday, August 1, 1995,
called "National Night Out", and

WHEREAS, the City of Modesto plays an essential role
assisting the Modesto Police Department through its cooperative
crime prevention efforts in Modesto and is in support of the
"National Night Out" locally, and

WHEREAS, the Modesto Police Department is coordinating
local activities planned by Neighborhood Watch groups and
anticipates that approximately 40 neighborhoods in Modesto will
have activity for "National Night Out", and

WHEREAS, it is important that all citizens in Modesto
be aware of the importance of crime prevention programs and the
positive impact that their participation can have in reducing
crime in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity
for Modesto to join together with thousands of other communities
across the country in support of safe neighborhoods and to
demonstrate the success of cooperative crime prevention efforts,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 12th Annual "National Night Out" on Tuesday, August 1, 1995.

BE IT FURTHER RESOLVED that the Council of the City of Modesto does hereby proclaim Tuesday, August 1, 1995, as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-383

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOLD STAR CHECKING TO OPERATE AS A BUS PASS OUTLET FOR MODESTO AREA EXPRESS (MAX)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gold Star Checking to operate as a bus pass outlet 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 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-384

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGER & ASSOCIATES TO PROVIDE CONSULTANT SERVICES FOR THE MODESTO TRAFFIC SIGNAL RETIMING AND UPGRADE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Minager & Associates to provide consultant services for the Modesto Traffic Signal Retiming and Upgrade 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 July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-385

A RESOLUTION SUMMARILY VACATING AND
ABANDONING A PORTION OF EXCESS STREET RIGHT-
OF-WAY LOCATED ON THE NORTH SIDE OF WOODLAND
AVENUE BETWEEN ROSEMORE AVENUE AND DAN WEST
COURT.

WHEREAS, the Community Development Department and the
Public Works and Transportation Department have requested the
abandonment of excess right-of-way located on the north side of
Woodland Avenue between Rosemore Avenue and Dan West Court to
correct a prior technical error, and

WHEREAS, the California Streets and Highways Code
authorizes a City Council, by resolution, to summarily vacate
excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is
located on the north side of Woodland Avenue between Rosemore
Avenue and Dan West Court, and is more particularly described in
Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and
declares that:

1. The vacation is made pursuant to Chapter 4,
Section 8334, of Part 3 of Division 9 of the Streets and Highways
Code.

2. The portion of excess street right-of-way located
on the north side of Woodland Avenue between Rosemore Avenue and
Dan West Court in the City of Modesto, as more particularly
described in Exhibit "A" attached hereto, is not required for
street or highway purposes.

3. That from and after the date this resolution is
recorded, the portion of excess street right-of-way vacated will
no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the portion of excess street right-of-way
located on the north side of Woodland Avenue between Rosemore
Avenue and Dan West Court in the City of Modesto, which is more
particularly described in Exhibit "A", which is attached hereto
and incorporated herein by reference, be and it is hereby vacated
and abandoned, such vacation and abandonment to become effective
upon the recording of a certified copy of this resolution in the
Stanislaus County Recorder's Office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
July 25, 1995

EXHIBIT “A”

VACATE AND ABANDON PORTION OF NORTH SIDE
WOODLAND AVENUE BETWEEN ROSEMORE AND DAN WEST

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A strip of land 4.63 feet wide, measured at right angles, which is described as follows:

Beginning at the South quarter corner of said Section 24, said South quarter corner being also the intersection of the center line of Woodland Avenue with the center line of Rosemore Avenue; thence South 88°30' 43" West 242.03 feet; thence North 1°02' 30" West 30 feet to the TRUE POINT OF BEGINNING; thence North 88°36' 00" East 212.00 feet; thence North 1°05' 12" West 19.55 feet to a tangent curve; thence Southwesterly 23.48 feet along a curve concave to the Northwest, having a radius of 15.00 feet and a central angle of 89°41' 12"; thence South 88°36' 00" West 197.08 feet; thence South 1°02' 30" East 4.63 feet to the point of beginning.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-356

A RESOLUTION APPROVING THE FINAL MAP OF THE
CONANT MEADOWS SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, the Housing Authority of the County of
Stanislaus, is possessed of a tract of land situate in the City
of Modesto, County of Stanislaus, consisting of 6.353 acres,
known as the Conant Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 29th day of
January, 1994, 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 Conant Meadows Subdivision
meets all of the provisions of the California Subdivision Map Act
and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the
streets, alleys and easements as shown thereon within the
boundaries of said tract be accepted on behalf of the public for
public use; and that the City Clerk be authorized to certify the
map of said tract on behalf of the City of Modesto after the fees
and deposits required by the Modesto Municipal Code in amounts
determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-387

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND SILAS GREEN FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Silas Green for the purpose of rehabilitating property at 425 Oak Street pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved;

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, 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, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-388

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE SCENIC LIFT STATION DISCHARGE LINE PROJECT

WHEREAS, bids for the Scenic lift station discharge line project, were opened on July 13, 1995 and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction Company in the amount of $155,825, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION REJECTING BIDS FOR CNG FUELING STATION AT THE CORPORATION YARD, OPENED IN THE OFFICE OF THE CITY CLERK MAY 9, 1995, AND WITHDRAWING REQUEST FOR A $90,000 GRANT FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

WHEREAS, in 1994, the City applied for and received a $90,000 grant from the San Joaquin Valley Air Pollution Control District to convert the City's existing methane vehicle fueling station to Compressed Natural Gas (CNG); and

WHEREAS, bids received for the CNG fueling station at the Corporation Yard, were opened on May 9, 1995, with the only bid received being approximately 80% above the Engineer's estimate on the project; and

WHEREAS, staff recommends rejecting the bid and canceling the project because of the cost, and because a privately owned CNG fueling station has been installed in Modesto, with a second one in the planning stages.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for the CNG fueling station at the Corporation yard, opened in the office of the City Clerk on May 9, 1995, are hereby rejected.

BE IT FURTHER RESOLVED the City hereby withdraws its request for a $90,000 grant from the San Joaquin Valley Air Pollution Control District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of Aug., 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember
Dobbs, was upon roll call carried and the resolution adopted by
the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-390

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF "H" AND "I" STREETS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the reconstruction of "H" and "I" Streets, has been completed by George Reed, Inc., in accordance with the contract agreement dated July 19, 1994.

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of "H" and "I" Streets, be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,686,445 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 August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-391

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN INTERESTS IN REAL AND PERSONAL PROPERTY AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS RELATING TO THE ACQUISITION OF MORTGAGE OF CHATTELS AND REAL PROPERTY ACQUIRED FROM DEL ESTE WATER COMPANY.

WHEREAS, it is desirable and necessary for the City of Modesto to acquire a Mortgage of Chattels and Real Property, more particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to remove all liens and encumbrances from the former assets of Del Este Water Company which were acquired by the City of Modesto by a judgment in condemnation, and

WHEREAS, the City Council of the City of Modesto is vested with the power of eminent domain to acquire any interest in real or personal property by virtue of Article 1, Section 19, of the Constitution of the State of California, Government Code Sections 38730 and 40404, and Sections 1235.125, 1235.170, 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1240.410, 1240.510 and 1240.610 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and
addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto on the following matters:

(a) Whether the public interest and necessity require the acquisition;

(b) Whether the acquisition is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the property sought to be acquired is necessary; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The public interest and necessity require the acquisition in order to remove all liens and encumbrances from the former assets of Del Este Water Company which were acquired by the City of Modesto by a judgment in condemnation;

2. The acquisition is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of the property interest, more particularly described in said Exhibit "A", is necessary;

4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the property;
5. The City Attorney of the City of Modesto or his duly authorized designee be, and he is hereby, authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT A

The March 1, 1951, Mortgage of Chattels and Real Property as supplemented and modified by the First through the Eighth Supplemental Indentures and Security Agreements which granted Mortgagee Pacific Mutual Life Insurance Company, its successors and assigns, a security interest in the following assets, all of which have been acquired from Mortgagor Del Este Water Company by condemnation by the City of Modesto:

I. All of the real property and interests in real property situated, lying and being in the County of Stanislaus, State of California.

II. All other real property and interests therein including, without limitation, all leaseholds, easements and rights of way, and all water rights now owned or hereafter acquired by the Mortgagor, wheresoever situated.

III. All plants, systems, buildings, structures, pumps, tanks, wells, pipelines, service pipes, meters, engines, boilers, machinery, motors, equipment, facilities, appliances, implements, tools and all other appurtenances, facilities and property of any nature now or hereafter located on the real property in the County of Stanislaus or on any other real property or any interests in real property now owned or which may hereafter be owned or acquired by the Mortgagor.

IV. All corporate, federal, state, municipal, and other permits, consents, licenses, franchises, grants, privileges and immunities of every kind and description now belonging to or which may hereafter by held, owned, enjoyed or possessed by the Mortgagor, and all renewals, extensions and modifications of any of them, to the fullest extent permitted by law.

V. All other property, real, personal or mixed, tangible or intangible, of every kind, character and description, wheresoever situated, not owned or which may hereafter be acquired by the Mortgagor.

VI. Together with all and singular the tenements, hereditaments, rights, privileges and appurtenances belonging or in any way appertaining to any of the property hereby mortgaged or any part thereof, and the reversions and reversions, remainder and remainders, and the rents, revenues, earnings, income and profits thereof and every part and parcel thereof.

VI. All proceeds (as defined in the California Uniform Commercial Code) of the various properties described in paragraphs III through VI, above.
EXHIBIT A (Cont.)

EXPRESSLY EXCEPTING AND EXCLUDING, however, from the lien and operation of the Mortgage the following described property of the Mortgagor (herein sometimes referred to as "Excepted Property"), whether now owned or hereafter acquired by the Mortgagor:

(i) All cash on hand and in banks, and accounts receivable;

(ii) All merchandise, appliances, materials and supplies purchased or acquired for the purpose of sale or which are consumable (otherwise than by ordinary wear and tear) in the use and operation of the plants or systems of the Mortgagor;

(iii) Automobiles, trucks and similar vehicles, together with all equipment necessary to the operation and maintenance thereof; and

(iv) Office furniture, equipment and supplies.
MODESTO CITY COUNCIL
RESOLUTION NO. 95-392

A RESOLUTION COMMENDING GREG STEEL FOR HIS CONTRIBUTIONS TO TRANSPORTATION AND AIR QUALITY PLANNING IN STANISLAUS COUNTY.

WHEREAS, Greg Steel has worked for the Stanislaus Area Association of Governments (SAAG) for the last twenty-one years, and

WHEREAS, for the last five years, Greg has been the Executive Director of SAAG, and

WHEREAS, during this time Greg has been instrumental in promoting coordination and cooperation among the County and cities in Stanislaus County, and

WHEREAS, Greg has been largely responsible for bringing attention to the issues of prime importance to the City of Modesto and Stanislaus County before Caltrans and the California Transportation Commission, such as the Ninth Street Railroad Project, and

WHEREAS, Greg has been instrumental in achieving an air quality conformity finding which will keep transportation funds coming into the City of Modesto, and

WHEREAS, Greg has recently announced his retirement as the Executive Director of the Stanislaus Area Association of Governments to assume the responsibilities of running the family farm in Glenn County, and

WHEREAS, Greg’s knowledge and expertise in the areas of transportation and air quality will be greatly missed.
NOW, THEREFORE, BE IT RESOLVED that the City of Modesto commends Greg Steel for his twenty-one years of service to the people of Stanislaus County.

BE IT FURTHER RESOLVED that the City of Modesto wishes Greg Steel success in his future endeavors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-393

A RESOLUTION AMENDING PARAGRAPH NO. 3 OF
RESOLUTION NO. 88-649, AS AMENDED, RELATING
TO EXEMPTIONS FROM AND DEFERRAL TO CAPITAL
FACILITIES FEES AS APPLIED TO A CHANGE IN USE
OF EXISTING BUILDINGS OR PROJECTED ADDITIONAL
VEHICLE TRIPS.

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 capital facilities fees 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,
92-570, and 94-409, and

WHEREAS, issues have arisen relating to exemptions from
and deferral to capital facilities fees as applied to a change in
use or projected additional vehicle trips, and

WHEREAS, in a report to the Council from the Business
Development Office, dated July 20, 1995, it was recommended that
the provision which regulates the reuse of existing buildings
should be amended, and

WHEREAS, the Council considered this matter, as
recommended by City staff and set forth in the report referred to
above, at its meeting of August 1, 1995,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Council finds and determines that
Subparagraph (b) of Paragraph No. 3. of Resolution No. 88-649, as
amended by Resolution Nos. 89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, 92-570, and 94-409, 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 percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.

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

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

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

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

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

(b) Category B qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $150,000.00. Category B qualified projects shall also include industrial/warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $50,000.00.
(2) Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/County Airport where the capital facilities fees exceed $5,000.00.

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

The property owner and/or developer in the case of "Category B qualified projects" may enter into a Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner’s option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital
facilities fees due through property tax assessment.

(4) For those projects where a mitigated negative declaration or an EIR has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or the construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-394

A RESOLUTION GRANTING APPROVAL FOR THE
INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT
PARADE AND INTERNATIONAL FESTIVAL IN THE CITY
OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND
RESCINDING RESOLUTION NO. 92-468.

WHEREAS, the International Festival Committee
(hereinafter referred to as the Committee) has filed a request
with the City Council for permission to have the International
Festival and Parade, an international and ethnic cultural event
celebrating diversity in the community, and

WHEREAS, the Committee has requested the use of
Graceada Park for the International Festival, which offers a
variety of arts and crafts and food booths, as well as
entertainment and an ethnic diversity parade, and

WHEREAS, the Council has considered the request for
City assistance with the International Festival Activities and
the Council deems it appropriate to grant approval and assistance
to the Committee relating to said request, subject to certain
conditions,

NOW THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it does hereby approve the following,
subject to the conditions set forth, relating to the Committee’s
request for City assistance with the International Festival
activities.

1. The Committee will conduct the International
Festival on two consecutive weekend days (Saturday
and Sunday), either the last weekend in September or the first weekend in October.

2. The event will be conducted from the time of 9:00 a.m. to 6:00 p.m. on the designated days. Entertainment will be conducted from 10:00 a.m. to 6:00 p.m. on Saturday and 11:00 a.m. to 4:00 p.m. on Sunday.

3. The Committee shall be allowed to conduct the parade from 10:00 a.m. until 12:00 p.m. on the Saturday of the event.

4. The following parade route is approved as the parade route to be for the International Festival: starting at Needham Avenue and M Street, east on Needham Avenue to Park Avenue, north on Park Avenue to Stoddard Avenue, west on Stoddard Avenue to Enslen Avenue, north on Enslen Avenue to Morris Avenue, east on Morris Avenue to Park Avenue, south on Park Avenue to Stoddard Avenue, east on Stoddard Avenue to Sycamore Avenue, south on Sycamore Avenue to Needham Avenue; then disband.

5. "M" Street, between Needham Avenue and 11th Street will be barricaded between 9:00 a.m. and 1:00 p.m. on Saturday of the International Festival for the parade forming area.

6. The City will erect the City's reviewing stand with canvas top on at Graceada Park prior to 8:00 a.m. for use for the parade on Saturday and will remove said reviewing stand thereafter.

7. The Committee is granted permission to use a public address system at the reviewing stand for the parade.

8. The City shall provide street sweeping on Saturday following the parade.

9. The City shall provide and set up the portable stage with awning at Graceada Park.

10. The City shall provide use of the PA system for Mancini Bowl during the International Festival.

11. The City shall allow the Committee the use of amplified instrumentation at the event during the
designated event times at a volume not to disturb the adjoining neighborhoods.

12. The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems.

13. The City shall provide litter removal from the park site during the event.

14. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.

15. The City shall provide cost of mailing up to 800 pieces of information, not to exceed $300.00.

16. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales area.

17. The Committee shall be responsible for providing portable toilets at the park site.

18. The Committee shall provide signs directing vehicular traffic during the parade.

19. The City shall waive all fire inspection fees; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.

20. The City shall provide 60 garbage cans and liners for the collection of garbage. Cans will be delivered on Friday, prior to the event and removed after the event on Sunday.

21. The Committee shall provide its own hired, licensed and insured 24-hour security for the beer garden as well as night time security.

22. The City will provide police assistance during the parade and International Festival activities as deemed necessary by the Police Chief.

23. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb side parking for the Committee during the event.
24. The City will provide necessary barricades during the parade and will remove them after the parade.

25. All public improvements shall be left in the same condition as existed prior to the Festival.

26. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and nonhazardous condition. Any obstructions to public or private use shall be removed by the Committee no later than 9:00 p.m. Sunday, after the event.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its International Festival and Parade:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's International Festival and Parade and the use of the City facilities for the Committee's International Festival and parade.

3. That the Committee shall provide to the City Clerk current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than $1,000,000 per occurrence; include the City of Modesto as an additional insured; provide the City with ten days' written notice prior to cancellation, alternation or material change in coverage. The Committee shall also file
acceptable verification of coverage for legal liquor liability. Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verification shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 92-468 adopted August 18, 1992, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 95-394 pertaining to the International Festival '95 activities.

Dated: August 16, 1995

INTERNATIONAL FESTIVAL '95

By [Signature]
(Name & Title) Chairperson
Festival Committee

By [Signature]
(Name & Title) Event Coordinator
MODESTO CITY COUNCIL
RESOLUTION NO. 95-395

A RESOLUTION GRANTING A CONDITIONAL EXEMPTION
TO SELF-HELP ENTERPRISES FOR AN EXEMPTION OF
CAPITAL FACILITIES FEES FOR THE PARADISE ROAD
APARTMENTS.

WHEREAS, Section 8-1.904 of the Modesto Municipal Code
authorizes the Council by resolution to establish the amount of
Capital Facilities Fees to be charged new construction, including
the expansion of and/or the addition to an existing structure, to
mitigate an unfunded portion of the determined impact of the
development, and

WHEREAS, Capital Facilities Fees are currently set
forth in Resolution No. 88-649 as amended by Resolution Nos. 89-
373, 89-986, 89-1182, 90-36, 91-90, 91-703, 91-780, 92-176, 92-
507, 94-409, and 95-393, and

WHEREAS, Doug Pingel, Project Coordinator, on behalf of
Self-Help Enterprises, by letter dated July 12, 1995, requested
consideration of an exemption from Capital Facilities Fees (CFF)
for the Paradise Road Apartments, a proposed 48-unit family-
rental project to be located on Paradise Road at Mayette Avenue,
and

WHEREAS, said project is earmarked for households with
less than a 50% median area income, and the request for an
exemption calculates to an exemption of $2,415 per unit or a
total of $115,920, and
WHEREAS, said request submitted by Doug Pingel, on behalf of Self-Help Enterprises, was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., on August 8, 1995, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined as follows:

1. That based on Council Resolution No. 95-393, Self-Help Enterprises is a not-for-profit housing agency.

2. That based on Council Resolution No. 95-393, units to be constructed in this project are to serve very-low-income residents (less than 50% medium area income).

3. That based on CFF Administrative Guideline 25, approved by Council Resolution No. 94-562, while the cumulative CFF exempt units to total units built since 1989 does exceed the 2% cap (2.2%), that emergence from the recession will reduce the figure below the 2% cap in the future,

and

WHEREAS, the Council further determined that the request of Doug Pingel, on behalf of Self-Help Enterprises, for an exemption to Capital Facilities Fees should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, the provision of very low-income housing being a high priority for the Council, the Council hereby grants to Doug Pingel, Project Coordinator, on behalf of Self-Help
Enterprises, an exemption from Capital Facilities Fees (CFF) for
the Paradise Road Apartments, a proposed 48-unit family-rental
project to be located on Paradise Road at Mayette Avenue, at an
exemption of $2,415 per unit or a total of $115,920, and which
project is earmarked for households with less than a 50% median
area income, subject to performance conditions similar to those
approved of in previous cases which are incorporated into an
agreement satisfactory to the City Attorney and subject to future
approval by the City Council.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the ___th___
day of _____August____, 1995, by Councilmember ___Friedman____,
who moved its adoption, which motion being duly seconded by
Councilmember ___Dobbs____, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
         Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
         NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:
By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-396

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION COMPANY FOR THE
AIRPORT DISTRICT IMPROVEMENTS - EMPIRE AVENUE AND KERR AVENUE

WHEREAS, bids for the Airport District improvements - Empire
Avenue and Kerr Avenue project, were opened on July 18, 1995 and
tabulated by the Director of Public Works and Transportation for the
consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has
recommended that the bid of Teichert Construction Company in the amount
of $274,272, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 8th day of August, 1995,
by Councilmember Friedman, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95-397

A RESOLUTION REJECTING BIDS FOR AN ABOVE-GROUND MOBILE BUS HOIST FOR THE BUS MAINTENANCE FACILITY, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 13, 1995, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, Resolution No. 95-250, adopted by the Council of the City of Modesto on May 23, 1995, approved the plans and specifications for an above-ground mobile bus hoist for the bus maintenance facility, and authorized the call for bids; and

WHEREAS, bids received for an above-ground mobile bus hoist for the bus maintenance facility, were opened on June 13, 1995; and

WHEREAS, during the bid evaluation process, staff learned of additional features and enhancements that are desirable and recommends bids be rejected and specifications be rewritten to incorporate these features.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for the above-ground mobile bus hoist for the bus maintenance facility, opened in the office of the City Clerk on June 13, 1995, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for an above-ground mobile bus hoist for the bus maintenance facility to be opened August 28, 1995, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: 
NORMINE COYLE, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FOR FISCAL YEAR 1995-96 FROM THE BEST AVAILABLE COMPETITIVELY BID OR COOPERATIVE CONTRACT SOURCE

WHEREAS, Municipal Code Sections 8-3.202.h and 8-3.203.d allow for the approval by Council to join with the State of California and other units of government in cooperative purchasing plans and to determine that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of computer equipment for Fiscal Year 1995-96 is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer equipment for Fiscal Year 1995-96 from the best available competitively bid or cooperative contract source, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ADOPTING A PAY FOR PERFORMANCE PROGRAM ENCOMPASSING ALL UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES IN THE CLASSIFIED SERVICE.

WHEREAS, the Council has expressed an interest in linking pay to performance to improve accountability, productivity and quality of service; to reward high performers and achievers; increase communication at all levels within the organization; and to support the movement of Team Modesto" toward a high performance organization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Pay for Performance Program encompassing all unrepresented Management and Confidential employees in the classified service, and a copy of said Pay for Performance Program is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the effective date of the Program is November 14, 1995.

BE IT FURTHER RESOLVED that said Pay for Performance Program may be amended from time to time by the City Manager.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________

MICHAEL D. MILICH, City Attorney
PAY FOR PERFORMANCE PROGRAM

The City of Modesto strives to be a high performance organization—to recognize employees as our most important resource, and to value them for their adaptability, dedication, initiative and contributions to meaningful results.

In adopting a Pay for Performance Program, we choose to reserve the top pay for the top performers. Employees' contributions to meaningful results will be recognized and rewarded with compensation, responsibility and opportunities for professional and personal development.

Objectives

This Pay for Performance (PFP) Program is established by the City of Modesto with the objectives of:

- Directly linking pay to performance
- Improving accountability, productivity and quality of service
- Rewarding high performers and high achievers
- Increasing communication at all levels within the organization
- Supporting the movement of "Team Modesto" toward a high performance organization

Program Elements

The PFP Program consists of:

- A nine-step Salary Step Plan with Steps 7-9 reserved for high performers
- A performance-based Bonus Program to recognize and reward significant contributions to results
- A Performance Management Program to support the performance evaluation process

Participants

The PFP Program is implemented for unrepresented Management and Confidential employees, in the classified service.

8/08/95
Pay for Performance Salary Step Plan

• Steps

The PFP salary step plan consists of nine steps at 2 1/2% intervals, rather than the traditional five-step system with 5% intervals.

<table>
<thead>
<tr>
<th>Traditional Steps</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFP Steps</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

• Step Progression

Employees hired (or promoted) at Step 1, will be considered for a step increase following the completion of 13 payperiods (approximately 6 months). Employees will be considered for all subsequent step increases at intervals of 26 payperiods (12 months).

Employees moving through the PFP steps will be granted a 5% increase (2 steps), provided that they achieve a rating of "Exceeds Expectations" on their annual performance evaluation. A rating of "Meets Expectations" will provide for a 2.5% increase (1 step), up to Step 6.

Steps 7–9 are reserved for high performers and can only be achieved with an "Exceeds Expectations" rating.

• Y-rating

Employees at or above Step 7 who fail to maintain an "Exceeds Expectations" rating will be ineligible for a step increase. In addition, the salaries of such employees will be Y-rated, (frozen). The Y-rate will have a "value" of 2.5%, meaning that the employee will be ineligible for any ATB's totalling 2.5% or less per evaluation year, except that the employee's salary will not fall below Step 6. No employee will experience an actual salary reduction. However, continued "Meets Expectations" performance ratings will result in that employee remaining Y-rated until their salary equals Step 6. Once a Y-rated employee receives an "Exceeds Expectations" rating, their Y-rate status will be removed and they will be advanced 2 steps, but not to exceed Step 9.

8/08/95
• Grace Period

As a transition to the requirement that employees must maintain an "Exceeds Expectations" rating to stay at the top of the range, employees who are at traditional Steps D (7) or E (9) when PFP is implemented, will be granted a 12-month grace period. Evaluations coming due for these employees during the initial 12-month implementation period will not result in Y-rating if the employee fails to achieve an "Exceeds Expectations" rating. A "Meets Expectations" rating during this grace period will be sufficient to maintain an employee at Steps 7 or 9 and provide for any ATB's, but will not provide for a step increase.

At the second annual evaluation following the implementation of the PFP Program, all employees will be evaluated on PFP standards and expectations, as established under the Performance Management Program, and the PFP salary step plan will be fully implemented.

• Reconsideration

The PFP Program maintains the practice of completing an annual performance evaluation for each employee on their designated annual evaluation date. Employees not successful in achieving a step increase will be eligible for reconsideration on their next annual evaluation date (generally 26 payperiods).

• Increases Following Promotion

The established policy on evaluation dates for step increases following promotion, is as follows: If an employee had a date to be "considered" for a step increase in their former position, and the employee receives less than a 10% salary increase upon promotion, the employee will maintain that step increase consideration date following promotion.

Under PFP, this policy on increase dates following promotion continues to apply. In addition, when an employee's step placement upon promotion is to PFP Steps 7 or 8, and the employee has a step increase consideration date which falls within the first 13 payperiods following promotion, the employee will not be subject to Y-rating if the employee fails to achieve an "Exceeds Expectations" performance rating. The employee must achieve such a rating, however, in order to actually receive a step increase. All subsequent annual evaluations will be subject to the PFP step plan requirements.

8/08/95
• Across-the-Board Increases

To prevent salary level compaction, the PFP Program provides for the continuation of across-the-board salary increases, as have historically been approved by the City Council and authorized by the City Manager for Management and Confidential employees. (Exception: as noted above, employees subject to Y-rating have certain restrictions on ATB’s.)

Performance-Based Bonus Program

A performance-based Bonus Program is established to reward outstanding results and achievements.

1. Any Management or Confidential employee covered by the PFP Program will be eligible to be considered for a performance Bonus. Selection will be based on results-oriented criteria for achievements in one or more of the designated categories.

2. Bonus monies will be budgeted annually by the City Council. It is anticipated that these monies will be equivalent to approximately 1% of the base salaries for unrepresented Management and Confidential employees.

3. Bonuses will be distributed on an annual basis on or about December 1.

4. Bonuses may be given out to any number of employees within the funding parameters, and in any combination of dollar amounts, except that the minimum amount will be $1000 and the maximum amount will be $5000 per employee per year.

5. Nominations must include specific examples of results or achievements in one or more of the following categories:
   • Organizational and System Improvement
   • Innovation
   • Leadership
   • Team Building
   • Creativity
   • Fiscal Impact
   • Initiative

6. Nominations must document contributions toward specific results which derive from projects, programs or services

8/08/95
outside the scope of on-going responsibilities generally expected of the employee. The focus of the Bonus Program is not to serve as recognition for high performers, as the PFP salary step plan is designed for that purpose, but to reward results.

7. While all employees covered by the PFP Program will be eligible for consideration, performance bonuses are to be awarded only to employees who achieve specific outstanding results. It is not the intent of the Bonus Program to simply divide bonus monies among all high performing employees.

8. The selection of employees to receive bonuses and the amount of their individual awards will be determined by the Department Head Team.

• Nominations will be sent to the Department Head for employees in his/her department. Nominations may come from anywhere in the organization, and may include self-nominations.

• Individual Department Heads will screen the nominations received for employees within their department. Names of those individuals nominated for bonuses and passing their initial screening will be submitted to the Department Head Team. At the Department Head Team meeting, the nominations will be reviewed and individuals will be selected for the bonuses.

9. Names of bonus recipients and the dollar amount of performance bonuses are subject to disclosure under the Public Records Act.

Performance Management Program

A standardized Performance Management Program is implemented to ensure a consistent framework for supervisors when completing performance evaluations. This system is structured to ensure that an "Exceeds Expectations" rating is truly reflective of high performance. To achieve this goal, the organization will have to acknowledge the traditional Step C (new PFP Step 6) as the level attainable by a fully competent employee, i.e. an employee who "Meets Expectations." Under the PFP Program, Steps 7-9 are reserved for those employees who demonstrate excellence.
The Performance Management Program includes a "Performance Management Guidelines" document designed to assist supervisors in defining and communicating to employees what is expected of them, and to measure, record and assess performance versus expectations.

The Performance Management Program provides a structure for monitoring performance, but it is also designed to foster employee development and encourage employees to pursue and achieve their full potential.
PAY FOR PERFORMANCE IMPLEMENTATION SCHEDULE

The PFP Program becomes effective 3 months (6 payperiods) after City Council adoption, as follows:

1. Annual performance evaluations due on or after the effective date will be rated according to the PFP Program criteria. (With the exception of employees at traditional Steps D and E, who will be provided a 12-month grace period as described in the PFP Program document.)

2. As annual performance evaluations come due and are reviewed with the employee, new performance expectations shall be written to meet the Performance Management Guidelines criteria.

3. Performance Bonuses will be awarded in December, 1995.

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>August</td>
<td>Adoption by City Council</td>
</tr>
<tr>
<td>Aug-Sept.</td>
<td>Staff (PFP Team Members and Performance Management Guideline Members) provides training for all Management and Confidential employees</td>
</tr>
<tr>
<td>October</td>
<td>Bonus nominations are accepted this month, only</td>
</tr>
<tr>
<td>November</td>
<td>Individual Department Heads review their department's nominations and make recommendations to the full Department Head Team</td>
</tr>
<tr>
<td></td>
<td>Department Head Team selects Bonus recipients and designates the amounts of individual awards</td>
</tr>
<tr>
<td>December</td>
<td>First full pay period, the Finance Department issues Bonus checks</td>
</tr>
<tr>
<td>October '96</td>
<td>Annual nominations again accepted</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 95-400

A RESOLUTION AMENDING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT
SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY
THE CITY ON BEHALF OF THE EMPLOYEES
REPRESENTED BY THE MODESTO CITY EMPLOYEES'
ASSOCIATION (MCEA).

WHEREAS, by Resolution No. 94-386 adopted by the
Council on June 28, 1994, the City adopted a labor policy
providing for Public Employees' Retirement System (PERS) employee
contributions to be paid by the City on behalf of employees and
for reporting of employer-paid normal member contributions to
PERS as compensation, and

WHEREAS, the Council desires to amend that policy as it
pertains to employees represented by the Modesto City Employees'
Association (MCEA),

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that pursuant to the provisions of Section 20615
of the California Government Code, the City shall pay the seven
percent (7%) member contribution in the employee's name to the
PERS for all employees represented by the Modesto City Employees'
Association (MCEA), effective November 1, 1994. Such payment
shall not be implemented pursuant to Section 20023(c)(4) of the
California Government Code.
BE IT FURTHER RESOLVED that Resolution No. 94-386 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-401

A RESOLUTION AMENDING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT
SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY
THE CITY ON BEHALF OF THE EMPLOYEES
REPRESENTED BY THE MODESTO CITY FIRE
FIGHTERS' ASSOCIATION (MCFFA).

WHEREAS, by Resolution No. 94-386 adopted by the
Council on June 28, 1994, the City adopted a labor policy
providing for Public Employees' Retirement System (PERS) employee
contributions to be paid by the City on behalf of employees and
for reporting of employer-paid normal member contributions to
PERS as compensation, and

WHEREAS, by Resolution No. 94-497 adopted by the
Council August 16, 1994, the Council amended that policy as it
pertains to employees represented by the Modesto City
Firefighters' Association (MCFFA), and

WHEREAS, the Council desires to amend said policy,

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

Pursuant to the provisions of Section 20615 of the
California Government Code, effective August 9, 1994,
the City of Modesto elects to pay eight percent (8%) of
the normal member contributions of nine percent (9%) as
employer paid member contributions (EPMC) and report
same to PERS as compensation for safety members. Such
payment shall be implemented pursuant to the provisions
of Section 20023(c)(4) of the California Government
Code, providing for the inclusion of employer-paid
normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

This benefit shall apply to all employees represented by the Modesto City Fire Fighters' Association (MCFFA) who are classified fire safety members by PERS.

BE IT FURTHER RESOLVED that Resolution No. 94-386 and Resolution No. 94-497 are hereby repealed in their entirety.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-402

A RESOLUTION AMENDING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES’ RETIREMENT
SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY
THE CITY ON BEHALF OF THE EMPLOYEES
REPRESENTED BY THE MODESTO POLICE OFFICERS
ASSOCIATION (MPOA).

WHEREAS, by Resolution No. 94-386 adopted by the
Council on June 28, 1994, the City adopted a labor policy
providing for Public Employees’ Retirement System (PERS) employee
contributions to be paid by the City on behalf of employees and
for reporting of employer-paid normal member contributions to
PERS as compensation, and

WHEREAS, by Resolution No. 94-538 adopted by the
Council September 6, 1994, the Council amended that policy as it
pertains to employees represented by the Modesto Police Officers’
Association (MPOA), and

WHEREAS, the Council desires to amend said policy,

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

Pursuant to the provisions of Section 20615 of the
California Government Code, effective September 6,
1994, the City of Modesto elects to pay eight percent
(8%) of the normal member contributions of nine percent
(9%) as employer paid member contributions (EPMC) and
report same to PERS as compensation for safety members.
Such payment shall be implemented pursuant to the
provisions of Section 20023(c)(4) of the California
Government Code, providing for the inclusion of
employer-paid normal member contributions (EPMC) as
compensation for the purpose of reporting to PERS.
Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

This benefit shall apply to all employees represented by the Modesto Police Officers Association (MPOA) who are classified police safety members by PERS.

BE IT FURTHER RESOLVED that Resolution No. 94-386 and Resolution No. 94-538 are hereby repealed in their entirety.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEAL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-403

A RESOLUTION AMENDING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES’ RETIREMENT
SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY
THE CITY ON BEHALF OF THE EMPLOYEES
REPRESENTED BY THE MODESTO POLICE MANAGEMENT
ASSOCIATION (MPMA).

WHEREAS, by Resolution No. 94-386 adopted by the
Council on June 28, 1994, the City adopted a labor policy
providing for Public Employees’ Retirement System (PERS) employee
contributions to be paid by the City on behalf of employees and
for reporting of employer-paid normal member contributions to
PERS as compensation, and

WHEREAS, by Resolution No. 94-494 adopted by the
Council August 16, 1994, the Council amended that policy as it
pertains to employees represented by the Modesto Police
Management Association (MPMA), and

WHEREAS, the Council desires to amend said policy,

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

Pursuant to the provisions of Section 20615 of the
California Government Code, effective August 9, 1994,
the City of Modesto elects to pay eight percent (8%) of
the normal member contributions of nine percent (9%) as
employer paid member contributions (EPMC) and report
same to PERS as compensation for safety members. Such
payment shall be implemented pursuant to the provisions
of Section 20023(c)(4) of the California Government
Code, providing for the inclusion of employer-paid
normal member contributions (EPMC) as compensation for
the purpose of reporting to PERS.
Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

This benefit shall apply to all employees represented by the Modesto Police Management Association (MPMA) who are classified police safety members by PERS.

BE IT FURTHER RESOLVED that Resolution No. 94-386 and Resolution No. 94-538 are hereby repealed in their entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___th day of __________, 1995, by Councilmember __________, who moved its adoption, which motion being duly seconded by Councilmember __________, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 95-404

A RESOLUTION ADOPTING THE PROVISIONS OF SECTION 414(h)(2) OF THE INTERNAL REVENUE CODE.

WHEREAS, the City of Modesto has the authority to implement the provisions of Section 414(h)(2) of the Internal Revenue Code (IRC), and

WHEREAS, the Board of Administration of the Public Employees' Retirement System (PERS) adopted its resolution regarding Section 414(h)(2) IRC on September 18, 1985, and

WHEREAS, the City of Modesto has determined that even though the implementation of the provisions of Section 414(h)(2) IRC is not required by law, the tax benefit offered by said Section should be provided to its employees who are members of PERS,

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

1. That the City of Modesto will implement the provisions of Section 414(h)(2) of the Internal Revenue Code by making employee contributions pursuant to California Government Code Section 20615 to the Public Employees' Retirement System on behalf of its employees who are members of the Public Employees' Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code Section 20615.
2. That the contributions made by the City of Modesto to the Public Employees’ Retirement System, although designated as employee contributions, are being paid by the City of Modesto in lieu of contributions by the employees who are members of the Public Employees’ Retirement System.

3. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Modesto to the PERS.

4. That the City of Modesto shall pay to the PERS the contributions designated as employee contributions from the same source of funds as used in paying salary.

5. That the amount of the contributions designated as employee contributions and paid by the City of Modesto to the PERS on behalf of an employee shall be that specific percentage prescribed of the entire contribution required of the employee by the Public Employees’ Retirement Law (California Government Code Sections 20000, et.seq.) as may be determined from time to time by the City Council.

6. That the contribution designated as employee contribution made by the City of Modesto to the PERS shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by PERS.

The effective date of this Resolution shall be June 28, 1994.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF MODESTO AND AVIS RENT-A-CAR SYSTEMS, INC., FOR A RENTAL CAR OPERATION AT THE CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the concession agreement between the City of Modesto and Avis Rent-A-Car Systems, Inc., for a rental car operation at the City/County Airport be, and it is hereby approved;

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF MODESTO AND HERTZ CORPORATION, FOR A RENTAL CAR OPERATION AT THE CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the concession agreement between the City of Modesto and Hertz Corporation for a rental car operation at the City/County Airport be, and it is hereby approved;

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CONNI-LYNNE YANDELL FROM THE HIGHWAY VILLAGE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, Conni-lynne Yandell has been a member of the Highway Village Neighborhood Advisory Committee, and has tendered her resignation from that Committee, effective August 8, 1995; and

WHEREAS, Conni-lynne Yandell 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 Conni-lynne Yandell from the Highway Village Neighborhood Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Conni-lynne Yandell for 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 August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 95.408

CERTIFYING THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO URBAN AREA GENERAL PLAN, ADOPTING FINDINGS SUPPORTING REJECTION OF ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, the City of Modesto has prepared a Modesto Urban Area General Plan to guide the growth of the City of Modesto for thirty years and beyond, and

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

WHEREAS, the preparation of the Master Environmental Impact Report (MEIR) is to provide decision-makers and the public with information concerning the individual and cumulative environmental effects of the project, to indicate possible ways to mitigate, reduce or avoid the environmental impacts, and to identify alternatives to the project, and

WHEREAS, a Notice of Preparation (NOP) was circulated in April of 1992, 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 prepared a MEIR entitled "Draft Environmental Impact Report for the City of Modesto, Modesto Urban Area General Plan", and

WHEREAS, the Draft MEIR (DMEIR) (SCH No. 92052017) was released for public review and comment for the required 45-day period beginning on February 14, 1995, and

WHEREAS, in April 1995, the Planning Commission held a series of public workshops to consider the proposed Modesto Urban Area General Plan, the DMEIR and land use alternatives to the proposed plan, and

WHEREAS, on May 15, 1995, the Planning Commission held a public hearing to receive comments on the DMEIR and directed the preparation of the Final MEIR (FMEIR) after the close of the public review and comment period, and
WHEREAS, the FMEIR, in the form of Response to Comments incorporating all the comments received during the circulation and public hearing, was released for the required ten day period on May 26, 1995, and

WHEREAS, the Planning Commission held a public hearing on June 12, 1995, and considered the accuracy and adequacy of the Final MEIR, and

WHEREAS, the information contained in the FMEIR was reviewed and considered by the Planning Commission prior to taking action on the Modesto Urban Area General Plan, and

WHEREAS, the City Council held a public hearing on August 15, 1995, and considered the adequacy of the Final MEIR and the Mitigation Monitoring Program contained therein, the Findings Supporting Rejection of Alternatives and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the FMEIR, 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 Modesto Urban Area General Plan,

NOW, THEREFORE, BE IT RESOLVED as follows:

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

2. Compliance with CEQA. The Final Master Environmental Impact Report for the Modesto Urban Area General Plan, attached hereto as Exhibit "A" and incorporated herein by this reference, was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).

3. FMEIR Reviewed and Considered. The City Council certifies that the FMEIR has been completed in compliance with CEQA; that it has been presented to the Council and that the Council has reviewed and considered the information contained in the FMEIR, and all of the information contained therein has substantially influenced all aspects of the decision by the Council. The FMEIR is a material part of this resolution.

4. Findings Regarding Significant But Mitigable Effects. Section 21081(a) of the Public Resources Code requires the City Council to make certain findings regarding the significant effects of the General Plan. As reported in the
Final MEIR for the project, the City Council hereby finds that with regard to the following effects, "changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment" (Section 21081(a)(1)). The City Council, exercising their own independent judgment, determines that such Findings are supported by substantial evidence in the record. Those effects addressed by this finding are:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in FMEIR</th>
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<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 (except for Baseline Developed Area)</td>
<td>IV-9-1</td>
</tr>
<tr>
<td>Increased Demand for Storm Drainage (except for Baseline Developed Area)</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</td>
</tr>
</tbody>
</table>

In addition, the City Council hereby finds that there are no mitigation measures identified in the Final MEIR which are "within the responsibility of another public agency and have been, or can be and should be, adopted by that other agency." (Section 21081(a)(2)).

5. Findings Regarding Unavoidable Significant Impacts/ Statement of Overriding Considerations.

a. The Final Master EIR identified the following impacts as Significant and Unavoidable:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in FMEIR</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>
</tbody>
</table>
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 Council must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City Council has balanced the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

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

6. Revised Mitigation Measures/Recirculation Findings. As a result of the public hearing process, certain modifications to the Project Description mitigation measures published in the Final MEIR were determined to be necessary, desirable and appropriate. All said revised mitigation measures, and the revised Project Description are identified in Exhibit "C" to this Resolution, and are hereby incorporated by this reference. Exhibit "C" also includes substantial evidence (required by Section 15088.5(e) of the CEQA Guidelines) supporting the City's decision not to recirculate the FMEIR.

7. Alternatives.

a. In accordance with CEQA and the State CEQA Guidelines, the FMEIR examined a range of reasonable alternatives to the Project which could feasibly attain the basic objectives of the Project and evaluated the comparative merits of the alternatives including the present General Plan, the Environmentally Superior Alternative, the General Plan Steering Committee generated Alternative, a variation of the General Plan Steering Committee Alternative, the Planning Commission Proposed Alternative, and the Adopted General Plan.
b. The City Council adopts the Findings Supporting Rejection of Alternatives, attached hereto as Exhibit "D" and incorporated herein by this reference, which makes findings for the approval of Adopted General Plan, and the rejection of each alternative analyzed in the FMEIR including the environmentally superior alternative. The City Council, exercising their own independent judgment, determines that such Findings are supported by substantial evidence in the record.

8. Mitigation Monitoring. Pursuant to Section 21081.6 of the Public Resources Code, the mitigation monitoring program set forth in Exhibit "E", is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Project are fully implemented.

9. 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.

10. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Master Environmental Impact Report for the Modesto Urban Area General Plan as accurate and adequate. The City Council further certifies that the FMEIR 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.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS
AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan and Master EIR and through the extensive public participation, the City Council has determined that the Modesto Urban Area General Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Modesto Urban Area General 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 six of the Issue Areas, identified in the Final Master EIR, in which the mitigation measures have been judged to be infeasible. In other words, the General Plan will cause significant and unavoidable impacts on the following Issue areas:


Development resulting from the General Plan will add traffic which will cause service levels in some areas to operate at Level of Service (LOS) E or worse. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the increase in traffic congestion.

   a. Finding #T-1

   Changes affecting California’s transportation systems have also hit fast and furious. Stricter environmental protection laws restrict land-intensive highway projects. Growth has dramatically altered traffic patterns throughout the state and diminished existing traffic corridors. Transit agencies hit with rising labor costs and expanding service areas have had a difficult time providing effective alternatives to the automobile. Intercity bus services have been reduced, resulting in the need for interregional transportation alternatives.
b. Finding #T-2

Population pressures and environmental concerns have been pushed to the forefront and a new transportation constituency is pressing for more rail, urban mass transportation and stricter regulations concerning air and water quality, and scenic and historic preservation. Transportation systems must now enhance the quality of life by protecting wildlife habitat and ensuring that water quality standards are met.

Substantial Evidence

1993 California Transportation Plan, published by the California Department of Transportation (page 1).

c. Finding #T-3

Changes in transportation funding trends also pose significant challenges. Traditionally, the per gallon tax on gasoline has been the major means in financing of transportation improvements. However, in recent years the state began financing the rail program (intercity, urban and commute) through general obligation bonds and many cities and counties have turned to use of bonds and local sales taxes for major transportation projects. With increased vehicle efficiency, the potential growth in use of alternative fuels, an emphasis on reducing single-occupant vehicles and on increasing the use of transit, funding for transportation will become less certain.

Substantial Evidence

1993 California Transportation Plan, published by the California Department of Transportation (page 1).

d. Finding #T-4

The transportation planning process needs to explicitly consider and analyze the human environment as a factor in transportation decisions. It must recognize the important role that transportation systems play in addressing social concerns such as access to affordable housing and jobs. It needs to further highlight the need to make transportation
planning consistent with land use plans and other plans developed to address other concerns, e.g., employment, energy, housing, community development, and the environment.

Substantial Evidence

1993 California Transportation Plan, published by the California Department of Transportation (page 25).

e. Finding #T-5

The needs and issues for highways, streets, and road facilities pertain to the improvement to, and the maintenance of, aging facilities. Highways are declining in condition, and at times, fail to meet current design standards.

Stanislaus County's steady growth rate has placed increasing demands on the regional network. As travel demand continues to rise, congestion on the current system increases and air quality is negatively impacted. As a result, it will be important to reduce the number of daily trips on the roadways as well as increase the capacity of various existing roadways and develop new facilities to relieve congestion and improve air quality.

While Stanislaus County has increased efforts to expand and implement alternative modes of transportation, the automobile continues to be the primary mode of transportation in the County. As development within Stanislaus County intensifies, and the impacts to the circulation system occur, appropriate mitigation measures become important considerations.

Substantial Evidence

1993 Regional Transportation Plan, published by the Stanislaus Area Association of Governments (page I-2).

f. Finding #T-6

Greater coordination and the integration of the various modes of freight transportation have become increasingly important in recent years. Limited resources and the intense pressure on existing transportation systems have caused rethinking and broad-based support for intermodal transportation systems. In order to allow goods movement to be more
efficient and maintain a reasonable highway level of service, a public/private cooperation between these modes is encourages.

**Substantial Evidence**

1993 Regional Transportation Plan, published by the Stanislaus Area Association of Governments (page I-4).

g. **Finding #T-7**

At the present time, the City of Modesto's street and highway system accommodates over 95 percent of travel in the City (excluding pedestrian and bicycle travel, for which there are no current estimates). Because the street and highway system is expected to be the dominant form of transportation throughout the period covered by the General Plan, the environmental analysis focuses primarily on that system. Other forms of transportation, including local bus service, railroad freight and passenger service, air service, and improvements to bicycle and pedestrian circulation, will play useful roles in the movement of people and goods in the community.

**Substantial Evidence**

Final Master Environmental Impact Report, page IV-1-1.

h. **Finding #T-8**

Figure A displays the proposed Circulation System for the General Plan Update and conditions on key roadway segments with the General Plan. The model output indicates that approximately 93% of the circulation system will be congestion-free (LOS "D" or better). Figure B lists the "problem links," i.e. roadway segments that would exceed the LOS "D" threshold in this scenario. These links represent unavoidable significant impacts of the General Plan. Figure B also shows roadway type and width (i.e. number of lanes), and traffic conditions (LOS) for these links. Figure C highlights the links that would operate at LOS E or F in the year 2025.

**Substantial Evidence**

Final Master Environmental Impact Report, page IV-1-17.
i. Finding #T-9

The General Plan would intensify land development within the northern and western portions of the Planned Urbanizing Area. Consequently, the model output indicates that traffic congestion will be more prevalent within these areas, particularly along approach routes to key arterials and expressways, and SR 99.

Substantial Evidence

Final Master Environmental Impact Report, page IV-1-17.

j. Finding #T-10

McHenry Avenue (SR 108) is four lanes wide north of Needham Street, and would operate mostly at LOS "E" and "F" north of downtown with that alignment, since it would accommodate travel generated by new development to the north. However, it is planned to be widened eventually to six lanes, which would meet the LOS "D" performance standard south of Briggsmore Avenue. This widening will require some relatively time-consuming land condemnations and takings. Hence, conditions are expected to worsen to LOS "F" along some segments, before the widening is completed.

Substantial Evidence

Final Master Environmental Impact Report, page IV-1-17.

k. Conclusions: Traffic and Circulation Needs

The "E" and "F" Levels of Service presented in the Redevelopment Area (Figure A, Sheet 2 of 2) represent significant and unmitigable traffic impacts resulting from the promotion of nearly 54,000 employment opportunities and 2,300 residents in the central city area. The only remaining method of mitigation for these impacts is avoidance; in other words restrict development opportunities in the Redevelopment Area until Level of Service D or better is assured. The City rejects this approach as "infeasible" because it is not "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and
technological factors." [emphasis added to Section 15364, CEQA Guidelines]

The Redevelopment Plan, adopted in 1991, contains numerous goals and policy statements which would not be achieved without the promotion of significant employment opportunities.

Primary among these goals are the following:

- The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.

- The strengthening of retail and other commercial functions in the Project Area.

- The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.

- The expansion of the supply of housing for low- and moderate-income persons.

The "E" and "F" Levels of Service presented in the balance of the General Plan Area (Figure A, Sheet 1 of 2) can only be avoided if development opportunities are restricted to a level where Level of Service D or better can be assured. The City rejects this approach as "infeasible" because it is not "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." [emphasis added to Section 15364, CEQA Guidelines]

The following objectives would be severely compromised, if development levels were to be reduced to avoid Levels of Service below D. These objectives include:

- The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density.

- Future urban expansion for residential uses should be designed in the form of mixed-use developments, similar to Village One. These developments should contain housing, shops,
schools, parks and civic facilities essential to the daily life of the residents. This development should implement land use practices that assist in meeting State and Federal environmental regulations.

- Development in Modesto should strive for a local jobs/housing balance by facilitating business growth, and encouraging the economic revitalization of the downtown. Adequate land, strategically located to facilitate the expansion of Modesto's economic base, should be provided for the employment opportunities of Modesto's residents. These opportunities should be focused on the types of businesses that will thrive in the 21st Century.

- The Modesto Redevelopment Area will be the focal point of community life and the social, cultural, business, governmental, and entertainment center of the northern San Joaquin Valley.

2. Degradation of Air Quality.

Development resulting from the General Plan will result in generation of ozone precursors and dust during construction, and a net increase in emissions of organic ozone precursors and PM10 from area and mobile sources. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the degradation of air quality.

a. Finding #AQ-1

The San Joaquin Valley has a serious air pollution problem that will take the cooperation of land use and transportation planning agencies, transit operators, the development community, the District and the public to solve. The solution to the problem requires changes in the way we have traditionally built our communities and constructed the transportation systems. It involves a fundamental shift in priorities from emphasis on mobility for the occupants of private automobiles to a multi-modal system that more efficiently uses scarce resources. It requires a change in attitude from the public to support development patterns and transportation systems different from the status quo.
Substantial Evidence

Air Quality Guidelines for General Plan" published by the San Joaquin Valley Unified Air Pollution Control District; 1994 (page 10).

b. Finding #AQ-2

The San Joaquin Valley air basin is a "nonattainment" area for the federal and state ambient air quality standards for ozone and PM_{10}. The City of Modesto and other urbanizing areas (Fresno, Stockton, and Bakersfield) are also nonattainment areas for the federal standard for CO eight-hour, time-weighted average concentration. "Nonattainment" means that the federal and/or California ambient air quality standards concentration for a specified criterion air pollutant was exceeded at least once per year averaged over the last three years, and is a designation of a geographic area assigned by the U.S. EPA or CARB.

Substantial Evidence

California Air Resources Board and San Joaquin Valley Unified Air Pollution Control District, as quoted in the Final Master Environmental Impact Report (page IV-2-4).

c. Finding #AQ-3

Failure to reduce mobile source emissions will have a number of very significant costs. Of most importance is the impact on the health of people of the Valley. Without greater progress, too many people will continue to breath air that makes them ill and shortens their lives. Of great importance is the impact our economy will experience if we fail to comply with state and federal air quality mandates. The following chart illustrates the rationale for adopting air quality mitigation measures and General Plan Policies.

- The current air quality in the Valley adversely affects the health and welfare of the citizens of your community.

- If we are unsuccessful in implementing long-range programs to reduce emissions from mobile sources, job producing stationary sources must fill the gap.
- If Valley air quality programs apply inadequate effort toward attaining air quality standards, federal sanctions may be imposed that limit stationary source expansion and withhold highway funds.

- Local government's authority over land use decisions comes with the responsibility to minimize air quality impacts of new development.

Under the Federal Clean Air Act Amendments, the Environmental Protection Agency is required to impose automatic sanctions under the following conditions: State failure to submit a complete State Implementation Plan; EPA disapproval.

Substantial Evidence

"Air Quality Guidelines for General Plan," published by the San Joaquin Valley Unified Air Pollution Control District, 1994 (pages 3 and 4).

d. Finding #AQ-4

The significant unavoidable air quality impacts identified in the Final EIR would be cumulative and regional in nature. In other words, neither development under the General Plan nor the other alternatives would itself cause violations of regional ozone or PM$_{10}$ concentrations. Rather, development within the Modesto Urbanized Area would contribute to atmospheric loading of emissions from existing and future development in San Joaquin Valley as well as from emissions transported from adjacent air basins, and the condition caused by these overall emissions would continue to be characterized by occasional violations of the federal ozone and PM$_{10}$ standards through the rest of this century and more frequent violations of the state ozone and PM$_{10}$ standards for the foreseeable future.

Substantial Evidence

Final Master Environmental Impact Report, page IV-2-14

e. Finding #AQ-5

Implementation of the General Plan would involve subsequent projects, in addition to the development of the land uses designated in the General Plan, that could result in impacts to air quality. These projects would include, among other actions, construction of
roadways or roadway widening, installation of new infrastructure (e.g. water and sewer lines), and construction of new public facilities. The types of impacts that these subsequent projects would have on air quality include generation of ozone precursors and dust during construction, and increases in emissions of ozone precursors and PM$_{10}$ during operation.

Substantial Evidence

Final Master Environmental Impact Report, page IV-2-13

f. Finding #AQ-6

Local air quality impacts related to construction activities can be mitigated to a less-than-significant level, provided that specific dust abatement measures are followed and provided that heavy construction equipment is well-maintained. Local CO hot spots can be mitigated to a less-than-significant level provided that traffic mitigation measures (e.g. efficient signalization and dedicated turn lanes) are implemented to avoid LOS F conditions at intersections that handle large volumes of traffic. Potential local toxic air contaminants (TACs) and odor impacts can also be mitigated. Emissions controls on sources of TACs and odors occur through permit conditions enforced by the San Joaquin Valley Unified Air Pollution Control District, but site design and appropriate buffering are two measures that could be implemented by the City to further reduce the potential for significant local impacts.

Substantial Evidence

Final Master Environmental Impact Report, page IV-2-13

g. Finding #AQ-7

Land uses that enable people to walk or to use transit, rather than needing to rely primarily on their cars for mobility, tend to be better for air quality.

A study of public transit use conducted in Washington, D.C., identified key land use programs for making the best use of a transit system:

- Promote land uses that generate the most transit trips near stations.
- Locate these uses in close proximity to transit station entrances.
• Provide high density land development around stations, including suburban locations.

**Substantial Evidence**

The Land Use - Air Quality Linkage," published by the California Air Resources Board, 1994 (page 2).

**h. Finding #AQ-8**

The General Plan incorporates land use patterns that have the potential to minimize the number of vehicle miles traveled and the current level of dependency on single-occupancy vehicles for travel. The Village Residential (VR) land use concept essentially promotes pedestrian access to commercial and work places in the Village Center from residential neighborhoods surrounding the center.

**Substantial Evidence**

"Modesto Urban Area General Plan", page III-10

**i. Finding #AQ-9**

The following strategies have been incorporated as policies into the General Plan to promote land use patterns which lessen dependency on the private automobile.

- Communities or neighborhoods should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.

- As many activities as possible should be located within easy walking distance of transit stops.

- Businesses within a community or neighborhood should provide a range of job types for the community’s or neighborhood’s residents.

- The location and character of the community or neighborhood should be consistent with a larger transit network.

- Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high speed
traffic. Wherever possible, natural terrain, drainage, and vegetation should be preserved with superior examples contained within parks or greenbelts.

However, there is no empirical data readily available from the State Air Resources Board, or the San Joaquin Valley Unified Air Pollution Control District, which can quantify the contribution of these strategies to improved air quality.

Substantial Evidence

General Plan, page III-10.

j. Finding #AQ-10

For the Modesto Urban Area to actively compete for this economic development, range of housing opportunities, job creation and adequate open space areas, 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 Modesto Urban Area General 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, range of housing opportunities and economic development potential of the Modesto Urban Area.

Substantial Evidence

"Recommended Modesto Economic Development Strategy," prepared by Kreines & Kreines.

"A Strategic Planning Approach for a County in Change."

k. Conclusions: Degradation of Air Quality

The only means available to fully Mitigate Air Quality Impacts would be to avoid the impacts altogether; that is, to restrict future development in the Modesto Urban Area until Air Quality standards were achieved, in the San Joaquin Valley Air Basin. Under this scenario, Business Park land would not be added to the General Plan, nor would additional residential areas be added. This scenario is hereby rejected by the City Council as infeasible, based on the reasoning which follows.
If additional Business Park land is not added to the General Plan, the following Project Objectives underlying the General Plan would not be achieved:

- Development in Modesto should strive for a local jobs/housing balance by facilitating business growth, and encouraging the economic revitalization of the downtown. Adequate land, strategically located to facilitate the expansion of Modesto's economic base, should be provided for the employment opportunities of Modesto residents. These opportunities should be focused on the types of business that will thrive in the 21st Century.

- The Modesto Urban Area General Plan addresses the collective challenges of the future. The Urban Area General Plan presents a blueprint for the preservation of Modesto's "quality of life" while providing direction for the growth of business and industry to meet the needs of the future generations in the Modesto community.

- A guiding force in this General Plan is economic development to provide jobs to match population growth. This General Plan provides for a total of 3,600 acres of new Business Park and 1,300 acres of Commercial land uses. Through these new land uses, along with miscellaneous support commercial land uses in future residential areas, opportunities for land use supporting approximately 227,000 new jobs are created in this General Plan.

4. The Land Use Diagram presented in Chapter III provides adequate land and opportunities to expand and diversify Modesto's economic base to provide for future employment needs through establishment of business park areas. These opportunities should be focused on the types of businesses that will thrive in the 21st century. Simultaneous with this diversification of the economic base, Modesto's current agricultural and industrial bases shall be preserved for as long as possible.

If additional residential areas are not added to the General Plan, the following Project Objectives would not be achieved:

- 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 housing for the unmet needs of lower income special needs groups, including: the disabled, the elderly, the homeless, and large families with five or more persons.

- 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.

The employment opportunities (i.e. Future Business Parks in the Beckwith/Dakota, College West, Highway 132, Kiernan/Carver, Kiernan/McHenry, Roselle/Claribel, Stoddard and Village One Comprehensive Planning Districts), may reduce air quality impacts by allowing Modesto residents to work locally, thereby avoiding longer commutes into San Joaquin, Merced, and Alameda Counties. However, the addition of Business Park properties into the General Plan may attract employees from outside Stanislaus County, thereby increasing out-commutes from other Counties, with corresponding increases in air quality impacts. Nevertheless, the need for additional employment opportunities is well documented in the record.

Statistical analysis and data prepared by the State of California and the Stanislaus County Economic Development Corporation indicate that this 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 unemployment 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.
3. **Generation of Noise.**

Development associated with the General Plan will result in increased noise levels in the vicinity of construction sites; increased noise along the existing and proposed City roadway network; localized impacts from new stationary noise sources; and introduction of new land uses into a high-noise environment. Introduction of jet service will result in noise impacts to surrounding areas. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the increase in noise levels.

a. **Finding #N-1**

Noise impacts are considered significant when the predicted sound level at a site is in excess of 60 Ldn for residential land use. For other land use, the applicable criteria, as recommended by the State of California Office of Noise Control are: 70 Ldn for schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and office buildings, business commercial and professional; and 75 Ldn for sports arenas, golf courses, riding stables, water recreation, cemeteries, and industrial manufacturing, utilities and agriculture.

*Substantial Evidence*


b. **Finding #N-2**

The U.S. Department of Housing and Urban Development (HUD) has established noise thresholds for residential projects undertaken using federal funds. Noise levels for HUD-sponsored projects fall into three categories: "acceptable," "normally unacceptable," and "unacceptable." Any exterior noise level below 65 Ldn is acceptable, and no additional noise attenuation is needed. Projects with exterior noise levels between 65 and 75 Ldn are normally unacceptable; an additional 5 dB of noise reduction is required for levels below 70 Ldn, and an additional 10 dB is required for levels above 70 Ldn. HUD judges projects in areas with noise levels above 75 Ldn on a case-by-case basis.

*Substantial Evidence*

Final Master Environmental Impact Report, page IV-3-7.
c. **Finding #N-3**

Over the long term, development under the General Plan would affect ambient noise levels primarily through generating additional motor vehicle traffic, and therefore, the areas that would be most affected would be areas along the road network. Traffic noise impacts would be most substantial along roadways that would be widened or upgraded (e.g. from major arterial to expressway) since the greatest increase in traffic volumes would be expected on such roadways. In addition, individual industrial and commercial developments could generate localized noise impacts from stationary noise sources (e.g. cooling towers, fans, refrigeration units, truck loading/unloading areas) depending upon the particular nature and conduct of these businesses.

**Substantial Evidence**

Final Master Environmental Impact Report, page IV-3-11.

d. **Finding #N-4**

Ultimately, the noise impact can be characterized as increased incompatibility of land uses with their ambient noise environment. For existing uses, this impact is described in terms of substantial increases over existing noise levels where the ensuing noise level would approach or exceed "normally unacceptable" noise levels for the given land use. For future noise land uses, this impact is described as the introduction of uses into an ambient noise environment that is considered "normally unacceptable" for that use.

**Substantial Evidence**

Final Master Environmental Impact Report, page IV-3-11.

e. **Finding #N-5**

Residential land use is located a short distance northwest of the Modesto City-County Airport, which is in the primary take-off direction. The future noise impacts attributable to the airport would depend on the aircraft mix which is used. The noise level impact would be significant and unavoidable with the implementation of jet Air Carrier service as shown in the Draft Environmental Impact Report/Environmental

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Substantial Evidence

Final Master Environmental Impact Report, page IV-3-11.

f. Finding #N-6

The Final Environmental Impact Report for the Master Plan of the Modesto City-County Airport concluded that:

"The most significant impact would result from the initial implementation of jet Air Carrier service due to the likelihood of the initial use of noisier Stage 2 aircraft. The impacts are reduced over time as the requirements of the Airport Noise and Capacity Act of 1990 come into being requiring the phase out of Stage 2 aircraft and the utilization of quiet-technology Stage 3 aircraft. Even with the phase out of the Stage 2 fleet, impacts to the airport environs are still significant."

"Even if jet Air Carrier service is not implemented, upwards of 350 dwelling units could be impacted. This number may lessen over time as the area in which most potentially impacted homes are located is designated to transition to compatible industrial uses." (p. II-3)

g. Conclusions: Generation of Noise

The only means available to fully mitigate noise impacts anticipated from the Modesto City-County Airport would be to "avoid" (prohibit) jet Air Carrier Service. This action would be infeasible because it would conflict with the Project Objectives of the Airport Master Plan, which are:

"The primary objective of the proposed master plan project is to provide upgraded aviation facilities at Modesto City-County Airport in order to reasonably accommodate anticipated increases in aviation demand, improve the Airport’s operational efficiency and enhance safety. Other objectives include the use and reuse of currently vacant and underdeveloped Airport properties to provide for an economic return to the Airport, and an evaluation of potential new scheduled air carrier
service to supplement existing services provided by commuter airlines." (page I-5)

Although substantial mitigation measures (soundwalls, buffers, etc.) have been applied to the General Plan, subsequent new development in the Planned Urbanizing Area and the Redevelopment Area, as well as increased traffic throughout the Baseline Developed Area will increase ambient noise levels over the present community levels. The only mitigation technique available would be avoidance (e.g. restrict new development in the General Plan Area). The City Council rejects this mitigation technique as infeasible because 1) Future development in the Baseline Developed Area would occur through implementation of existing zoning, and the City does not believe it appropriate to "down zone" existing properties. 2) Future employment opportunities are promoted in the Planned Urbanizing Area and Redevelopment Area. The City Council does not wish to unduly constrain the accommodation of these employment opportunities.

4. Loss of Productive Agricultural Land.

Development in the Planned Urbanizing Area, associated with the General Plan, will result in the displacement of approximately 26,000 acres of potential agricultural land. Following are overriding findings associated with expected unmitigable impacts to the productive agricultural land.

a. Finding #AG-1

Agriculture is the leading industry in Stanislaus County. According to the Stanislaus County Agricultural Element, in 1990, gross agricultural income in Stanislaus County totalled $1,038,356,000. When multiplied by its effect on food processing, marketing and related services, agriculture contributed well over $3.25 billion in 1990 to the local economy. Consistently ranking among the top ten agricultural counties in California and currently seventh in the nation, Stanislaus County agriculture also is important to the state and national economies.

Substantial Evidence

"Agricultural Element to the Stanislaus County General Plan". (page vii)

b. Finding #AG-2

Agriculture in Stanislaus County is characterized by a broad diversity of commodities, including many
specialty crops that are grown almost exclusively in this area. The ten leading commodities for 1990 in Stanislaus County were milk, chickens, almonds, cattle and calves, eggs, tomatoes, turkeys, walnuts, peaches and grapes. Six of those products are grown almost exclusively in California, with Stanislaus County contributing a significant percentage of the state's overall production. The County ranked first in California in 1990 production of casaba, crenshaw and honeydew melons, apricots and dry beans, and the Stanislaus County almond crop ranked as the second largest in the state.

The initial value of farm production has a ripple, or multiplier, effect in the economy by generating related activities such as food processing, retail and wholesale trade, and transportation. The multiplier effects for the County's leading commodities in 1990 ranged from 1.8 for cattle and calves to 10.8 for tomatoes. The overall multiplier effect for the County is 3.2 for a total economic impact of $3,322,739,200.

Substantial Evidence

"Agricultural Element to the Stanislaus County General Plan". (page 3)

c. Finding #AG-3

The General Plan provides numerous potential mitigation measures with regard to the preservation of agriculture, as well as the transition out of agriculture. These mitigation measures include the preservation of open space in which agriculture can and is encouraged to continue, the use of buffer zones, the addition of a "right to farm" ordinance and other programs which will mitigate to the maximum extent possible any negative impacts on agriculture and agricultural conversion.

Substantial Evidence

"Modesto Urban Area General Plan": page VII-6.

d. Conclusion: Loss of Productive Agricultural Land

The following mitigation measure was printed into the Final Environmental Impact Report but is hereby rejected because it is judged to be infeasible, by the City Council. Therefore, this mitigation measure will
not be incorporated into the General Plan as a policy. The rejected mitigation measure is as follows:

"If a subsequent project (Comprehensive Plan) is in any of the Comprehensive Planning Districts identified on the General Plan Land Use Diagram, the City shall consider requiring the project proponent to contribute toward a City-established fee for the purchase of conservation easements on existing farmland. The fee structure shall take into account the relative importance of various classifications of farmland. The goal of the fee shall be based on a reasonable nexus between the farmland lost and the easements purchased (e.g. conservation of at least one acre of prime farmland for every acre converted.)"

According to Section 15364 of the CEQA Guidelines, "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

The City Council considers the above-mitigation measure to be infeasible because the conservation easements to be purchased through development projects, would have to be applied to development outside the Planned Urbanizing Area. In other words, it would be self-defeating to conserve existing farmland within the Planned Urbanizing Area, because that farmland would eventually need to be displaced by future urban uses.

Therefore, the conservation easements proposed to be applied to existing farmland must occur on property outside the General Plan boundary, presumably in the County of Stanislaus. However, to date, the County (1,520 square miles) has chosen not to establish such a conservation easement program. Because the Planned Urbanizing Area's agricultural resources (approximately 26,000 acres) are significantly smaller than the County's land area, the City Council believes it to be unlikely that the Conservation Easement process described above would be successful, absent significant County involvement, and the involvement of the other 8 Cities in Stanislaus County.

Having carefully considered the above noted facts and in undertaking the Modesto Urban Area General Plan, the City Council recognizes that a substantial amount of agricultural land in the Planning Area will, as development occurs, be converted into non-agricultural land uses. The loss of agricultural land is a
significant adverse impact of the Modesto Urban Area General Plan which, although mitigated, cannot be totally eliminated. Therefore, the only remaining method of mitigation for these impacts is avoidance; in other words, restrict development in the Planned Urbanizing Area to agricultural uses. This mitigation measure is rejected by the City Council, as infeasible, for the reasons stated above.

5. Increased Demand for Water Supplies.

Development resulting from the General Plan will exceed the available potable water supply and will require additional distribution pipeline facilities and reservoirs to meet the needs of the anticipated population to be accommodated by this General Plan. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the exceedence of available water supplies.

a. Finding #W-1

All municipal and most industrial water service in the Modesto urban area is provided by the City of Modesto. The City water system contains over 500 miles of distribution lines. The City currently tries to maintain a service standard of approximately one groundwater well per square mile of developed area. Modesto uses granular activated charcoal filters at selected well sites to treats impurities in the water supply.

Substantial Evidence

Final Master Environmental Impact Report, page IV-5-1.

b. Finding #W-2

The City has historically received its potable non-irrigation water supply entirely from groundwater wells. Since January 1995, the City has received surface water from the Modesto Regional Water Treatment Plant, located at the Modesto Reservoir.

Substantial Evidence

Final Master Environmental Impact Report, page IV-5-1.
c. **Finding #W-3**

The Modesto-Ceres Water Management Study (1984) concluded that the aquifers underlying the City are in a state of overdraft due to extensive groundwater pumping in the Modesto area. In an effort to alleviate overdraft conditions, the City and the Del Este Water Company, in a partnership with the Modesto Irrigation District (MID), have constructed a surface water treatment facility at the Modesto Reservoir that provides up to 30 million gallons per day (MGD) (33,600 acre-feet per year) of surface water to supply the City. The facility, completed in 1994, can be expanded to provide a total of 60 million gallons per day (67,200 acre-feet per year).

**Substantial Evidence**


d. **Finding #W-4**

The surface and groundwater supplies are expected to serve up to a population of approximately 290,000 persons. At this time, water rights are not available for expansion beyond 60 million gallons per day. The average City water usage per day is 44 MGD. However, the peak demand in summer of 1994 was 72 MGD. The City will continue to rely on groundwater for approximately half of its supply.

**Substantial Evidence**


e. **Finding #W-5**

The City can obtain 40,000 acre feet per year from groundwater without creating overdraft and associated problems. The City is proposing to provide tertiary treatment of its sanitary sewer effluent for 30,000 acre feet per year. This water will be available for supplementing potable water supplies as it will be allowed to percolate into the groundwater. The City will continue to construct wells in suitable locations for use in meeting peak demands and during drought periods, as specified in the mitigation monitoring plan of the Domestic Water Project Environmental Impact Report.
Substantial Evidence

f. Finding #W-6

The General Plan would result in a population of nearly 500,000 which would utilize an estimated 154 million gallons of potable water per day (172,200 acre-feet per year). This exceeds the available potable supply of 89 million gallons per day (100,000 acre-feet per year). Since the water needed to provide approximately 65 million gallons per day (72,200 acre-feet per year) of potable water supplies annually is not yet available, this impact cannot be mitigated. However, implementation of water conservation techniques would partially mitigate project impacts.

Substantial Evidence

g. Conclusions: Increased Demand for Water Supplies

Although substantial mitigation measures (water conservation, etc.) have been applied to the General Plan, subsequent new development in the Planned Urbanizing Area and the Redevelopment Area, as well as infill development throughout the Baseline Developed Area will increase the demand for a long-term water supply. The only mitigation technique available would be avoidance. In other words, the City would restrict planning for development in the General Plan Area to a level supportable by only those water supplies known to be available at the present time.

The City Council rejects this mitigation technique as infeasible because 1) Future infill development in the Baseline Developed Area would occur through implementation of existing zoning, and the City does not believe it appropriate to "down zone" existing properties. 2) Future employment opportunities are promoted in the Planned Urbanizing Area and Redevelopment Area. The City Council does not wish to unduly constrain the accommodation of these employment opportunities.
6. **Increased Demand for Storm Drainage (Drainage Flooding and Water Quality).**

Development resulting from the General Plan will add impervious surfaces which will create additional runoff requiring new and expanded storm drainage systems. Significant unavoidable adverse impacts are associated with area draining into the existing rock well system which is used to provide for storm water drainage in the Baseline Developed Area. Following are the facts, statements, and analysis associated with expected unmitigable impacts of drainage in the Baseline Developed Area.

a. **Finding #SD-1**

The City owns and operates the storm drainage system within the City limits. The City generally provides upgrades to storm drainage capacity on an as-needed basis. However, new design standards which minimize impacts to the existing storm drainage capacity will be required on future development projects. The positive drain designs, which incorporate storm water detention ponds and "meter out" storm water into drainage facilities, will first be implemented in the proposed Village One area.

**Substantial Evidence**

Final Master Environmental Impact Report, page IV-10-1.

b. **Finding #SD-2**

Much of the existing storm drainage system is 50 to 100 years old. Approximately 2/3 of the City is drained via "rock well" system whereby storm waters are diverted to deep gravel-filled wells. Other drainage in the City is diverted to the City's main drainages, the Tuolumne River and Dry Creek.

**Substantial Evidence**

Survey of Environmental Conditions and Resources for the City of Modesto General Plan Update (December 1992) (page 2,4-3).

c. **Finding #SD-3**

The 9th Street storm drain line has been identified as a problem area in need of major improvements. In addition to this mainline, other general improvements and upgrades to collector lines are needed. The City
utilizes the Modesto Irrigation District (MID) and Turlock Irrigation District (TID) canal for the disposal of stormwater. However, the TID district’s canal and drainage system has a limited capacity.

Substantial Evidence

Final Master Environmental Impact Report, page IV-10-1.

d. Finding #SD-4

The proposed General Plan would involve the construction of development to accommodate approximately 466,000 people. The impervious surfaces created by the additional development would create additional runoff, which would require drainage systems. The rock wells are incapable of handling existing runoff in the Baseline Developed Area. Since existing drains are inadequate and there are no drains in undeveloped areas, this impact is significant. Therefore, further development in the Baseline Developed Area will incrementally worsen an impact that is already unmitigable.

Substantial Evidence

Final Master Environmental Impact Report, page IV-10-5.

e. Finding #SD-5

Within the Planned Urbanizing Area, the General Plan would increase demand for new positive storm drainage systems. Because development in the Planned Urbanizing Area is required to develop new positive storm drainage facilities, the storm drainage impacts for this area are mitigated.

Substantial Evidence

Final Master Environmental Impact, page IV-10-6.

f. Conclusions: Increased Demand For Storm Drainage

The only means available to fully mitigate storm drainage impacts in the Baseline Developed Area would be to abandon the "rockwell system" with this area, and retrofit a positive storm drainage system throughout the Baseline Developed Area. Positive storm drainage systems already are in place for recently developed areas (examples; Dry Creek; northeast of the
intersection of Oakdale and Brigsmore). However, retrofitting the entire Baseline Developed Area would not be feasible ("capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.")

This cost has been estimated to be approximately $500 million. Given that at most 30,000 additional dwelling units could theoretically be placed within the Baseline Developed Area, the City Council does not believe it is economically feasible to retrofit a positive storm drainage system into the Baseline Developed Area in the foreseeable future.
B. **Overriding Considerations**

1. **Economic Considerations.**

   a. **Finding #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**

   "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.

   b. **Finding #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 unemployment 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 #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 #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

"Final Master Environmental Impact Report": (SCH #92052017), page I-30.

"Modesto Urban Area General Plan": Exhibit III-1.

e. Finding #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

"Projected Total Population of California Counties: 1990-2040", published by the California Department of Finance. (page 9)
f. **Finding #6**

For the Modesto Urban Area to actively compete for this economic development, range of housing opportunities, job creation and adequate open space areas, 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 Modesto Urban Area General 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, range of housing opportunities and economic development potential of the Modesto Urban Area.

**Substantial Evidence**

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines. (1992)


2. **Social Impacts.**

a. **Finding #7**

Stanislaus County has been enormously dependent on agriculture, making it in many respects a single industry county. As recognized in the Agricultural Element to Stanislaus County’s General Plan, agriculture is a traditional land use in the Modesto Urban Area, outside the present City limits. Agriculture can continue commercially as long as areas are not subdivided into smaller parcels, as smaller parcels are inefficient and not competitive. Additionally, parcelization leads to further pressure to sell or subdivide. Agricultural uses should be allowed and encouraged to continue - the land use map responds to this through its land use designations. These policies and actions support the spatial arrangement of land use, as well as address the rehabilitative efforts required when agricultural uses are abandoned.
Substantial Evidence

"Agricultural Element to Stanislaus County’s General Plan."

"Modesto Urban Area General Plan", Section VII-D, Chapter VII.

b. Finding #8

In addition, greater opportunities for expansion of schools, including higher education can be achieved with the Modesto Urban Area General Plan. The provision of additional educational opportunities is a positive benefit to the entire region.

Substantial Evidence

Letter dated June 19, 1995 from the Modesto Area School Districts. (Attachment)

c. Finding #9

The ability to provide and maintain additional park and recreational facilities for residents of all ages will also occur with implementation of the policies in the Modesto Urban Area General Plan including regional trails linking urban and open space uses.

Substantial Evidence

"Modesto Urban Area General Plan": Section V-G, Chapter V.

3. Job Creation.

a. Finding #10

The loss of jobs and failure to create new employment opportunities has led to continued unemployment in the Modesto Urban Area. It is one of the basic objectives of the Modesto Urban Area General Plan to promote greater job generation, economic diversification, and a viable jobs/housing balance.

Substantial Evidence

"Modesto Urban Area General Plan": pages I-5, I-6.

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines.
b. Finding #11

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 I-5, I-6.

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines.

c. Finding #12

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 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


"Modesto Urban Area General Plan": Figure III-1.

4. Provision of Affordable Housing.

a. Finding #13

If additional residential areas are not added to the General Plan, the following Project Objectives would not be achieved:

- 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 housing for the unmet needs of lower income special needs groups, including: the disabled, the elderly, the homeless, and large families with five or more persons).
- 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


b. Finding #14

The 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.

c. Finding #15

The Land Use Diagram (Figure III-1) of the Modesto Urban Area General Plan contains sufficient additional residential land to assure that availability is not a constraint.

Substantial Evidence

"Modesto Urban Area General Plan": Figure III-1.

d. Finding #16

The Modesto Urban Area General Plan contains sufficient goals, policies, actions and mitigation measures to provide adequate public facilities to serve expanded residential land.

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Substantial Evidence

"Modesto Urban Area General Plan": Chap V.
C. CONCLUSION

In conclusion, the City Council has determined that any remaining significant effects on the environment attributable to the Modesto Urban Area General Plan which are found to be unavoidable, irreversible or not substantially mitigated are acceptable due to the overriding consideration set forth in this Statement of Overriding Considerations. The City Council has concluded that with all the environmental trade-offs of the Modesto Urban Area General Plan taken into account, its implementation will represent a net positive impact on the City and County. This conclusion is based upon multiple considerations, comprehensive analysis, and careful consideration of public input received during the formation and adoption process.

D. LIST OF SUPPORTING DOCUMENTS

The following is a list of the documents which are cited in this document:

<table>
<thead>
<tr>
<th>Reference Letter</th>
<th>Document Author and Title</th>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td>Entin, Ken; Demographic and Economic Profile of Stanislaus County, Stanislaus County Economic Development Corporation, July, 1993, Modesto, California.</td>
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<tr>
<td>C.</td>
<td>Kreines &amp; Kreines, Recommended Modesto Economic Development Strategy, City of Modesto, December, 1992, Modesto, California.</td>
</tr>
<tr>
<td>E.</td>
<td>Community Development Department, Final Master Environmental Impact Report for the Urban Area General Plan, City of Modesto, May, 1995, Modesto, California.</td>
</tr>
<tr>
<td>F.</td>
<td>Community Development Department, Modesto Urban Area General Plan, City of Modesto, June, 1995, Modesto, California.</td>
</tr>
<tr>
<td>G.</td>
<td>County of Stanislaus Department of Planning and Community Development, Agricultural Element, Stanislaus County General Plan, Stanislaus County, April, 1992, Modesto, California.</td>
</tr>
</tbody>
</table>
I. San Joaquin Valley Unified Air Pollution Control District, Air Quality Guidelines for General Plans, October, 1994, Fresno, California.
J. Planning and Community Development Department, Modesto Urban Area Housing Element and Technical Appendix, City of Modesto, May, 1992, Modesto, California.
M. Stanislaus Area Association of Governments, Regional Transportation Plan, January, 1994, Modesto, California.
Q. CERTIFIED Earth Metrics, Survey of Environmental Conditions and Resources for the City of Modesto General Plan Update, City of Modesto, December, 1992, Modesto, California.
Exhibit A

City of Modesto

Final Master Environmental Impact Report for the Urban Area General Plan

State Clearinghouse No. 92052017
May, 1995

EXHIBIT "A" IS ON FILE IN THE OFFICE OF THE CITY CLERK
SEE CITY COUNCIL RESOLUTION NO. 95-408.
CITY OF MODESTO

MEMORANDUM

August 7, 1995

TO: Mayor and Council Members
FROM: Philip A. Testa, Community Development Director

SUBJECT: Adoption of the General Plan

Attached is the Staff Report for the General Plan, without attachments. This same report was transmitted to you in a binder (with five attachments) at the August 1 Workshop.

To complete the record, a number of documents are on file with the City Clerk. All of these documents provide background information for the policy documents (namely the General Plan and the Final EIR) presented to the Council previously. No new policy directions are presented in these background documents, which are as follows:

1. Appendix to the General Plan

The only General Plan appendix is the 1992 Housing Element, along with its Technical Appendix. This background document was included for historical reference, to aid the State's review of the new Housing Element (Chapter IV).

2. Appendix to the Master EIR

This background document includes a number of Technical Reports (Traffic, Air Quality, etc.) all of which are listed on page (ii) of the Final EIR, and summarized in the EIR text.

3. Support Documents for the Statement of Overriding Considerations

There are 19 background documents which comprise the "substantial evidence" for the conclusions reached in the Statement of Overriding considerations.

We look forward to the successful conclusion of the General Plan hearing on August 15, 1995. If you have any questions prior to the hearing, please feel free to contact Brian Smith at 577-5276, or me at 577-5218.
TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Adoption of the General Plan

RECOMMENDED COUNCIL ACTION:

1. Adopt a Resolution, Attachment 3, certifying the Master Environmental Impact Report, adopting findings supporting rejection of alternatives, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring Program.

2. Adopt a Resolution, Attachment 5, adopting the General Plan.

BACKGROUND:

On March 22, 1994, the City Council considered the General Plan Steering Committee's proposed Land Use Alternative map and directed staff to prepare the General Plan text and EIR using the work of the General Plan Steering Committee as a basis.

The Planning Commission was then given primary responsibility to oversee the General Plan Rewrite effort, and staff proceeded with the preparation of a Master Environmental Impact Report. The Draft MEIR was distributed for public review from February 16 to April 1, 1995, and a Final MEIR, incorporating responses to public comments received by the City, was published on May 26, 1995.

In May and June, 1995, the Planning Commission held two workshops and two public hearings, culminating in their adoption of a recommended General Plan on June 12, 1995. This document was titled "Planning Commission Proposal." Attachment 1 presents the Planning Commission minutes and resolution. The Planning Commission Proposal was distributed to the City Council on June 20, 1995.

On June 27, 1995, the City Council preliminarily approved a Land Use Diagram, which differed somewhat from the Land Use Diagram proposed by the Planning Commission. Attachment 2 is the Diagram preliminarily approved by the City Council. Also on June 27, the City Council referred the entire General Plan - "Planning Commission Proposal" to the Community Development and Housing Committee for review and comment.

The Committee met on July 19 and July 24, and this staff report documents the Committee's recommendations.
REASON FOR RECOMMENDED ACTION:

1. Certify the Master EIR

The Final MEIR has been available since May 26, 1995. Since that date, the Land Use Diagram has changed slightly, and staff has carefully reviewed the 125 mitigation measures with the Community Development and Housing Committee to see if any revisions were appropriate.

Attachment 3, is a resolution certifying the Master Environmental Impact Report. It includes five issues which the Council should consider in their deliberations. These are:

a) Exhibit A - Final Master EIR

The Final MEIR was distributed to the City Council on May 26, 1995. Exhibit D presents revised Mitigation Measures which, upon certification by the City Council, will be incorporated into the Final MEIR as an "addendum."

b) Exhibit B - Findings Supporting Rejection of Alternatives

The original Draft MEIR was published with four Alternative Land Use Diagrams, including the Steering Committee's proposal; an alternative generated by staff; the "Environmentally Superior Alternative (required by CEQA); and the No-Project Alternative (required by CEQA; in our case, the Buildout of the present General Plan).

The Planning Commission added a fifth alternative which became incorporated into the Final MEIR as the "Preferred Alternative." On June 27, 1995, the City Council modified the Preferred Alternative even further. The resulting Land Use Diagram has now been titled the "Adopted Land Use Diagram."

Section 21081 of CEQA requires the City Council to make specific findings for the rejection of alternatives, in favor of the "Adopted Land Use Diagram." Exhibit B presents those findings, as well as the "substantial evidence" supporting those findings.

c) Exhibit C - Statement of Overriding Considerations

As reported in the Final MEIR, the General Plan will create unavoidable, adverse impacts, in the following issue areas: Air Quality, Traffic, Noise, Agriculture, Long Term Water Supply, and Storm Drainage.

In accordance with CEQA, the City Council must make a statement, supported by findings and substantial evidence, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts of the General Plan. This statement is commonly referred to as a "Statement of Overriding Considerations."

Exhibit C presents the Statement of Overriding Considerations.
d) **Exhibit D - Revised Mitigation Measures**

As a result of the public hearing process and subsequent review by the Community Development and Housing Committee, certain modifications are proposed to the mitigation measures published in the Final MEIR. Out of 125 mitigation measures, 28 revisions are proposed, including deletions. Exhibit D presents the proposed revised mitigation measures, along with a rationale for each revision. Exhibit D also presents findings that the Final MEIR does not need to be recirculated for public review, because the changes proposed by Exhibit D make "insignificant modifications in an adequate MEIR" (Section 15068.5(b), CEQA Guidelines).

e) **Exhibit E - Mitigation Monitoring Program**

CEQA requires what is commonly referred to as "Mitigation Monitoring." The actual requirement is as follows: "The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation."

Exhibit E is a comprehensive listing of all mitigation measures which are certified by the City Council for inclusion in the Final Master Environmental Impact Report, together with the Mitigation Monitoring process for each mitigation measure.

2. **Adopt the General Plan**

Given the June 27, 1995, action by the City Council to preliminarily adopt the Land Use Diagram shown on Attachment 2, adoption of the entire General Plan is fairly straightforward. Using the June 12, 1995 Planning Commission Proposal as a base document, the City Council should modify that document by incorporating the recommendations of staff and the Community Development and Housing Committee. These recommendations are presented in Attachment 4 in seven Issue Papers, as follows:

a) Issue Paper #1 - "Measure A"
b) Issue Paper #2 - "Should Growth Pay for Itself?"
c) Issue Paper #3 - "Traffic and Access"
d) Issue Paper #4 - "Revised Boundaries of the Stanislaus River Comprehensive Planning District"
e) Issue Paper #5 - Housing Policies
f) Issue Paper #6 - Mini-Parks
g) Issue Paper #7 - Miscellaneous "Clean Up" Items.

Note: Issue Paper #7 does not represent policy changes. As such, Issue Paper #7 has not been reviewed by the Community Development and Housing Committee.
COUNCIL COMMITTEE ACTION

As requested by the Council, the Community Development and Housing Committee met on July 19 and 24, 1995, to discuss proposed changes to the Planning Commission proposal. Issue Papers #1 through 6 represents the Committee's recommendations to the Council to revise the General Plan. The Committee also agreed with staff regarding the revised Mitigation Measures.

ISSUES:

Adoption of the General Plan is the culmination of 3 1/2 years of work of City Staff, the General Plan Steering Committee, the Planning Commission, and the City Council. Substantial public input has been received throughout this process. The General Plan which results from this extensive effort, in staff's view, presents a coherent, viable vision of the future development of the Modesto community. Substantial opportunities are presented for economic development. The policies presented in the General Plan will preserve the quality of life desired by Modesto residents.

STEPS FOLLOWING APPROVAL

1. Staff will incorporate the revised Mitigation Measures into an MEIR "Addendum."

2. Staff will publish the adopted General Plan, based on directions received at this hearing.

3. Both documents will be made available to the public.

Prepared By: Brian R. Smith, General Plan Project Manager
Prepared By: Steve Mitchell, Assistant Project Manager
Recommended By: Philip A. Testa, Community Development Director
Submitted By: J. Edward Tewes, City Manager

Attachments:
1. Planning Commission Resolution and Minutes
2. Land Use Diagram Preliminarily Adopted by the City Council on June 27, 1995
3. Resolution certifying the Master EIR (includes Exhibits B-D)
4. General Plan Issue Papers (1-7)
5. Resolution Adopting the General Plan

cc: City Clerk (16) City Attorney
Deputy City Manager General Plan Steering Committee (15)
Planning Commission (7) BIACC
League of Women Voters GOAL
Attachment 4

General Plan Issue Papers (1-7)

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TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper #1: Incorporation of "Measure A" into the General Plan

Recommendation

1. Staff recommends deletion of the policy developed by the Planning Commission to incorporate "Measure A" into the General Plan.

2. The Community Development and Housing Committee agrees with this recommendation.

Background

"Measure A" is the common term for the Modesto Citizens' Advisory Growth Management Act, passed by the voters in 1979. The exact wording of this initiative reads:

"The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election as provided by Section 5353 of the California Elections Code. For the purposes of this ordinance, the word "extension" shall mean the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan so as to require amendment of the General Plan, but shall not include any maintenance, repairs, renovation, or improvements to an existing sewer trunk solely for the purposes of safe, efficient, and effective operation thereof."

Planning Commission Action

On April 3, 1995, the Planning Commission deliberated the question of incorporating equivalent policy direction of Measure A into the new General Plan. The resulting Policy is printed twice in the Planning Commission Proposal
for the General Plan, currently under consideration by the Council. The Policy language, which appears on page II-5 (Policy II-C(1)(e) and page III-11 (Policy III-D(1)(b)), reads as follows:

"The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for development within any Comprehensive Planning District within the Planned Urbanizing Area, as defined in Chapter III, without first holding an advisory election as provided by Section 5353 of the California Elections Code. The only exceptions to this Policy are the following Comprehensive Planning Districts: Pelandale/Snyder; Pelandale/McHenry; Coffee/Claratina; North Beyer; and Fairview. Furthermore, this Policy is only intended to apply to development: the Policy does not restrict in any way the ability of the City to annex unincorporated territory in accordance with Section 56000 et seq. of the Government Code (Cortese-Knox Local Government Reorganization Act) or its successors." [Note: this Policy, from Chapter II, is revised slightly for context, but is repeated in Chapter III (p. III-11)]

Reason for Recommendation

Staff believes that the above Policy, as developed by the Planning Commission, is unnecessary to incorporate into the General Plan. The City Attorney has provided an opinion (Attachment 1) which indicates that Measure A continues in force irrespective of the policies stated in the new General Plan. Furthermore, staff believes that the substantial public input and comprehensive analysis undertaken to date has provided significant guidance for the future development of the Modesto community.

In conclusion, staff believes that Measure A can function independently of the General Plan (as stated in the attached opinion from the City Attorney) and does not need to be incorporated into the General Plan.

Community Development and Housing Committee Recommendation

On July 19, 1995, the Community Development and Housing Committee considered this issue. The Committee unanimously agreed with staff recommendation.

Attachment
CITY OF MODESTO
MEMORANDUM

Date: July 13, 1995

TO: Community Development Director
FROM: Michael D. Milich, City Attorney
SUBJECT: Continued Viability of Measure A

You asked me to review the current viability of Measure A. As I explained in my memo (copy attached) of July 6, 1992, there was a sea-change in regard to annexation law after our voters approved Measure A. Since the change, annexation has been entirely a creature of State law, and can be imposed on a City against its will. This has effectively vitiated much of Measure A’s original purpose which was to require a vote on growth before it happens.

Measure A requires an advisory vote with respect to sewer trunk extensions only when sewer trunk capacity is added to permit expansion of urban development into the urban reserve area of the General Plan. Plainly, this cannot happen, and there is no requirement of a Measure A vote, where a sewer trunk extension is made into an area that has already been annexed to the City. By definition, "City" is not "urban reserve" and vice versa.

In fact, there is no longer an "urban reserve" area of the General Plan at all. However, I would not rely on this nomenclature change to completely obviate the need for a Measure A vote. In the event that a sewer trunk were to be extended into what once was urban reserve prior to annexation of that area, this would, in our view, still require a Measure A vote.

In his letter to me dated May 30, 1995, Dennis Jackman, President of G.O.A.L., expresses the contrary view. He states "... Measure A calls on the City Council to seek the advice of its citizenry before approving ... [the addition of] sewer trunk capacity." As the foregoing suggests, the case is not so simple. Where a previous annexation has occurred, which presumably will be the usual case, no Measure A vote will be required prior to sewer trunk extension into the annexed area.

Please feel free to contact me at your convenience should you have any questions or comments relating to any of the above.

 MICHAEL D. MILICH
City Attorney

MDX: apn
c: Mayor & Councilmembers
City Manager
Dennis Jackman
CITY OF MODESTO
MEMORANDUM

Date: July 6, 1992

TO: Bill Nichols, Planning and Community Development Director

FROM: Assistant City Attorney

SUBJECT: Applicability of Measure A to Various Annexations

You have raised questions about the applicability of the initiative ordinance known as Measure A to the pending North Beyer and Claratina/Coffee annexations as well as to the proposed annexation of the northern portion of the McKinney Colony, Aqueduct, Northwest McHenry, and Northeast McHenry neighborhoods.

Measure A provides:

"The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election as provided by §5353 of the California Elections Code. For purposes of this ordinance, the word "extension" shall mean the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan so as to require amendment of the General Plan, but shall not include any maintenance, repairs, renovation, or improvements to an existing sewer trunk solely for the purposes of safe, efficient, and effective operation thereof."

All of the territories referred to above lie outside the current city limits and are designated on the Land Use Map of the General Plan as Urban Reserve. As stated by the General Plan, "The Urban Reserve designation . . . is applied to that portion of the City's Sphere of Influence which has not been formally classified for urban development but which will be used to meet the City's long-term urban development needs" (See paragraph 7 of the Land Use Element of the General Plan).

THE APPLICABILITY OF MEASURE A TO THE CLARATINA/COFFEE AND NORTH BEYER ANNEXATIONS

It is my understanding that it is likely that both of these annexations will be approved by LAFCO without the requirement of prezoning. Assuming that this is the case, each parcel, upon the effective date of the annexation, will automatically be given a zoning classification pursuant to the conversion table set forth in Modesto Municipal Code §10-2.309(a).
As an example, property included in the annexation that had a zoning classification in the County of F, A-2, R-A or R-I will automatically be classified as R-I upon annexation to the City of Modesto. However, before subdivision could occur, a General Plan Amendment would be required to change the property's current General Plan designation as Urban Reserve. Without the General Plan Amendment, the tentative map application would have to be denied because of its inconsistency with the General Plan. See Modesto Municipal Code §4-4.404(b).

Your question is whether or not a Measure A vote would legally be required prior to the General Plan Amendment. In our view, no vote is required.

On its face, Measure A has no application to a General Plan Amendment. Measure A provides that the City Council cannot approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election. Measure A further provides that "extension" means the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan. The real question presented by these facts then is whether or not a Measure A vote would be required before the Council could consider the request for a sewer trunk extension into the subject territories. Assuming the request comes after both the annexation and the General Plan Amendment have become effective, we conclude that no such vote is necessary.

It is apparent from the ballot arguments in favor of "Measure A" that its purpose was to "allow people who live in Modesto to voice their opinions on growth before it happens". The framers of Measure A apparently assumed that the trigger for that growth would be a sewer trunk extension. However, since the adoption of Measure A on March 6, 1979, developments in California decisional law have rendered that assumption obsolete. No longer is a sewer trunk extension necessarily the first step in the growth process in the City of Modesto.

Prior to 1977, annexations to municipalities were governed by the often conflicting provisions of three separate pieces of legislation; the older more comprehensive Annexation Act of 1913, 1953 legislation which established for the first time the Local Agency Formation Commissions (LAFCOs), and the Knox-Nisbet Act of 1955 which expanded the authority of LAFCOs. In 1977, the

^See attached "Argument in favor of Measure A"
Legislature revised the statutory procedures for the organization of City government and the annexation of unincorporated territories by adopting the Municipal Organization Act of 1977 (MORGA). A major component of this legislation was that it repealed provisions which heretofore had permitted the legislative body of the annexing city to reject a proposed annexation (See former Government Code §§35007, 35121.5, 35122, and 35135) The primary power to review annexation proposals was confirmed to be in the hands of LAFCOs subject only to the right of registered voters in inhabited territory to self-determination. (See former Government Code §§35150 and 35228).

In other words, neither the elected officials nor the voters of the annexing city have the statutory authority to prohibit an annexation.

This disenfranchisement of the voters in annexing cities was upheld by the California Supreme Court in Citizens Against Forced Annexation v. Local Agency Formation Commission (1983) 32 Cal.3d 816. Subsequent attempts by voters to regulate annexations through the initiative process have proved unsuccessful. Voters in the City of San Luis Obispo passed an initiative in 1978 which essentially provided that no annexation of territory to the city would become effective until approved by a vote of the people at a general or special election held after the final decision by the City Council to annex the territory. The court struck down San Luis Obispo's initiative holding that the California Legislature had occupied the field of annexation of unincorporated areas thereby preempting the city's local measure. Similarly in L.I.F.P. Committee v. City of Lodi (1989) 213 Cal.App.3d 1139, the court invalidated an attempt by the voters of the city of Lodi to reserve the right to halt annexation before it could commence. Lodi's measure provided that annexation of territory in a greenbelt surrounding the city depended upon a favorable city-wide vote. The favorable vote by the city's electorate would allow an annexation to go forward. The court held that such a scheme interferes with and frustrates

MORGA itself was later repealed and replaced in 1986 in a further consolidation of duplicative and sometimes inconsistent provisions with the adoption in 1986 of Cortese/Knox Local Government Reorganization Act of 1985. (See Government Code §56000, et seq.)

This feature was retained in the Cortese/Knox legislation. See Government Code §§56375, 57075, and 57076.
the annexation procedure set forth in state law and is, therefore, invalid.

While these cases have no direct bearing on Measure A since it does not attempt to directly affect the annexation process in the City of Modesto, they are nevertheless important because they clarify the fact that annexations and, therefore, growth can occur in a manner that is completely outside the control of the City Council and City voters. Because of the evolution of the law as set forth in these decisions, it is evident that this fact was little understood in March, 1979.

By its very terms, Measure A is limited to sewer trunk extensions which permit urban development of territory in the Urban Reserve. In all other cases, it is silent. Turning again to the situation presented by the Coffee/Claratina and North Beyer annexations, we conclude that once the territory has been annexed to the City of Modesto and the General Plan has been changed to omit the Urban Reserve designation, Measure A no longer requires an advisory vote prior to the authorization of a sewer trunk extension into those areas.

THE APPLICABILITY OF MEASURE A TO THE PROPOSED ANNEXATION OF THE NORTHERN PORTION OF THE MCKINNEY COLONY, AQUEDUCT, NORTHWEST MCHENRY, AND NORTHEAST MCHENRY NEIGHBORHOODS.

It is my understanding that with regard to this proposed annexation, you anticipate that the LAFCO will require prezoning as part of the annexation process. We assume that a General Plan Amendment will take place at the same time and that no sewer trunk extension will be authorized or approved until the annexation has become effective. In our view, the end result is the same in this scenario, no Measure A vote is necessary since such a vote is not required for a sewer trunk extension which permits the urban development of territory within the city limits.

Please let me know if you have any questions.

MICHAEL D. MILICH
Assistant City Attorney

MDM/1k
cc: Mayor & Councilmembers
    City Manager
    City Attorney
A city may hold advisory elections, in consultation with other scheduled elections in the city, for the purpose of allowing voters to voice their opinion on current issues. The results of such advisory elections are not binding upon the city council.

This initiative ordinance would require the Modesto City Council to hold an "advisory election" before the City Council approves, authorizes, or appropriates funds for the extension of any sewer trunk line. The ordinance defines the word "extension," and provides certain exceptions for the maintenance, repair, renovation, or improvement of existing sewer trunk lines. The advisory election would be conducted by mail on various jurisdictions participating in the election, based upon the number of candidates and the number of measures presented. Therefore, the cost to the City of Modesto of holding an advisory election as required by this initiative ordinance would vary from election to election. Based on the cost to the City for measures placed on the ballot at recent elections, it has been estimated by the City Clerk that the cost of holding an advisory election could range from approximately one thousand ($1,000) to ten thousand ($10,000) dollars per election. For example, the City's Sewer Extension Measure cost the City approximately five thousand ($5,000) dollars.

The advisory elections required by this initiative ordinance would be for the purpose of allowing voters to voice their opinion on the extension of sewer trunk lines. The results of the advisory elections would not be binding upon the City Council.

You should vote "YES" on this initiative ordinance if you want to require the Modesto City Council to hold an advisory election before the City Council approves, authorizes, or appropriates funds for the extension of any sewer trunk line.

You should vote "NO" on this initiative ordinance if you do not want to require the Modesto City Council to hold an advisory election before the City Council approves, authorizes, or appropriates funds for the extension of any sewer trunk line.

ARGUMENTS IN SUPPORT OF OR IN OPPOSITION TO THE PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS.

ARGUMENTS IN FAVOR OF MEASURE A

The purpose of Measure A is to give the citizens of Modesto a way to make sure their voices are heard if only growth issues which affect their destiny.

When passed, Measure A will require the City Council to hold an advisory vote on extension of major sewer trunk extensions. The vote is advisory only. This vote allows the people who live in Modesto to voice their opinions on growth before it happens.

The financial and historical result of sewer trunk extensions is additional growth, and the complications and expenses which accompany growth. The growth that such extensions foster is not self-supporting.

The passage of Measure A will not stop growth, it will ensure that our elected city representatives know the feelings of a majority of the people before they make sewer trunk decisions which affect us.

This is not the place to discuss the advantages and disadvantages of growth, as Measure A does not attempt to address the question of whether to grow or not to grow. It is merely a step toward allowing the people of Modesto — those of us who live and work here and love this city — to decide our own future.

On March 6, your vote for Measure A will guarantee you a voice in your future.

The undersigned author(s) of the primary argument in favor of ballot proposition Measure A at the general municipal election for the City of Modesto to be held on March 6, 1979, hereby state that such argument is true and correct to the best of their knowledge and belief.

RICHARD L. HARRMAN, JON C. R. NASIF

ARGUMENT IN OPPOSITION TO MEASURE A

Sewers and advisory votes are not issues with Measure A. The real issue is Modesto's future. Jobs of all kinds, affordable housing, and our quality of life stand in the balance. The future of our children is being challenged.

Because Modesto has supported agriculture, we have become a major food-processing center giving us national — even international — importance. Agriculture and food processing have created jobs and a second economy unknown to cities elsewhere in the Central Valley.

Through growth management and prudent planning policies, agricultural land has been preserved. Affordable housing is available. Parks and open space are abundant. Modesto has become a model city because we have looked to the future.

The ordinance entitled "Modesto Citizens Advisory Growth Management Act" be adopted?
CITY OF MODESTO

MEMORANDUM

July 19, 1995

TO: Mayor and Members of the City Council

FROM: Community Development Department

SUBJECT: General Plan Issue Paper #2
"Growth Will Pay for Itself"

Recommendation:

1. Staff recommends adoption of four editorial revisions to the Policies noted.

2. The Community Development and Housing Committee agrees with this recommendation.

Background

The Planning Commission recommended the inclusion of several Policy statements in the General Plan to ensure that "Growth will pay for itself". Staff proposes four Policy revisions to the Planning Commission's recommended General Plan:

Revision #1.

On page I-5, the following opening paragraph under Section D:

"The need for economic development opportunities greatly influenced the City Council's initiative to rewrite the General Plan in 1995. Therefore, the following Project Objectives explicitly define Modesto's economic development goals:"

would be replaced with the following narrative:

"In order to provide more employment opportunities for the residents of Modesto, it is necessary that the local and regional economy grow and become more diversified. Accordingly, the following Economic Development Goals are adopted to attract new private investment, to encourage existing businesses to grow, and to facilitate the creation of new jobs."
Memo to Mayor/City Council - Paper #2
July 19, 1995
Page 2

Rationale:

Rather than passively stating the historical reasons for rewriting the General Plan, the replacement language would state more positively the reasons for adopting Economic Development Goals.

Revision #2

On page I-6, Goal Statement #4:

"The full costs of on-site and off-site public infrastructure and public services required to support new development should be funded from revenues generated by that development. New development shall not result in any long term reduction in the level of public services provided to existing development."

would be replaced with the following narrative:

"Community growth should be managed so that the quality of life is enhanced without imposing significant fiscal burdens on the existing community. Whenever appropriate, and to the extent provided by law, the costs of public infrastructure required to serve new development should be financed from revenue attributable to that development. There may be instances in which it would be appropriate to invest community-wide resources in public infrastructure which could lead to a significant increase in jobs or other benefits to the community."

Rationale:

The present Goal Statement #4, while providing general direction, appears to obligate private development to bear the entire burden of ensuring against any "long-term reduction of public services provided to existing development." It has been suggested, for example, that the present policy language, as stated, would not allow low-income housing to be built in the community, because insufficient revenues would be generated from such a project to pay for the services required by that project.

The staff alternative language provides for somewhat greater flexibility to accommodate the various business cycle fluctuations expected over the life of this General Plan.
Note: Goal Statement #4 on page I-6 is reprinted on page III-11 (Policy IIID-1(e)). Staff proposes that the above replacement narrative also be inserted in place of that same Policy in Chapter III.

Revision #3:

Comprehensive revisions are proposed to the set of Policies in Chapter II entitled "Maintain and Enhance the City's Fiscal Base." A "strike-out/shaded" description is presented in Attachment 1.

Rationale:

The policies, as revised, are significantly more focused on maintaining and enhancing the City's fiscal base. These revised policies maintain the requirement for a financing strategy to accompany a Comprehensive Plan, in the newly developing area, to ensure that the City's existing overall fiscal base is not compromised in the long term.

Revision #4

On page III-11, the following Policy IIID-1(e):

"The full costs of on-site and off-site public infrastructure and public services required to support new development should be identified, and a funding strategy developed by the City, at the time that a Comprehensive Plan is prepared. This strategy should generally address public facility funding, including schools, for any annexation plan, comprehensive plan, specific plan or neighborhood development plan. Where new public facilities are required which will serve the broader community outside a Comprehensive Planning District, broad-based funding mechanisms should be identified within the Comprehensive Plan, along with a funding strategy."

would be replaced with the following narrative:

"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.

Rationale:

Same as Revision #3, above. This Policy is virtually identical to Policy 2(d) on Attachment 1.

Community Development and Housing Committee Recommendation

On July 19, 1995, the Community Development and Housing Committee considered these four revisions. The Committee unanimously agreed with the Staff recommendation.

Attachment
2. Maintain and Enhance the City's Fiscal Base

New growth and development should pay its own way; that is, the costs of roads, schools, and other infrastructure to serve new development should be included in the costs of that development, and not paid for by the remainder of the community.

The City's overall Community Development Strategy is that new growth and development should, whenever appropriate, and to the extent provided by law, provide public infrastructure and should generate public revenue so that the City's overall fiscal base is maintained and enhanced. In evaluating development proposals, the City should consider the long range impact on the City's fiscal balance.

a. Inadequacies in present public services and infrastructure (roads, schools, parks, etc.) need to be corrected, and a long-term financing strategy developed. Long-range financial planning efforts will include strategies for broad-based funding such as a sales tax increase or a general obligation bond.

b. In order to achieve desirable levels of community facilities, it will be necessary to address existing deficiencies. The long-term financing strategy should provide for broad-based funding approaches to meet broad-based community needs.

c. Typically, there is a long lead time to plan for and implement infrastructure in new areas. Implementation is dependent upon financing which may add even more time. Long range infrastructure planning is needed to develop cost estimates, staging, and coordination among infrastructure service providers. Financial needs can be identified for inclusion in the long range financial plan.

d. Typically, there is a long lead time to plan, finance, and construct infrastructure to serve new areas. Long range infrastructure planning should identify cost estimates, and staging and coordination issues which can be included in any long term financing strategy.

e. Because the costs of providing infrastructure to development in the Baseline Developed Area are lower, due to its close proximity to existing infrastructure, and because development in the Baseline Developed Area is expected to be small in scale and in fill in nature, development is not necessarily required to pay the full costs of maintenance and operation for public facilities required to serve the small scale, infill development projects. Nevertheless, new
development in the Baseline-Developed Area should be required to construct on-site improvements, as required by the City's subdivision and engineering regulations. In addition, new development should pay fees to offset the cost of off-site improvements, as required by the City’s Capital Facilities Fees Program.

c. Development proposals within the Baseline Development Area do not require the same attention to fiscal impact analysis as in the Planned Urbanizing Area because projects will tend to be smaller, in-fill type, which will be served by existing infrastructure. Nonetheless, community-wide financing strategies should apply to Baseline Development as well.

d. Within the Planned Urbanizing Area the full costs of on-site and off-site public infrastructure and public services required to support new development should be identified at the time that a Comprehensive Plan is prepared (see Chapter III). Where new public facilities are required which will serve the broader community outside a Comprehensive Planning District, broad-based funding mechanisms should be identified within the Comprehensive Plan, along with a funding strategy.

d. Community growth should be managed so that the quality of life is enhanced without imposing significant fiscal burdens on the existing community. Whenever appropriate, and to the extent provided by law, the costs of public infrastructure required to serve new development should be financed from revenue attributable to that development. There may be instances in which it would be appropriate to invest community-wide resources in public infrastructure which could lead to a significant increase in jobs or other benefits to the community.
MEMORANDUM

July 19, 1995

TO: Mayor and Members of the City Council

FROM: Community Development Department

SUBJECT: General Plan Issue Paper #3: Revised Traffic Policies

Recommendation

1. Staff recommends that the Circulation and Transportation Policies presented in Section V-B of the Draft General Plan be revised to allow for easier implementation.

2. The Community Development and Housing Committee agrees with this Recommendation.

Background

Attachment 1 presents the proposed revisions to the Circulation and Transportation Policies. The proposed changes are as follows:

Revision #1

The Circulation and Transportation Designations narratives have been modified to add the word "typical" when referring to street right-of-way widths, to allow for flexibility in implementing these General Plan standards.

Revision #2

The Collector Street Designation has been divided into two categories: major collector streets, and minor collector streets. The additional categories provide for 4-lane and 2-lane facilities, respectively.

Revision #3

The Circulation and Transportation Policies for the Baseline Developed Area and Redevelopment Area (Policies B-6(a), (b), and (c)) have been replaced with new policies derived from Final EIR traffic mitigation measures. The purpose of these new policies is to make the requirements more explicit and
more easily implemented. They require that new development not be allowed to degrade the Level of Service (LOS) standards for the street network beyond the levels projected for buildout of the General Plan.

The new policies do provide for the possibility of future development causing a temporary drop in the Level of Service due to incomplete buildout of the ultimate street system. However, this would only be allowed with supplemental environmental review, which may include the preparation of a Focused EIR focusing on traffic impacts and associated effects.

The new policies also contain more specific requirements for a "Site Access Study", and a policy clarifying the requirement for further environmental review for future projects in the Baseline Developed Area which don't conform to the General Plan. A similar policy for projects in the Planned Urbanizing Area has been added as Policy B-7(e).

Revision #4

The Circulation and Transportation Policies for the Planned Urbanizing Area (Policies B-7(a), (b), and (c)) have also been replaced with new policies derived from Final EIR traffic mitigation measures. Again, the purpose of the new policies is to be more explicit and implementation-oriented in their requirements.

Reason for Recommendation

The proposed revisions result from recommendations from the Public Works and Transportation Department. They feel that the revised Policies will be more easily implemented, and will provide sufficient standards for new development while allowing for some degree of flexibility to accommodate unforeseen conditions that may arise as a result of implementing this General Plan over a 30 year period.

Community Development and Housing Committee Recommendation

On July 19, 1995, the Community Development and Housing Committee considered these revisions. The Committee unanimously agreed with the Staff recommendation.

Attachment
ATTACHMENT 1

CHAPTER V

COMMUNITY SERVICES AND FACILITIES

A. INTRODUCTION

Chapter V, Community Facilities and Services, describes the community services and infrastructure needed to support the physical community developed through Chapter III.

The policies in this Chapter provide guidance for conformance with Article 7 of the Government Code (Administration of General Plans), particularly Section 65401 (Review of Public Works Projects for conformity with the Plan) and Section 65402 (Acquisition and Disposal of Real Property).

The distinctions between Community Services and Community Facilities are not critically important; they are distinguished in this Chapter for categorical purposes only. The important issue is that both Services and Facilities, as Community Infrastructure, are provided concurrent with need, to support the physical development, and ongoing maintenance, of the community. For this reason each of the Sections below are tailored for use in either the Baseline Developed Area, or the Planned Urbanizing Area, as those concepts are defined in Chapter II, Urban Growth Strategy.

B. CIRCULATION AND TRANSPORTATION

1. Overview

The Circulation Element was first required by state law in 1955 (Government Code Section 65302(b)). Its purpose was to develop a balanced, multi-modal transportation system, within local jurisdictions. Modesto has discussed circulation in the early General Plans of 1959 and 1965. In 1974 a combined Land Use and Circulation Elements to the Modesto Urban Area General Plan was adopted. In 1986, the Circulation Element updated the circulation portion of the 1974 Land Use and Circulation Elements.

This Section presents, as required by Section 65302(b) of the Government Code, "the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan [Chapter III of this General Plan]."
2. **Circulation and Transportation Diagram**

Figure V-1 presents the Circulation and Transportation Diagram which describes the proposed general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public facilities within the Modesto Urban Area. The Diagram conforms to Section 65302(b) of the Government Code, and is hereby adopted and incorporated into the Modesto Urban Area General Plan.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 OPS.CAL.ATTY.GEN.75 (3/7/84)), to provide a certain limited degree of flexibility in applying the Circulation and Transportation Designations to specific streets.

3. **Circulation and Transportation Designations (shown on Diagram)**

With the exception of local streets, the following Designations, along with typical right-of-way requirements, are presented on the Circulation and Transportation Diagram. These Designations conform to Section 65302(b) of the Government Code, and are hereby adopted and incorporated into the Modesto Urban Area General Plan.

a. **Freeway** - This classification defines the highest volume, total access-control highways with high design speeds (55-65 mph). Freeways are an important part of the transportation network for urban, inter-city, and inter-regional movement of people and goods.

b. **Expressways** - This classification defines high volume, access-controlled roadways which do not allow for pedestrian or bicycle movements in the travelled way. There are three express-way classes as described below and illustrated on Figure V-2:

1. "Class A" Expressway is an access-controlled roadway with design speeds of 50-55 mph. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively) between intersections and 175 or 300 feet at interchanges (4 or 6 lanes, respectively).

2. "Class B" Expressway is defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn-only access to collector streets. The design speed will be 45-50 mph. The typical right-of-way is 110 or 134.5 feet (4 or 6 lanes respectively) between intersections and 134 or 159 feet at intersections (4 or 6 lanes, respectively).

State Highway 219 (Kiernan Avenue, between Highway 99 and McHenry Avenue) will be a Class B expressway, with right-of-way of 181 feet as specified by Caltrans.
"Class C" Expressway is defined as a limited access-controlled roadway. The design speed is 40-45 mph. The typical right-of-way is 110 or 135 feet between intersections (4 or 6 lanes, respectively) and 134 or 159 feet at intersections (4 or 6 lanes, respectively).

Note: Expressway Class B or C Expressway, on limited rights-of-way may be 100 feet for four lanes and 124 feet for six lanes.

c. **Arterial Streets** - This classification defines moderate-to high-volume streets with a primary function of providing mobility and a secondary function of land access. Arterial streets serve the major centers of activity of the urban area and provide mobility of people and goods. There are two classes of arterial streets:

(1) **Principal Arterial streets** have six travel lanes with no bicycle lanes. The design speed is 45 mph. The typical right-of-way is 114 feet.

(2) **Minor Arterial streets** have four travel lanes. Minor arterials can provide for bicycle lanes. The design speed is the same as principal arterials. The typical right-of-way is 100 feet.

d. **Collector Streets** - This classification defines low-traffic-volume streets which can also serve pedestrian and bicycle traffic. Collector streets provide traffic circulation within residential neighborhoods, and commercial and industrial areas.

Collector streets distribute trips from the arterials through the area to their ultimate destination and collect traffic from local streets and channel it into the arterial streets. A collector street is a two-lane facility with a design speed of 25-30 mph on a right-of-way of 60 feet without bicycle lanes or 72 feet with two, 6-foot bicycle lanes. There are two classes of collector streets:

(1) A major collector street is a four-lane facility, with a design speed of 25-35 mph on a typical right-of-way of 84 feet without bicycle lanes or 96 feet with two, 6-foot bicycle lanes.

(2) A minor collector street is a two-lane facility, with a design speed of 25-30 mph on a typical right-of-way of 60 feet without bicycle lanes or 72 feet with two, 6-foot bicycle lanes.

e. **Local Streets** - This classification applies to low-volume streets which are two-lane roadways. Local streets primarily permit direct access to abutting land uses and connections to the higher order roadways. Local
streets offer the lowest level of mobility and usually contains no bus routes. The right-of-way should be narrow enough, and design speeds low enough, to discourage through traffic.

4. Policies Relating to Street Designations

a. State Highway - This classification defines any street which is acquired, laid-out, constructed, improved or maintained as a state highway pursuant to constitutional or legislative authorization. The street can be a freeway, expressway, arterial or other roadway classification. The right-of-way, design and construction on a State Highway should follow state standards. The improvement and addition of freeway interchanges should be made when required by future traffic demands.

b. Streets in Comprehensive Plans - Any Comprehensive Plan may experiment with differing rights-of-way and cross sections for the five Circulation and Transportation Designations.

5. Circulation and Transportation Policies - Overall

a. The streets and highways system should be coordinated with Caltrans', the County's, and other jurisdictions' existing facilities and plans. The adoption of a regional expressway system by Stanislaus Area Association of Governments (SAAG) should be supported, and the components of the regional system which lie within the City's Sphere Of Influence should be incorporated into the City's Circulation and Transportation Diagram. The expressway system should be designed to accommodate mass transit.

b. Transportation Control Measures (TCMs) should be implemented where feasible or mandated by other agencies, to reduce vehicle miles traveled, vehicle idling, or traffic congestion. Alternatives to the drive-alone auto mode, such as mass transit, ride sharing, and telecommuting should be encouraged. In addition, the City should encourage innovative means to reduce traffic congestion and enhance air quality, such as teleconferencing centers, fiber optic communication networks, and trip reduction programs.

c. Transportation Demand Management (TDM) measures will be encouraged to directly affect trip makers' choice of travel mode and the routes and time of day for trips. Transportation Demand Management has as its purpose the reduction in the number of vehicle trips being made on the street network. Typical types of TDM measures would be promotion of transit, car pooling or van pooling, and pricing of parking to make these alternative modes of transportation more attractive and cost competitive.
The City hereby defines and authorizes the use of a "Plan Line." The Plan Line is a process which specifically defines the location of center lines, alignments, rights-of-way, cross-sections and intersections for future or proposed roadways. The purpose of a Plan Line is to provide adequate right-of-way for future growth needs and to protect the right-of-way from encroachment. Adopted Plan Lines shall be incorporated into development plans to define specific requirements for dedicating the right-of-way for street purposes and to implement Circulation and Transportation Policies of the General Plan.

The highest possible levels of traffic service should be maintained on City roadways, consistent with the financial resources reasonably available to the City and without unreasonably burdening property owners or developers with excessive roadway improvement costs. Data from the General Plan Traffic Analysis, described in Appendix II-A of the Final Master Environmental Impact Report, shall be utilized to evaluate the effectiveness of traffic mitigation measures adopted by the City Council.

Where safety and traffic operations are not compromised, in-fill and redevelopment projects will be exempted from the City's street width and right-of-way standards if those standards exceed the original standards under which the adjacent streets were constructed. This exemption shall not apply to other street improvement standards, such as, but not limited to, drainage, structural requirements, curbs, gutters, sidewalks, and lighting. This exemption shall not apply on State Highways or where Plan Lines have been adopted.

The City's circulation system should facilitate a rapid response by emergency vehicles and should accommodate school buses. Factors should include adequate road widths and corner radii in street designs to ensure that the appropriate fire equipment and school buses can negotiate City streets.

Development should be designed in a way that will encourage walking as an alternative mode to the automobile for transportation. Safe and convenient pedestrian facilities should be provided in residential, commercial and other areas when necessary.

The use of the bicycle shall be promoted as an alternative mode of transportation. An adequate and safe bicycle system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle usage should be considered in the planning of new streets and in street improvements.
transfer from bicycle to park-and-ride lots, transit, and rail should be considered and provided when necessary.

j. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:

(1) **Amtrak.** The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.

(2) **Inter-regional Rail Service.** The City supports the rerouting of the San Joaquin's rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.

(3) **Light Rail Transit.** The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.

(4) **Freight Rail.** The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of "truck on rail" as a technique for reducing through-truck traffic on highway corridors.

(5) Any necessary crossings of the Santa Fe Railroad corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In 1995, the AT&SF Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe’s rail line.

k. Neighborhood street networks will be provided in new development, which permit local trips to be completed as much as possible without the use of collector streets and arterial streets.

l. The City should carry out a citywide transportation improvement plan to accommodate peak hour traffic flow on arterial streets and major
collector streets. This plan may include additional lanes, striping, and turning pockets.

m. The City will work with Caltrans to promote the application of advanced technology to help manage congestion, and enhance roadway capacity and safety. Known as "Intelligent Transportation Systems" (ITS), the program includes the following components:

1. Advanced Traffic Management Systems (ATMS), which maximize capacity of the transportation system, and involves using technology to manager traffic flow, disseminate real-time travel information to travelers, improving emergency response, and coordinate inter-agency traffic management.

2. Advanced Traveler Information Systems (ATIS), which provides on-board navigation that can provide congestion and accident information and alternative travel routes.

3. Commercial Vehicle Operation (CVO), which restricts commercial vehicles from operating during commute peak hours, and helps transportation companies track their vehicles.

4. Advanced Vehicle Control Systems (AVCS), which use on-board and in-road guidance systems to optimize vehicle speed and movement.

n. The City shall develop guidelines for private property access to the expressway, arterial and collector street system. These guidelines will provide for reasonable, safe and coordinated driveway access while maintaining smooth and safe traffic flow along the City's major streets. These guidelines will address the number, location, design and operation of driveways for each class of roadway.

6. Circulation and Transportation Policies - Redevelopment Area and Baseline Developed Area

a. Level of Service (LOS) D or better during the p.m. peak hour is the planning objective and standard for the evaluation of new development, mitigation measures, and for use in other traffic-related analyses or reports. However, several circulation links (i.e., "Problem Links") are projected to operate at traffic service levels of "E" or "F". These general performance standards are graphically depicted on Figure 1-5 and Table 1-3 of the Final Master Environmental Impact Report. Further details are provided in the General Plan Traffic Analysis (Appendix II-A of the Final Master Environmental Impact Report).
b. For proposed development projects that are consistent with the General Plan approved land use for that site, it is hereby established that those projects are consistent with the general performance standards for the circulation system, as described above.

c. On a case-by-case basis, the Public Works and Transportation Director may require the preparation of a “Site Access Study” to identify and resolve unique operational and safety-related concerns, including internal and external site access.

a. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of this Master EIR) to achieve LOS “D” or better in the year 2025 (as shown in Figure 1-5 and Appendix II-A) cannot cause, without further study, conditions to be worse than LOS “D” at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

(1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A, (Section 21157.5(a) of CEQA).

(2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A, (Section 21157.5(b) of CEQA).

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

b. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS “E” (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause conditions on those facilities to exceed LOS “E” at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

(1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the
LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA)

(2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

c. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "F" (as shown in Figure I-5 and Appendix II-A) shall not, without further study, cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour vehicle 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 2025 by the traffic model. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

(1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)

(2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

d. Designated City staff will review future development project proposals within the Baseline Developed Area, on a case-by-case basis. The following criteria will be applied to each proposal, and a determination made by the Public Works and Transportation Director, regarding the acceptable or appropriate level of project impact on the circulation network.
(1) For proposed development projects that conform to the General Plan-approved land use for the site, it is assumed that the adopted performance standards for the circulation system within the area of impact will be maintained. For such projects, the designated City staff will establish an appropriate scope of study for a "Site Access Study" which may address project impacts to adjacent or nearby intersections, as described in Mitigation Measures 1-3.

(2) The "Site Access Study" shall, at a minimum, analyze and resolve the following:

(a) impacts to roadway intersection that are adjacent to the project site.

(b) impacts to other intersections considered to have a key role in regulating access to the project site or substantial traffic flow between the project site and a key arterial roadway.

(c) impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to off-site bicycle/pedestrian circulation systems, and transit services.

(d) on-site parking needs and impacts to off-site parking, when applicable.

(e) other operational or safety-related concerns and issues, including site access.

(3) The proposed development project will be designed to incorporate all definitive recommendations of the "Site Access Study."

(4) If implementation of the definitive recommendations of the Site Access Study is impractical or infeasible, a Focused Environmental Impact Report, including a Comprehensive Traffic Study will be required. That Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

(5) For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 22157.1(d) of the Public Resources Code.
7. Circulation and Transportation Policies - Planned Urbanizing Area

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

b. The Comprehensive Traffic Study shall include the following components:

(1) 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.

(2) 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 measure to update the General Plan Traffic Analysis.

c. For individual proposed projects that conform to a Comprehensive Plan's land-use designations (for amount and type of land-use) those projects will be deemed in conformance with the performance standards established by the Comprehensive Traffic Study.

a. 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.

b. The Comprehensive Traffic Study shall include the following components:

(1) 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.
8. Implementation

a. From time to time, the City may adopt subsequent master plans, short-range transit plans, or other policy documents to implement some or all of the policies listed above. These subsequent policy documents, such as the Capital Improvement Program and individual street construction projects, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.
TO: Mayor and City Council  
FROM: Community Development Department  
SUBJECT: Issue Paper #4 - Revisions to the General Plan Resulting From City Council and CD&H Committee Changes to the Land Use Diagram  

Recommendations  

1. Staff recommends that the City Council adopt the revised Land Use Diagram (Attachment 2 of the overall staff report) that the Council preliminarily approved on July 27.  

2. The Community Development and Housing Committee agrees with this recommendation, with one further revision: a shift in the boundaries of the Stanislaus River Comprehensive Planning District. Staff concurs with this recommendation.  

3. Staff recommends that the General Plan be modified to reflect the revised Land Use Diagram in two areas:  
   a. Comprehensive Planning District narratives and maps (Attachment A)  
   b. Other General Plan maps (Attachment B)  

Background  

At the June 27 meeting, the Council preliminarily approved a Land Use Diagram for the General Plan, which differed somewhat from the Land Use Diagram proposed by the Planning Commission. As a result of these revisions, a number of changes need to be made to the General Plan text and maps. These changes fall into the following three categories: changes to the Land Use Diagram; changes to the Comprehensive Planning District narratives and maps; and changes to other maps in the General Plan document.
Changes to the Land Use Diagram

Following are descriptions of the changes made by the Council and the Community Development and Housing Committee to revise the Land Use Diagram from the Diagram presented in the Planning Commission Proposal. These changes are depicted on the "Adopted Land Use Diagram", presented as Attachment 2 to the overall staff memo.

Change #1

The Council, at the June 27 meeting, approved an expansion of the Stanislaus River Comprehensive Planning District (CPD) east to Dale Road. When the Community Development and Housing Committee reviewed the Land Use Diagram at their July 19, 1995, meeting, they voted to recommend revising the southern boundary of the Stanislaus River CPD to reflect the existing bluff line of the Stanislaus River. The end result of these revisions is a change in acreage from 770 acres of Open Space in the Planning Commission Proposal to 810 acres. The new boundaries are: to the west, the western boundary of Assessors Parcel No. 3-10-03; to the north, the Stanislaus River; to the east, Dale Road; and to the south, the bluff line of the Stanislaus River.

Change #2

As a result of moving the boundary of the Stanislaus River CPD, the northern boundary of the Stoddard CPD shifts north to the bluff line of the Stanislaus River. This results in an expansion of the Village Residential portion of this Comprehensive Planning District, from 520 acres to 820 acres.

Change #3

The addition of the Stoddard/Dale Comprehensive Planning District, which consists of 860 acres of Village Residential and 320 acres of Business Park. With the revision to the Stanislaus River CPD, the Stoddard/Dale CPD is bounded to the north by the bluff line of the Stanislaus River. The other boundaries are Dale Road to the east, Kiernan Avenue to the south, and Stoddard Road to the west.

Change #4

A change in the western boundary of the Highway 99 Comprehensive Planning District. In addition, the northern boundary of this CPD is changed by the revision to the Stanislaus River CPD. The combined result of these revisions is a change in acreage from 550 acres of Regional Commercial to 570 acres. The new boundaries are: Hammett Road and
M.I.D. Lateral No. 8 to the west; the bluff line of the Stanislaus River to the north; a line parallel to and 1/2 mile east of State Highway 99, to the east; and the northern boundary of the Salida Community Plan and Murphy Road to the south.

Change #5

The expansion of the Beckwith/Dakota Comprehensive Planning District to the west 1/2 mile, with the new boundaries being Murphy Road to the north, State Highway 99 and Morse Road to the east, North Avenue to the south, with the western boundary being a line parallel to and 1/2 mile to the west of Dakota Avenue. The resulting Comprehensive Planning District consists of 690 acres of Business Park and 350 acres of Regional Commercial.

Change #6

The deletion of the Blue Gum/Dakota Comprehensive Planning District, which consists of 970 acres of Village Residential, located west of Morse Road between North Avenue and Woodland Avenue.

Change #7

Moving the Highway 132 Business Park Comprehensive Planning District to a location south and east, displacing a portion of the Paradise/Carpenter Comprehensive Planning District. The new boundaries of the Highway 132 Business Park, which consists of 660 acres of Business Park, are: Kansas Avenue to the north, Carpenter Road to the east, California Avenue to the south, and Nebraska Avenue to the west. The Paradise/Carpenter Comprehensive Planning District is reduced by 660 acres, from 1,470 acres of Village Residential to 810 acres of Village Residential.

Change #8

The deletion of the Paradise/Maze Comprehensive Planning District, which consists of 1,580 acres of Village Residential, located west of Nebraska Avenue and south of Maze Boulevard.

Change #9

The deletion of a portion of the Tuolumne River Comprehensive Planning District, consisting of 400 acres of Open Space, located west of the line of Nebraska Avenue, leaving 1,380 acres of Open Space.
Change #10

The deletion of a portion of the Whitmore/Carpenter Comprehensive Planning District, consisting of 160 acres of Village Residential, located west of Vivian Road, leaving 690 acres of Village Residential.

Change #11

The addition of the Empire North Comprehensive Planning District, which consists of 270 acres of Village Residential. Its boundaries are Parker Road to the north, Church Street to the east, and the Santa Fe Railroad to the west. The southern boundary is the northern boundary of the Empire Sanitary Sewer District.

Change #12

The addition of the Kiernan/Carver North Comprehensive Planning District, which consists of 450 acres of Village Residential and 30 acres of Regional Commercial. It is bounded by Kiernan Avenue to the south, Dale Road to the west, and McHenry Avenue to the east. The northern boundary is a line parallel to Kiernan Avenue lying 1/4 mile to the north of Kiernan Avenue.

Changes to the Comprehensive District Narratives and Maps

With the changes to the Land Use Diagram presented above, the maps and narratives for individual Comprehensive Planning Districts presented in Chapter III as Exhibits III-1 through III-27 will need to be revised as well. Attachment A to this memo presents the proposed revisions. Although staff has calculated acreage's for the revised Comprehensive Planning Districts, these may need to be refined further as better information becomes available.

Changes to Other Maps in the General Plan Document

In addition to changes in the Comprehensive Planning Districts, the changes to the Land Use Diagram also necessitate the need for revisions to other maps contained in the General Plan document. These maps are:

- Growth Strategy Diagram (Figure II-1)
- Circulation and Transportation Diagram (Figure V-1)
- Sanitary Sewer Trunk Lines Diagram (Figure V-3)
- Flood Potential Diagram (Figure VI-2)
- Noise Contours Diagram (Figure VII-1)

The revised maps are presented in Attachment B to this memo.
Attachment A

REVISED COMPREHENSIVE PLANNING DISTRICT NARRATIVES AND MAPS
Of these changes, the most significant are to the Circulation and Transportation Diagram, the Flood Potential Diagram, and the Noise Contours Diagram. The Circulation and Transportation Diagram presented in Attachment B contains a revised circulation system to serve the re configured land uses of the Adopted Land Use Diagram.

Similarly, the Flood Potential Study Area has been extended in the Flood Potential Diagram, and the noise contours in the Noise Contours Diagram have been revised, to reflect the changes in the Adopted Land Use Diagram. The other two maps, the Growth Strategy Diagram and Sanitary Sewer Trunk Lines Diagram, have been modified only to reflect the new overall boundaries.

Attachments
### COMPREHENSIVE PLANNING DISTRICT SUMMARY

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Exhibit III-1

COMPREHENSIVE PLANNING DISTRICT SUMMARY

to be revised
Exhibit III-2

BECKWITH/DAKOTA

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,040-acre Comprehensive Planning District is comprised of commercial uses adjacent to a frontage road parallel with the Southern Pacific Railroad and Freeway 99, with Business Park Uses comprising the balance of the Comprehensive Planning District. Primary access to this Comprehensive Planning District would be from the Beckwith interchange with Freeway 99 and with a future expressway along Dakota Avenue, directly linking to the Kiernan Avenue expressway.

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)
   - 290 acres designated "Business Park"
   - 270 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

The Regional Commercial land use should be sited along Freeway 99 to take advantage of the exposure to regional traffic.

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) The commercial uses adjacent to Freeway 99 shall be designed to present an attractive gateway to the City.

(2) Adequate buffering shall be provided between the proposed Business Park uses and the Village Residential uses in the Blue Gum/Dakota CPD.

c. **Housing Policy Implementation:**

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to 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:

   sewer service for this

a. This Comprehensive Planning District is dependent upon installation of the West No. 2 sanitary sewer trunk in the Blue Gum/Dakota Comprehensive Planning District to the south. A limited tie-in to the existing West Trunk may be permitted as an interim measure 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:

   31,000

a. A total of 31,000 employees was assumed for this Comprehensive Planning District.

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

The exact boundary between the Regional Commercial uses and the Business Park uses shall be determined by the Comprehensive Plan.
Exhibit III-3
BLUE GUM/DAKOTA
COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 970-acre Comprehensive Planning District is intended to create a mixed use, pedestrian-oriented community similar to Village One. This Comprehensive Planning District is bounded by the Dakota Avenue expressway on the west, and by Business Park uses on the north, east, and south.

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)

- 970 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

The support commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

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 4,900 dwelling units.

(2) Adequate buffering shall be provided between residential uses and the Business Park uses to the north, east, and south. Adequate buffering shall also be provided adjacent to the Dakota Avenue expressway.

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 is dependent upon installation of the West No. 2 sanitary sewer trunk in the Paradise/Maze and Highway 132 Business Park Comprehensive Planning Districts to the south. Limited tie-in to the West Trunk may be permitted as an interim measure as determined by the Public Works and Transportation Department.

6. Focused FIR:

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 4,900 dwelling units was assumed for this Comprehensive Planning District.

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

7. Special Considerations Unique to this Comprehensive Planning District:

None.
EMPIRE NORTH

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 150-acre Comprehensive Planning District is intended to continue the existing residential development that lies in Empire, to the south of this Comprehensive Planning District, proposes predominantly “Village Residential” uses immediately north of existing residential development in Empire. Dry Creek presents a significant opportunity (or recreational) and open space opportunity. The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

2. Principal Comprehensive Planning District 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) "Neighborhood Plan Prototype" Policies (Section III-C(2))
(3) Neotraditional Planning Principles (Section III-C(3))

3. Land Use Description

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

- 150 acres designated “Residential Village Residential”

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))
(2) "Neighborhood Plan Prototype" Policies (Section III-C(2))
(3) 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 1,100 dwelling units.

1,400
(2) Compatibility with Santa Fe Railroad, as a significant noise generator, should be addressed in the Comprehensive Plan for this Comprehensive Planning District.

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:

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

b. A biological analysis will need to be prepared.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between this Comprehensive Planning District and the Dry Creek Comprehensive Planning District will be determined by the Comprehensive Plan.

(3) 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.
Exhibit III-10
HIGHWAY 99
COMPREHENSIVE PLANNING DISTRICT

1. Overview
   This 550-acre Comprehensive Planning District proposes regional commercial uses to take advantage of proximity to Highway 99, and to present a "gateway" to Modesto.

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)
      - 570 acres designated "Regional Commercial"
   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) The Regional Commercial uses located adjacent to Freeway 99 shall be designed to present an attractive gateway to the City.
c. **Housing Policy Implementation:**

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to 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 can be served by a Westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City’s North end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

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 11,000 employees was assumed for this Comprehensive Planning District.

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

The exact boundaries of this Comprehensive Planning District will be determined by the Specific Plan.
Exhibit III-11
HIGHWAY 132 BUSINESS PARK
COMPREHENSIVE PLANNING DISTRICT

1. **Overview**

This 650-acre Comprehensive Planning district proposes a Business Park that would benefit from its proximity to Highway 132.

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)

       - 650 acres designated "Business Park"

   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) The Business Park uses adjacent to Highway 132 shall be designed to present an attractive gateway to the City.

           (2) Adequate buffering shall be provided between Business Park uses and residential uses to the north, east, and south.
c. **Housing Policy Implementation:**

   Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to 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 is dependent upon installation of the West No. 2 Sanitary Sewer Trunk in the Paradise Maze Comprehensive Planning District to the south. Limited tie-in to the West Trunk may be permitted as an interim measure 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 23,100 employees was assumed for this Comprehensive Planning District.

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

   None.

   a. This Comprehensive Planning District is already served by the West Sanitary Sewer Trunk.
1. **Overview**

This 580-acre Comprehensive Planning District, located between Claribel Road and Claratina Avenue (a proposed expressway), proposes predominantly "Village Residential" uses. The Hetch hetchy electrical transmission lines and aqueduct, which ultimately serve the City and County of San Francisco, traverse this site in a 110-foot wide right of way.

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)
      
      - 450 acres designated "Village Residential"
      - 130 acres designated "Regional Commercial"

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

      (1) The regional commercial uses are located along the east side of McHenry Avenue to accommodate the established commercial uses along McHenry Avenue.

      (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. Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 4,400 dwelling units.

2. The regional commercial uses should be located along the west side of McHenry Avenue to join the established commercial uses along McHenry Avenue.

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 Trunk from Dale Road easterly through the Comprehensive Planning Districts of Kiernan/Carver and Kiernan/McHenry.

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 4,400 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 3,100 employees was assumed for this Comprehensive Planning District.

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

The exact boundary between the Village Residential and Regional Commercial uses will be determined by the Comprehensive Plan.
Exhibit III-16
PARADISE/CARPENTER
COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,179-acre Comprehensive Planning District promotes predominantly "Village Residential" uses. The northern portion of this Comprehensive Planning District takes access to Highway 132. The eastern boundary of this Comprehensive Planning District would take access to a future Carpenter Road Expressway.

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)

- 1,479 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

The support commercial uses in 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) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 7,500 dwelling units.

4,100

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 is already served by the West 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:

4,100

a. A total of 7,500 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 1,200 employees was assumed for this Comprehensive Planning District.

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

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.
Exhibit III-17

PARADISE/MAZE

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,580-acre Comprehensive Planning District proposes mixed-use, pedestrian-oriented "Village Residential" development. This Comprehensive Planning District is bounded by the future Dakota Avenue expressway to the west, and the Tuolumne River park to the south.

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-C)

- 1,580 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

Supporting commercial uses in this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

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:

DELETED
c. Notwithstanding the land use intensities presented in Section 1-B, this Comprehensive Planning District shall contain a maximum of 8,000 dwelling units.

(1) Adequate buffering shall be provided between the residential and the Business Park uses to the north.

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:

a. This Comprehensive Planning District represents the first increment of urban growth beyond the current General Plan boundary. Significant infrastructure is needed: a force main from a West No.2 Trunk in Stone Avenue at Paradise Road to Paradise Road near Carpenter Road, and a new gravity main east to the West Trunk to the primary treatment plant at the foot of Sutter Avenue.

b. A total of 1,300 employees was assumed for this Comprehensive Planning District.

c. A total of 6,000 dwelling units was assumed for this Comprehensive Planning District.

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. This Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V.

The Comprehensive Plan to implement this Comprehensive Planning District shall address the policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

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

6. Focused EIR:

7. B, this Comprehensive Planning District shall contain a maximum of 8,000 dwelling units.

(1) Adequate buffering shall be provided between the residential uses and the Business Park uses to the north.

Considerations Unique to this Comprehensive Planning District shall be determined by the Comprehensive Plan.
Exhibit III-23

STANISLAUS RIVER

COMPREHENSIVE PLANNING DISTRICT

1. **Overview**

   This 770-acre Comprehensive Planning District is intended to provide for a regional park along the Stanislaus River, extending south as far as Ladd Road.

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)

      - 770 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, as provided by the Open Space Land Use Designation presented in Section III-B.
c. **Housing Policy Implementation:**

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to 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 with sanitary sewer from the adjacent Stoddard Comprehensive Planning District.

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 80 dwelling units was assumed for this Comprehensive Planning District.

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

a. The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

b. The preparation of a Park Master Plan for the regional park shall suffice as the Comprehensive Plan for this Comprehensive Planning District.
Exhibit III-24

STODDARD

COMPREHENSIVE PLANNING DISTRICT

1. Overview
   
   This 1,200-acre Comprehensive Planning District proposes a mixed-use pedestrian-oriented "Village" south of the Stanislaus River park, and a business park along Stoddard Road.

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)
      
      820 acres designated "Village Residential"
      - 380 acres designated "Business Park"

   b. Distribution of Land Uses Within the CPD:
      
      The Support 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) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 2,700 dwelling units.

(2) Adequate buffering should be provided between the proposed Business Park and the proposed Village Residential uses.

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 can be served by a westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City's north end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

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 2,700 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 13,700 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.
Exhibit III-28

STODDARD/DALE

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,160-acre Comprehensive Planning District proposes a mixed-use pedestrian-oriented "Village" south of the Stanislaus River park, and a business park along Stoddard Road and Kern 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)

- 560 acres designated "Village Residential"
- 320 acres designated "Business Park"

b. Distribution of Land Uses Within the CPD:

The Support 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) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 2,700 dwelling units.

(2) Adequate buffering should be provided between the proposed Business Park and the proposed Village Residential uses.

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 can be served by a westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City’s north end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

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 2,700 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 11,700 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.
Exhibit III-25

TUOLUMNE RIVER

COMPREHENSIVE PLANNING DISTRICT

1. **Overview**

   This 1,780-acre Comprehensive Planning District contains a significant amount of public land, owned by a joint powers agreement between the cities of Modesto, Ceres, and Stanislaus County. 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)

      - 1,780 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, as provided by the Open Space Land Use Designation presented in Section III-B.
c. **Housing Policy Implementation:**

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to 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 take its sanitary sewer service from adjacent Comprehensive Planning Districts.

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:

1. A total of 480 dwelling units was assumed for this Comprehensive Planning District.

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

a. The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

b. The preparation of a Park Master Plan for the regional park shall suffice as the Comprehensive Plan for this Comprehensive Planning District.
Exhibit III-27
WHITMORE/CARPENTER
COMPREHENSIVE PLANNING DISTRICT

1. Overview
   This 650-acre Comprehensive Planning District located south of the Tuolumne River proposes predominantly "Village Residential" uses.

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)
      690 acres designated "Village Residential", of which approximately 120 acres is a landfill site.
   b. Distribution of Land Uses Within the CPD:
      Support commercial uses in this Comprehensive Planning District should be located to facilitate pedestrian access from the residential areas.

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 4,300 dwelling units.

(2) The landfill located in this Comprehensive Planning District presents a significant design constraint. This constraint should be addressed in the Comprehensive Plan.

c. **Housing Policy Implementation:**

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

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

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

a. This Comprehensive Planning District will be served by a new South No. 2 Sanitary Sewer Trunk over Tuolumne River to the primary treatment plant at the foot of Sutter Street.

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 3,500 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 500 employees was assumed for this Comprehensive Planning District.

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

The exact boundary between this Comprehensive Planning District and the Tuolumne River Comprehensive Planning District shall be determined by the Comprehensive Plan.
Attachment B

REVISED MAPS IN THE GENERAL PLAN
CITY OF MODESTO

MEMORANDUM

July 31, 1995

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Noise Contour Diagram

Attached are the revised Noise Contour Diagrams for the General Plan, referred to in Issue Paper #4 (located in Attachment 4 of your binder). These maps fit into Attachment B of Issue Paper #4.

Attachment
July 25, 1995

TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper #5: Housing Policies

Recommendations:

Staff recommends:

1. Update the Housing Chapter Text with 9 revised Text Changes (Attachment B).
2. Replace 8 Exhibits with updated information (Attachment C).

The Community Development and Housing Committee agrees with these recommendations.

Background:

On May 19, 1992, the City adopted a comprehensive update of the Housing Element of the General Plan, in accordance with State law. On September 29, 1992, the State Department of Housing and Community Development (HCD) found the City's Housing Element in compliance with State law.

Early in the General Plan Rewrite process, staff approached HCD to seek their approval to "revise the format, but retain the content" of the 1992 Housing Element, incorporating it into the new General Plan. On April 7, 1995, the State Department of Housing and Community Development approved of this approach.

Separate from the Housing Element and General Plan Rewrite processes, the City's Housing and Neighborhoods Division has prepared the "Consolidated Plan," which is a requirement to receiving Federal Community Development Block Grant funds. The Consolidated Plan provided an opportunity to update various data relating to housing opportunities in the Modesto community.

Therefore, in an effort to keep the Housing Element as current and accurate as possible, staff is presenting 9 Text Changes and 8 Exhibit Changes for inclusion into the General Plan. Attachment A presents, for reference purposes, the locations of proposed changes in the presently proposed General Plan. There is no change in Policy direction intended or necessary at this time by the updated information provided in Attachments B and C.
HCD advises that the next comprehensive update of the Housing Element should be completed by June 30, 1999.

Community Development and Housing Committee Recommendation

On July 24, 1995, the Community Development and Housing Committee considered these revisions. The Committee unanimously agreed with the staff recommendation.
Attachment A

Annotated Pages from the Planning Commission - Proposed General Plan.
instance the El Casa Verde I and II. Other projects may be subject to advance notice provisions or have other use restrictions such as mortgage restrictions and rental assistance contracts subject to special provisions. In the event of any potential tenant displacement, the City will seek to preserve, for its low-income households, the units in assisted housing developments that are eligible to change to non-low-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

Exhibits IV-4 and IV-5 list the five-year inventory of low-income rental projects subject to termination of Federal mortgages and or rent subsidies. The projects are owned by individuals, partnerships, and nonprofit organizations.

The City estimates that by the year 1997, a total of fifteen privately-owned housing projects will technically be at-risk of converting to market rate. Seven of the projects are funded by federal rent subsidies; five are assisted by multi-family mortgage revenue bonds; and three projects with density bonuses.

Potentially, by the year 2002, a total of 1,244 units within the City of Modesto are at-risk, of which 383 are elderly units, and 861 are non-elderly units. Exhibit IV-6 reflects an annual summary of at-risk projects by elderly and non-elderly units, from 1992 to 1997; which reflects this Housing Element’s planning period.

Projects financed through various local, state and federal subsidy programs provide the owners with certain incentives to make the cost of operating the project more economically feasible and help allow the cost of renting the unit to be more affordable to lower-income families.

It has come to the City’s attention that the project owners of the Westdale Commons intend to refinance their mortgage for more favorable interest rates. Thus, when this occurs, the 44 low-income units will remain as low-income units until the year 2005.

Exhibit IV-8 indicates the Section 8 Moderate Rehabilitation units that are at-risk of conversion and should be noted in the next Housing Element Update in 1999.

a. Analysis of At-Risk Units

(1) Location and Market Area:

Several factors were considered when determining the projects that were most likely to convert to market-rate housing. Factors to consider are the location, market area, and physical condition of the units at risk. A high percentage of the at-risk projects are concentrated in low-income neighborhoods, which are plagued with a variety of economic and related social problems. Thus, these projects are not likely to convert in the near future.
The City was faced with reducing its standards for capital infrastructure, or annually, greatly increasing its deficiency of needed unfunded projects, or developing a new revenue source -- developer fees. An advisory vote on urban growth suggested that a 1987 plan whereby new growth would pay for part of its infrastructure needs wasn't enough. Growth had to pay its way without future assumptions of broad-based funding support. Consequently, the City has adopted a set of comprehensive developer fees called Capital Facilities Fees (CFF). In addition, the County has adopted Public Facilities Fees (PFF) so that new growth will finance its capital needs. In addition, fees are included for new growth areas such as the Village One Specific Plan area. Refer to Exhibit IV-11.

In addition, the school districts have a $1.58 per square foot developer fee for residential uses. This fee does not cover total school expenses but it is all that will be collected in the City’s existing urban area. New growth areas within the City’s urban reserve will have to participate in a schools’ Mello Roos District with anticipated cost of $10,000 to $12,000 per dwelling unit for the elementary school districts (K-6 and 7-8 facilities) and the high school district 9-12 facilities).

Fees for development in the new Village planning areas will probably be somewhat higher than current city-wide fees. Specific Plan area fees such as Area of Benefit Assessment districts, homeowner association dues, maintenance districts, and other special fees may be necessary to fund the required infrastructure to City standards.

Exemptions in the form of fee waivers or deferrals are available for the City’s Capital Facility Fees (CFF).¹ The Stanislaus County Housing Authority and other nonprofit sponsors of housing for very-low-income households are exempt from the City’s CFF, including projects to be developed in Village One. For new multi-family projects with density bonuses, serving very-low and low income households, the City’s CFF can be deferred. (See Policy 33 in Section F of this Chapter for further information.)

### g. Local Processing and Permit Procedures

The City of Modesto has good reputation for reasonably quick and efficient processing of development and building applications and permits. Exhibit IV-12 outlines the City’s processing times and costs, as of January 1, 1991.

¹It must be noted that exemptions or fee deferrals pertain to the City’s fees and not school district fees. According to Deborah Bailey, Modesto City Schools Director of Planning and Research, "the schools cannot afford to extend similar considerations since lower income housing tends to generate more school-age population than housing in general and therefore creates greater impacts on the schools."
before street dedications). Then gross acreage is converted to net acreage. In the case of land zoned R-1, it was assumed that 25% of the land would be needed for streets. For land zoned R-2 and R-3, it was assumed that street dedication would be minimal, since apartment projects typically rely on private driveways for internal traffic circulation, rather than public streets. Then, an average density of development (dwelling units net acre) was assumed for each zone, based on development standards for the zone and on existing project densities, to arrive at the number of potential dwelling units.

The above methodology assumes that all vacant parcels will develop by 1997. However, this category of vacant land is composed of infill parcels, and some of these parcels are not likely to develop in the near future. There are a variety of reasons for this, some economic, some relating to the physical characteristics of the parcels, and some due to other factors such as long-time ownership by a family with no intention to develop or sell. It is difficult to estimate how many of these parcels will develop, but probably no more than 50% of the potential 3,600 dwelling units will be built by 1997.

d. Assumptions for Village One

The potential dwelling unit capacity for the Village One Specific Plan area is anticipated to be 7,400 units. The actual number of units achieved will depend, to a great extent, upon the efficiency of land use and the amount of land set aside for local streets. The standard R-1, R-2, and R-3 zoning categories were not used because the range of housing types included a higher number of small lot units. Generally, the Village Residential category would equate to R-1 and the Multi-Family category would equate to R-3 zoning. Exhibit IV-17 shows the estimated number of potential dwelling units within the Village One Specific Plan Area.

e. Assumptions for the Vacant Sites in the Urban Reserve (NE McHenry and Beyer)

The potential dwelling unit capacity for the two remnant neighborhoods: (NE McHenry and Beyer) are anticipated to be 2,129 units (including 247 existing mobilehomes, located within two mobilehome parks that will be included in the annexation). The breakdown is shown on Exhibit IV-18.

f. Assumptions for the Urban Reserve, by Village and Remnant Neighborhood

Exhibit IV-19 shows the buildout estimates for the remaining areas of the Modesto Urban Reserve.
Funding Source: Initially commitment of planning staff, time, HUD Community Development Block Grants, technical and financial assistance from financial institutions, and possible Redevelopment Funds.

8. **Low- and Moderate-Income Housing Fund**

Program Description: Existing. State law (AB 265) required that all redevelopment project areas in the state, to set aside 20% of tax increment revenues for increasing and improving the community's supply of low- and moderate-income housing. Furthermore, Chapter 1140, Statutes of 1989 amended the Housing Element Law to require the housing program of an Element to include a description of the use of moneys in the Redevelopment Agency's Low- and Moderate-Income Housing Fund. This fund was established with the adoption of an expanded project area in 1991. It is estimated that over the next five years there will be one million dollars accumulated in this fund. It has not yet been determined how these funds will be used. However, this Housing Chapter proposes several programs (e.g. Policies 11, 13, and 19) that could assist the Redevelopment Agency in increasing and improving the community's supply of low- and moderate-income housing.

Time Frame: To begin when tax increment funds become available (estimated to begin in 1992-1993). When this occurs, the Agency will develop a program which will set forth the means of distributing funds generated by the Redevelopment Agency.

Responsible Agency: Redevelopment Agency

Funding Source: 20% of the tax increment allocated to the Redevelopment Agency.

9. **Multi-Family Mortgage Revenue Bonds (MFMRB's)**

Program Description: Existing. Continue to participate in mortgage revenue bond programs when market conditions stimulate developer participation. MFMRB's provide tax-exempt low-cost financing to developers of projects who provide a portion of rental units at rents affordable to lower income households.

Time Frame: Re-evaluate annually. At this time, market-rate interest rates are low, so there is little developer interest in the program. However, if interest rates change, this program should be re-evaluated.
transitional housing for homeless persons; the development of new rental housing that meet the needs of the elderly and disabled; the purchase and or rehabilitation of residential hotels; and provides home purchase assistance for first-time homebuyers.

Time Frame: Apply for funding on annual basis

Responsible Agency: City of Modesto Housing Program Office
City Non-profit Housing Corporation

Funding Source: State Bond Funds

22. Transitional Housing Program

Program Description: Existing. The City shall continue to work with HUD and the Community Temporary Shelter Services Coalition in providing transitional shelter (single family residence), and counseling services to homeless families.

Quantified Objective: Seek to provide three (3) more single-family residences between 1992-1997 for families in need of transitional shelter.

Time Frame: Ongoing. The City of Modesto Housing Program Office and the Community Temporary Shelter Services meet or confer on a monthly basis.

Responsible Agency: City of Modesto Housing Program Office and Community Temporary Shelter Services Coalition

Funding Source: Community Development Block Grants, HUD State Bond Funds (Prop. 107)
Federal Emergency Management Agency Funds

23. First-time Homebuyer Program

Program Description: New. Develop a Citywide program to assist first-time homebuyers of low- and moderate-income with downpayment assistance. Work with local groups such as the Association of Realtors, Mortgage Lenders Association, Building Industry Association (BIA), Modesto Chamber of Commerce, Affordable Housing Task Force, and others to establish a first-time homebuyers program.

Time Frame: 1992-1993 Contact listed groups for interest

Responsible Agency: City of Modesto Housing Program Office
Planning and Community Development Department, Association of Realtors, BIA, Chamber of Commerce, Mortgage Lenders Association
Funding Sources: General Fund, Redevelopment Tax Increment, Private Resources

24. **Mortgage Credit Certificates**

Program Description: New. Mortgage Credit Certificates allow first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax. Certificates are issued by a local agency (e.g. Housing Authority) and are most applicable for moderate-income households.

Time Frame: 1993: Investigate the use of Mortgage Credit Certificates

Responsible Agency: First-time Homebuyers, Planning & Community Development Department, Stanislaus County Housing Authority

Funding Source: California Debt Advisory Board, Franchise Tax Board

25. **New Construction: Moderate and Above Moderate Units**

Program Description: Existing. Past results revealed that private sector residential construction activity produced an estimated 9,155 new moderate- and above moderate-income housing units between 1984-1989. It is expected that the building activity in these income categories will continue, although not as many as in the previous years.

Quantified Objective: 5,000 market rate units, (or 1,000 new units per year) to be constructed at prices that meet the incomes of those households in the moderate- or above-moderate-income categories.


Responsible Agency: Private Sector Developers

Funding Source: None Needed

26. **Single Family Mortgage Revenue Bonds (SFMRB’s)**

Program Description: Existing. Continue to encourage the participation in Single Family Mortgage Revenue Bond programs, when market conditions stimulate developer participation. SFMRB’s provide tax-exempt financing to first-time homebuyers.

Time Frame: Re-evaluate annually. At this time, market-rate interest are low, so there is little developer interest in the
43. **Water Conservation Program**

Program Description: **New.** The City will consider the initiation of a water conservation program. The purpose of this program would be to install and encourage the use of water conservation devices and measures in all houses rehabilitated under the City's housing rehabilitation programs.

Quantified Objective: When program is established, assist 250 households with water conservation devices.

Time Frame: By 1992-1993, consider the establishment such a program
By 1994-1997, implement program, if established

Responsible Agency: City of Modesto Housing Program Office, City Public Works (Water Conservation Division)

Funding Source: Community Development Block Grants

44. **Emergency Home Repair Program**

Program Description: **Existing.** Low interest loans, to repair immediate critical hazards for Modesto residents with very-low incomes, are available through the City's Housing Program Office.

Time Frame: Ongoing, as emergency requests are received.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

45. **Handicapped Barrier Removal Program**

Program Description: **Existing.** This program provides free technical advice on removing mobility barriers from home or property. Low interest financing is also available to handicapped homeowners living in Modesto, to assist them with removing mobility barriers from their home or property.

Time Frame: Ongoing, as requests are received.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants
Time Frame: August 1992: El Casa Verde I and II: 142 Units (221(d)(3): [Subject to the Low-Income Housing Preservation Act (LIHPRHA)]
1993: Cameron Villa Apartments: 68 Units (221(d)(4) Parkview Christian Estates: 99 Units (231)
1994: Neighborhood Manor: 20 Sect. 8 Units (231)
1995: Vinewood Apartments: 75 Units (221(d)(4) 104 MF Mortgage Revenue Bond Units At-risk 3 Density Bonus Units At-risk
1996: Ralston Towers (236(j)(i) 84) MF Mortgage Revenue Bond Units At-risk 2 Density Bonus units at risk

Responsible Agency: City of Modesto Housing Program Office, Redevelopment Agency, County Housing Agency, County Housing Authority, HCD, HUD

Funding Source: Community Development Block Grants, HOME Funds

Additional Potential Resources: Redevelopment 20% Set-Aside Tax Increment, Stanislaus County Housing Authority Reserves. Refer to Housing Element Chapter 3.0, Preservation of At-Risk Housing Units.

G. STRUCTURE OF TECHNICAL APPENDIX

The Technical Appendix for the Housing segment of this General Plan has been expanded and now consist of two parts.

Appendix A is the actual 1992 Housing Element Technical Appendix left intact. For overall completeness, the 1992 Housing Element is included as Appendix B.

The City’s Housing policy directions will continue to be included in the text of the General Plan. The Appendices A and B are included to provide background information.

H. HOUSING EXHIBITS

Following are the Exhibits referred to in this Chapter. All of the Exhibits were included in the 1992 Housing Element.
Attachment B

Explanation of Proposed Changes to Chapter IV Housing Text.
Proposed Change:
Expands the time horizon from the year 1997 to the year 2000.

Specific Change Proposed:
The City estimates that by the year 1997 2000, a total of fifteen privately-owned housing projects will technically be at-risk of converting to market rate. Seven of the projects are funded by federal rent subsidies; five are assisted by multi-family mortgage revenue bonds; and three projects with density bonuses.

(Reference, page IV-10 of the Proposed General Plan.)

Reason:
This presents updated information provided by the Consolidated Plan.
Text Change No. 2

Proposed Change:
Amends the number of elderly and non-elderly units at risk of converting from low-income to market rate apartments.

Specific Changes Proposed:
Potentially, by the year 2002, a total of 1,244 units within the City of Modesto are at-risk, of which 383 are elderly units, and 861 are non-elderly units. Exhibit IV-6 reflects an annual summary of at-risk projects by elderly and non-elderly units, from 1992 to 1997; which reflects this Housing Element's planning period. (Reference, page IV-10 of the Proposed General Plan.)

Reason:
This presents updated information provided by the Consolidated Plan.
Text Change No. 3

Proposed Change:


Specific Change Proposed:

g. Local Processing and Permit Procedures

The City of Modesto has good reputation for reasonably quick and efficient processing of development and building applications and permits. Exhibit IV-12 outlines the City's processing times and costs, as of January 1, 1991.

(Reference, page IV-20 of the proposed General Plan.)

Reason:

The City Council adopted a new fee schedule for the processing of Development Applications.
Text Change No. 4

Proposed Change:

Increases the number of assumed dwelling units for Village One from 7,400 to 8,000.

Specific Change Proposed:

d. Assumptions for Village One

The potential dwelling unit dwelling unit capacity for the Village One Specific Plan area is anticipated to be 7,400 to 8,000 units. The actual number of units achieved will depend, to a great extent, upon the efficiency of land use and the amount of land set aside for local streets. The standard R-1, R-2, R-3 zoning categories were not used because the range of housing types included a higher number of small lot units. Generally, the Village Residential category would equate to R-1 and the Multi-Family category would equate to R-3 zoning. Exhibit IV-17 shows the estimated number of potential dwelling units within the Village One Specific Plan Area.

(Reference, page IV-25 of the Proposed General Plan.)

Reason:

The original Village One Specific Plan allowed up to 8,000 dwelling units, but assumed only 7,400 dwelling units would be built. The updated policy is based on an 8,000 dwelling unit maximum capacity.
Proposed Change:

Provides an update report on the progress made to the Low- and Moderate-Income Housing Fund Program.

Specific Change Proposed:

8. Low- and Moderate-Income Housing Fund

Program Description: Existing. State law (AB 265) required that all redevelopment project areas in the state, to set aside 20% of tax increment revenues for increasing and improving the community's supply of low- and moderate-income housing. Furthermore, Chapter 1140, Statutes of 1989 amended the Housing Element Law to require the housing program of an Element to include a description of the use of moneys in the Redevelopment Agency's Low- and Moderate-Income Housing Fund. This fund was established with the adoption of an expanded project area in 1991. It is estimated that over the next five years there will be one million dollars accumulated in this fund. It has not yet been determined how these funds will be used. However, this Housing Chapter proposes several programs (e.g. Policies 11, 13, and 19) that could assist the Redevelopment Agency in increasing and improving the community's supply of low- and moderate-income housing.

Time Frame: To begin when tax increment funds become available (estimated to begin in 1992-1993). When this occurs, the Agency will develop a program which will set forth the means of distributing funds generated by the Redevelopment Agency.

Note: The Agency developed and adopted a redevelopment Implementation Plan in 1994.

Responsible Agency: Redevelopment Agency

Funding Source: 20% of the tax increment allocated to the Redevelopment Agency.

(Reference, page IV-29 of the Proposed General Plan.)

Reason:

The revised language indicates the Redevelopment Agency's success in meeting this goal.
Proposed Change:

Provides an update report on the progress made to the First-time Homebuyer Program.

Specific Change Proposed:

Program Description: New. Develop a Citywide program to assist first-time homebuyers of low- and moderate-income with downpayment assistance. Work with local groups such as the Association of Realtors, Mortgage Lenders Association, Building Industry Association (BIA), Modesto Chamber of Commerce, Affordable Housing Task Force, and others to establish a first-time homebuyers program.

Time Frame: 1992-1993 Contact listed groups for interest.

Reason:

The proposed revision indicates the City's success in achieving this goal.
Proposed Change:

Provides an update report on the progress made to the Mortgage Credit Certificates Program.

Specific Change Proposed:

24. Mortgage Credit Certificates

Program Description: New. Mortgage Credit Certificates allow first-time home buyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax. Certificates are issued by a local agency (e.g. Housing Authority) and are most applicable for moderate-income households.

Time Frame: 1993: Investigate the use of Mortgage Credit Certificates

Note: The Housing Authority County of Stanislaus developed and adopted a Mortgage Credit Certificate Program in 1994.

Responsible Agency: First-time Homebuyers, Planning & Community Development Department, Stanislaus County Housing Authority

Funding Source: California Debt Advisory Board, Franchise Tax Board

(Reference, Page IV-36 of the Proposed General Plan.)

Reason:

The proposed revision indicated the success in achieving this goal.
Text Change #8

Proposed Change:

Provides an update report on the progress made to the Water Conservation Program.

Specific Change Proposed:

43. Program Description: New. The City will consider the initiation of a water conservation program. The purpose of this program would be to install and encourage the use of water conservation devices and measures in all houses rehabilitated under the City's housing rehabilitation programs.

Quantified Objective: When program is established, assist 250 households with water conservation devices.

Time Frame: By 1992-1993, consider the establishment such a program

By 1994-1997, implement program, if established

Note: A water conservation program has been integrated into the City's Housing Maintenance Program.

Responsible Agency: City of Modesto Housing Program Office, City Public Works (Water Conservation Division)

Funding Source: Community Development Block Grants

(Reference, Page IV-43 of the Proposed General Plan.)

Reason:

The proposed revision indicates the City's success in achieving this goal.
Proposed Change:

Replace the entire text for this Section with new wording.

Specific Change Proposed:

G. Structure of Technical Appendix

The Technical Appendix for the Housing segment of this General Plan has been expanded and now consists of two parts.

Appendix A is the actual 1992 Housing Element Technical Appendix left intact. For overall completeness, the 1992 Housing Element is included as Appendix B.

The City's Housing policy directions will continue to be included in the text of the General Plan. The Appendices A and B are included to provide background information.

The Housing Chapter is based on information included in the 1992 Housing Element Technical Appendix. This Appendix is hereby included to the Modesto Urban Area General Plan and serves as support information to the Housing Chapter. The 1992 Housing Element Technical Appendix is attached to this General Plan as Appendix B. Appendix B also includes an evaluation of the last Housing Element Period, from 1984 to 1989.

(Reference, Page IV-46 of the Proposed General Plan.)

Reason:

The structure of the General Plan Appendices has been modified. The new text describes the location of the appendices to the Housing Chapter.
Attachment C

Explanation of Proposed Changes to Chapter IV
Housing Exhibits
Exhibit Changes # 1-4

Replace the Following Exhibits:

IV-3
IV-4
IV-6
IV-7

Specific Changes Proposed:

Replacement Exhibits are attached.

Reason for Exhibit Changes:

The City's Consolidated Plan provides updated information.
Exhibit Changes # 5-6

Replace the Following Exhibits:

IV-13
IV-17

Specific Changes Proposed:

Replacement Exhibits are attached:

Reason for Exhibit Changes

The original Village One Specific Plan allowed up to 8,000 dwelling units, but assured only 7,400 dwelling units would be built. The updated Exhibit is based on an 8,000 dwelling unit maximum capacity.
Exhibit Changes # 7-8

Replace the Following Exhibits:

   IV-11  
   IV-12

Specific Changes Proposed:

Replacement Exhibits are attached.

Reason for Exhibit Changes:

New Capital Facilities Fees, Public Facilities Fees, and Planning Development Application Fees have been adopted.
# Exhibit IV-3
## Summary of Special Needs Groups

<table>
<thead>
<tr>
<th>Special Needs Group</th>
<th>Number of Persons/Households</th>
<th>% of Total Population/Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elderly -- ages 60+ (a)</td>
<td>22,915 (P)</td>
<td>14%</td>
</tr>
<tr>
<td>Handicapped --ages 16-64 (b)</td>
<td>15,530 (P)</td>
<td>8%</td>
</tr>
<tr>
<td>Large Families (a)</td>
<td>7,671 (H)</td>
<td>13%</td>
</tr>
<tr>
<td>Farmworkers (c)</td>
<td>244 (H)</td>
<td>.04%</td>
</tr>
<tr>
<td>Homeless (a)</td>
<td>248 (P)</td>
<td>.01%</td>
</tr>
<tr>
<td>Female-headed Households (a)</td>
<td>15,987 (H)</td>
<td>28%</td>
</tr>
</tbody>
</table>

Source: (a) 1990 Census, (b) City Planning Estimate, 1991, (c) SAAG Regional Housing Needs Report, 1990. NOTE: Percentages will not total 100% since each category is not mutually exclusive. A single household may appear in more than one category. (P) -- # of Persons, (H) -- # of Households.
### Exhibit IV-4

**Five-Year Inventory (1995-2000) of Low-Income Rental Units Subject to Termination of Federal Mortgage and/or Rent Subsidies**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Owner Name</th>
<th>FHA Project/Section</th>
<th>Total FHA Units/Total Sec. 8 Units</th>
<th>FHA and/or Section 8</th>
<th>Earliest Termination Date: FHA and/or Section 8</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Casa Verde I</td>
<td>W. Glenn Nobmann</td>
<td>221 (d)(3)</td>
<td>Existing</td>
<td>FHA -110</td>
<td>Sec. 8: 8/13/1992 (Extended)</td>
</tr>
<tr>
<td>1513-B Robertson Rd.</td>
<td>PO Box 235 Richmond,</td>
<td>Mkt Rate</td>
<td></td>
<td>110 Total</td>
<td></td>
</tr>
<tr>
<td>Modesto, 95351</td>
<td>94808</td>
<td>ME*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>El Casa Verde II</td>
<td>W. Glenn Nobmann</td>
<td>221(d)(3)</td>
<td>Existing</td>
<td>FHA -32</td>
<td>Sec. 8: 8/13/1992 (Extended)</td>
</tr>
<tr>
<td>1513-B Robertson Rd.</td>
<td>PO Box 235 Richmond,</td>
<td>Mkt Rate</td>
<td></td>
<td>32 Total</td>
<td></td>
</tr>
<tr>
<td>Modesto, 95351</td>
<td>94808</td>
<td>MF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>160 Mark Randy Place</td>
<td>2001 N. Van Ness</td>
<td></td>
<td></td>
<td>Sec. 8 -68</td>
<td></td>
</tr>
<tr>
<td>Modesto, 95350</td>
<td>Fresno, 93704</td>
<td>MF</td>
<td></td>
<td>68 Total</td>
<td></td>
</tr>
<tr>
<td>Parkview Christian</td>
<td>Parkview Christian</td>
<td>231</td>
<td>Existing</td>
<td>FHA -99</td>
<td>Sec. 8: 12/31/1998</td>
</tr>
<tr>
<td>Estates</td>
<td>3112 Napier Drive</td>
<td>Elderly</td>
<td></td>
<td>Sec. 8 -60</td>
<td></td>
</tr>
<tr>
<td>Modesto, 95351</td>
<td>Modesto, 95351</td>
<td></td>
<td></td>
<td>99 Total</td>
<td></td>
</tr>
<tr>
<td>Neighborhood Manor</td>
<td>Nghbrhd Manor</td>
<td>231</td>
<td>Existing</td>
<td>FHA -104</td>
<td>Sec 8: 5/22/1994</td>
</tr>
<tr>
<td>1200 Woodrow Ave.</td>
<td>1200 Woodrow Ave.</td>
<td>Elderly</td>
<td></td>
<td>104 Total</td>
<td></td>
</tr>
<tr>
<td>Modesto, 95350</td>
<td>Modesto, 95350</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vinewood Apartments</td>
<td>Am Diversified</td>
<td>221(d)(4)</td>
<td>New Con.</td>
<td>FHA -75</td>
<td>Sec. 8: 3/6/1995</td>
</tr>
<tr>
<td>2600 Standiford</td>
<td>3200 Park Center, S.</td>
<td>MF</td>
<td></td>
<td>Sec. 8 -75</td>
<td></td>
</tr>
<tr>
<td>Modesto, 95350</td>
<td>Costa Mesa, 92626</td>
<td></td>
<td></td>
<td>75 Total</td>
<td></td>
</tr>
<tr>
<td>Ralston Tower</td>
<td>Mdsto Affl Hsg</td>
<td>236(J)(1)</td>
<td>Section 8</td>
<td>FHA -180</td>
<td>Sec. 8: 8/13/1996</td>
</tr>
<tr>
<td>900 17th Street</td>
<td>900 17th Street</td>
<td>Elderly</td>
<td>Existing</td>
<td>Sec. 8 -109</td>
<td></td>
</tr>
<tr>
<td>Modesto, 95354</td>
<td>Modesto, 95354</td>
<td></td>
<td></td>
<td>180 Total</td>
<td></td>
</tr>
</tbody>
</table>

*MF= Multi-family Housing Projects
### Exhibit IV-6
**Annual Summary of At-Risk Projects to 1996-2000**

<table>
<thead>
<tr>
<th>Year</th>
<th>Elderly</th>
<th>Non-Elderly</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>109</td>
<td>86</td>
</tr>
<tr>
<td>1997</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>1998</td>
<td>60</td>
<td>132</td>
</tr>
<tr>
<td>1999</td>
<td>--</td>
<td>2</td>
</tr>
<tr>
<td>2000</td>
<td>--</td>
<td>117</td>
</tr>
<tr>
<td>TOTAL</td>
<td>169</td>
<td>337</td>
</tr>
</tbody>
</table>
### Exhibit IV-7
Bond Financed and Density Bonus Projects
At-Risk of Conversion Between 1994-2002

<table>
<thead>
<tr>
<th>Project Name and Location</th>
<th>Type of Program Assistance</th>
<th>Number of Affordable Units At-Risk</th>
<th>Years to Monitor</th>
<th>Date of Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Oakhaven</strong> 2112 Floyd Avenue</td>
<td>MF Mortgage Revenue Bonds</td>
<td>10 Low-income 10 Very Low-income</td>
<td>10</td>
<td>3/1995</td>
</tr>
<tr>
<td><strong>Westdale Commons</strong> 4121 Dale Road</td>
<td>MF Mortgage Revenue Bonds</td>
<td>44 Low-income</td>
<td>10</td>
<td>12/1/2002</td>
</tr>
<tr>
<td><strong>Stonebridge</strong> 2800 Braden</td>
<td>MF Mortgage Revenue Bonds</td>
<td>58 Low-income</td>
<td>20</td>
<td>3/1/2006</td>
</tr>
<tr>
<td><strong>Valley Oaks</strong> 2300 Oakdale Road</td>
<td>MF Mortgage Revenue Bonds</td>
<td>21 Low-income 21 Very Low-income</td>
<td>15</td>
<td>11/1/2000</td>
</tr>
<tr>
<td><strong>Park Lakewood</strong> 1500 Lakewood</td>
<td>MF Mortgage Revenue Bonds</td>
<td>12 Low-income 12 Very Low-income</td>
<td>10</td>
<td>4/1/1996</td>
</tr>
<tr>
<td><strong>Meadow Lake</strong> 1401 Lakewood</td>
<td>MF Mortgage Revenue Bonds</td>
<td>20 Low-income 20 Very Low-income</td>
<td>10</td>
<td>8/1/1995</td>
</tr>
<tr>
<td><strong>Shadowbrook</strong> 3001 Hahn</td>
<td>MF Mortgage Revenue Bonds</td>
<td>30 Low-income 30 Very Low-income</td>
<td>10</td>
<td>8/1/1996</td>
</tr>
<tr>
<td><strong>Live Oak</strong> 1900 Oakdale Road</td>
<td>MF Mortgage Revenue Bonds</td>
<td>66 Very-low income</td>
<td>15</td>
<td>8/1/2003</td>
</tr>
<tr>
<td><strong>Ken Diehl Project location</strong> 1317 Carver Rd., Mod.</td>
<td>Density Bonus</td>
<td>1 Very-low income</td>
<td>10</td>
<td>7/1995</td>
</tr>
<tr>
<td><strong>Ken Diehl Project location</strong> 1535 Rose, Modesto</td>
<td>Density Bonus</td>
<td>2 Very-low income</td>
<td>10</td>
<td>9/1/1996</td>
</tr>
<tr>
<td><strong>Irwin Steinpress Project location</strong> 601 N. Emerald, Mod.</td>
<td>Density Bonus</td>
<td>2 Very-low income</td>
<td>10</td>
<td>8/1995</td>
</tr>
</tbody>
</table>
## Exhibit IV-11
### Developer Fees, 1995

<table>
<thead>
<tr>
<th>City CFF</th>
<th>Dwelling Unit Type</th>
<th>County PFF</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,819</td>
<td>Single-family residence</td>
<td>$2,836</td>
<td>$6,655</td>
</tr>
<tr>
<td>$2,924</td>
<td>Mobile home, each unit of a duplex</td>
<td>$1,855</td>
<td>$4,779</td>
</tr>
<tr>
<td>$2,415</td>
<td>Multiple family unit</td>
<td>$1,855</td>
<td>$4,270</td>
</tr>
<tr>
<td>$1,920</td>
<td>Multiple family unit limited to occupancy by senior citizens</td>
<td>$948</td>
<td>$2,868</td>
</tr>
</tbody>
</table>

### Estimated Fees For New Growth Areas*  

<table>
<thead>
<tr>
<th>Single Family home</th>
<th>Multi-family unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>$18,700</td>
<td>$13,700</td>
</tr>
</tbody>
</table>

*Development fees are under study and have yet to be adopted.
### Exhibit IV-12
Local Processing and Permit Procedures

<table>
<thead>
<tr>
<th>Application</th>
<th>Approximate Processing time (in weeks)</th>
<th>Application fee in dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-D Zoning</td>
<td>18-20</td>
<td>1,105.00</td>
</tr>
<tr>
<td>Amend P-D Zone pursuant to Sec. 10-2.1709(b)</td>
<td>18-20</td>
<td>1,105.00</td>
</tr>
<tr>
<td>Amend P-D Zone pursuant to Sec. 10-2.1709(a)</td>
<td>12-14</td>
<td>795.00</td>
</tr>
<tr>
<td>Rezoning</td>
<td>18-20</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Plot Plan Review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>for a satellite antenna for a single-family house</td>
<td>9-12</td>
<td>135.00</td>
</tr>
<tr>
<td>second-story addition</td>
<td>4</td>
<td>230.00</td>
</tr>
<tr>
<td>all other plot plan reviews</td>
<td>9-12</td>
<td>550.00</td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>9-12</td>
<td>795.00</td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>on a lot with a single-family house in the R-1, R-2, or R-3 zone</td>
<td>9-12</td>
<td>205.00</td>
</tr>
<tr>
<td>all others</td>
<td>9-12</td>
<td>845.00</td>
</tr>
<tr>
<td>Administrative Approval Revised Plans</td>
<td>1-2</td>
<td>20% of application fee</td>
</tr>
<tr>
<td>Tentative Subdivision Map</td>
<td>9-11</td>
<td>730.00</td>
</tr>
<tr>
<td>Tentative Parcel Map</td>
<td>9-11</td>
<td>660.00</td>
</tr>
<tr>
<td>Reversion to Acreage</td>
<td>9-11</td>
<td>555.00</td>
</tr>
<tr>
<td>Parcel Map Waiver</td>
<td>9-11</td>
<td>555.00</td>
</tr>
<tr>
<td>Lot Line Adjustment</td>
<td>4</td>
<td>140.00</td>
</tr>
<tr>
<td>Time Extension</td>
<td>9-11</td>
<td>125.00</td>
</tr>
<tr>
<td>Environmental Assessment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>initial study</td>
<td>3</td>
<td>535.00</td>
</tr>
<tr>
<td>staff evaluation special studies</td>
<td>2</td>
<td>475.00</td>
</tr>
<tr>
<td>Appeals</td>
<td>4-8</td>
<td>100.00</td>
</tr>
<tr>
<td>(of Planning Commission, Board of Zoning Adjustment, or staff decisions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annexation</td>
<td>20</td>
<td>540.00</td>
</tr>
<tr>
<td>Abandonment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(authority: C/C Res. No. 90-925)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>abandonment of Right of Way</td>
<td>18-20</td>
<td>865.00</td>
</tr>
<tr>
<td>walkway abandonment</td>
<td>18-20</td>
<td>145.00</td>
</tr>
</tbody>
</table>
Exhibit IV-13
Estimated Number of Potential Dwelling Units Within the Village One Specific Plan Area By Housing Type

<table>
<thead>
<tr>
<th>HOUSING TYPE</th>
<th>UNITS</th>
<th>NET ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ranchettes</td>
<td>87</td>
<td>44</td>
</tr>
<tr>
<td>Single-Family</td>
<td>5,533</td>
<td>873</td>
</tr>
<tr>
<td>Multi-Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>senior housing</td>
<td>600</td>
<td>80</td>
</tr>
<tr>
<td>multi-family</td>
<td>1,730</td>
<td></td>
</tr>
<tr>
<td>mixed-use</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8,000</strong></td>
<td><strong>995</strong></td>
</tr>
</tbody>
</table>
Exhibit IV-17
Estimated Number of Potential Dwelling Units
Within the Village One Specific Plan Area

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low Density</td>
<td>87</td>
</tr>
<tr>
<td>Village Residential</td>
<td>5,533</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>1,730</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8,000</strong></td>
</tr>
</tbody>
</table>
TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper #6: Mini-Parks

Recommendation:
1. Staff recommends deletion of the reference to "Mini-Parks" from the General Plan.
2. The Community Development and Housing Committee agrees with this recommendation.

Background:
The following policy was proposed by Staff, and accepted by the Planning Commission, regarding Mini-Parks:

**Planned Urbanizing Area: Mini Parks Policies and Standards**

The mini park should be centrally located within the residential neighborhood with a service radius of one sixth to one quarter mile and should front on residential streets on all sides.

The minimum size for a mini park will be one-half acre or the total acreage based on one-half acre per one hundred and fifty dwelling units, whichever is larger.

Mini Parks are encouraged, but not required, in the following Comprehensive Planning Districts: Pelandale Snyder; Coffee Claratina; North Beyer; and Empire North. Mini Parks are required in all other Comprehensive Planning Districts.

(Page V-18 (cc), Planning Commission Proposal).

Reason for Recommendation
Staff originally proposed this Policy to reflect the Village One "mini-park" policies, and to encourage mini-parks in future villages. With the publication of the Village One Feasibility Study, however, mini-parks may be deleted from the Specific Plan. Therefore, Staff believes it appropriate to delete all references to mini-parks from the General Plan. Aside from the above Policy found on page V-18 of the proposed General Plan, there are minor references in various pages of the General Plan which would also be deleted.
Irrespective of the deletion of this policy, mini-parks would still be allowed within neighborhoods; they just would not be required.

Community Development and Housing Committee Recommendation

On July 24, 1995, the Community Development and Housing Committee considered this revision. The Committee unanimously agreed with the Staff recommendation.
CITY OF MODESTO

MEMORANDUM

July 24, 1995

TO: Mayor and City Council
FROM: Community Development Department
SUBJECT: Issue Paper #7 - Revisions to the General Plan Resulting From Changes to the Final EIR Mitigation Measures

Recommendation

Staff recommends that three General Plan Policies be modified to reflect the revised Mitigation Measures of the Final EIR.

Background

Staff and the Community Development and Housing Committee are recommending that 28 Mitigation Measures in the Final EIR be revised. These revised Mitigation Measures are presented in Attachment 3 to the overall staff report. There are three General Plan Policies, all in Chapter V, that need to be modified to reflect the wording of the revised Mitigation Measures. Following is the revised language for these Policies.

Section V-C, Policy 2-d (page V-8)

The first sentence of this Policy would be revised to read:

"The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City's Sphere of Influence." (the revised wording is underlined)

Section V-E, Policy 3-g (page V-13)

The following sentence would be added to this Policy:

"The City shall update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence."
Section V-M, Policy 2-e (page V-30)

A new policy (Policy 2-e) would be added to this Section to read as follows:

"Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1 of the Master Environmental Impact Report) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Policy 2-c."
As a result of the public hearing process, certain modifications to the mitigation measures published in the Final Environmental Impact Report were determined to be necessary. Attached (Exhibit C-1) are the revised mitigation measures, to be incorporated into the Final EIR as an addendum. Included in this Attachment is a rationale for each of the revisions.

In addition, Exhibit C-2 is an explanation, required by Section 15088.5(e) of the CEQA Guidelines, supporting the City's decision not to recirculate the EIR, even though the Project Description has changed, and several of the Mitigation Measures have been revised. Finally, Exhibit C-3 presents details of the revised Project Description, reflecting the Adopted General Plan Land Use Diagram.
EXHIBIT C-1

Revised Mitigation Measures

I. Traffic and Circulation Needs

A. Revised Mitigation Measures

A. 1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of this Master EIR) to achieve LOS "D" or better in the year 2025 (as shown in Figure 1-5 and Appendix II-A) cannot cause, without further study, conditions to be worse than LOS "D" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)

b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

A. 2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "E" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause conditions on those facilities to exceed LOS "E" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)

b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.
A. 3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "F" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour vehicle/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 2025 by the traffic model. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)

b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

B. Reason for Revision

Level of Service "D" is the long-standing design goal desired for the City's Circulation system. The above three Mitigation Measures expand further on Mitigation Measures A-1, A-2, and A-3, presented on pages IV-1-29 and 30 of the Final EIR. These Mitigation Measures recognize, and accept, certain circulation links known to be worse than "D".

Essentially, the language as originally adopted serves to ensure that interim traffic volumes and congestion levels do not deteriorate substantially, compared to their ultimate congestion levels, which were supposedly "worst case" anyway.

The expanded language does not change that direction; it merely provides a means to address interim congestion levels (specifically, those worse than "D") due to incomplete road systems, etc. Basically, supplemental environmental review is necessary, including a review of the Comprehensive Traffic Model, to ensure that all off-site implications are addressed. In summary, this set of revisions clarifies, but does not compromise, the City's long-standing design standard for Level of Service "D" in the City's transportation planning process.

C. Revised Mitigation Measure

A. 4. e. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code.

D. Reason for Revision

Mitigation Measures A-4(a) through A-4(d), as published in the EIR, describe the appropriate process for reviewing individual development projects which conform to the General Plan.
Measure A-4(e) was necessary to add, to describe the appropriate process (namely, further environmental review) when the development project did not conform to the General Plan. This is a minor, technical change.

E. Revised Mitigation Measure

C. 3. d. The use of the bicycle shall be promoted as an alternative mode of transportation. An adequate and safe bicycle system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle usage should be considered in the planning of new streets and in street improvements. Facilities for mode transfer from bicycle to park-and-ride lots, transit, and rail should be considered and provided when necessary.

F. Reason for Revision

The Mitigation Measure, as originally written, appeared to require dedicated Bicycle Lanes on every collector street in the City. The revised language continues to encourage and promote bicycles as an alternative transportation mode, but in a more rational and feasible manner.

G. Revised Mitigation Measure

C. 3. e. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:

- **Amtrak.** The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.

- **Inter-regional Rail Service.** The City supports the rerouting of the San Joaquin’s rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.

- **Light Rail Transit.** The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.

- **Freight Rail.** The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of “truck on rail” as a technique for reducing through-truck traffic on highway corridors.

- Any necessary crossings of the Santa Fe Railroad Corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In 1995, the AT&SF
Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe’s rail line.

The City shall also encourage increased use of freight rail transportation service, and establishment of inter-model facilities and links to help reduce through truck traffic on state highways and arterial roadways.

**H. Reason for Revision**

*No change in policy direction is made by this revision. The revised language represents only minor word changes to reflect language which has been published in the General Plan at least since February.*

**II. Degradation of Air Quality**

**A. Revised Mitigation Measures**

1. The City of Modesto shall implement measures to reduce motor vehicle use and related ozone precursor and PM$_{10}$ emissions through changes to the transportation infrastructure. Table 2-2 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

2. The City of Modesto and project proponents shall implement measures to reduce vehicle use and associated emissions related to existing and future land use development in the City of Modesto. Table 2-3 in the MEIR describes those measure to be implemented, as well as additional measures which may be implemented at the discretion of the City.

3. The City of Modesto shall implement measures to reduce emissions associated with energy use by residences and businesses. Table 2-4 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

4. The City of Modesto shall implement measures to reduce emissions associated with future development through the CEQA review process. Table 2-5 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

13. The City of Modesto shall implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Table 2-6 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

**B. Reason for Revision**

*Numerous Air Quality measures were provided by the regional Air Pollution Control District as suggested means to improve Air Quality within the San Joaquin Valley. Even if all of the suggested measures were implemented by the City of Modesto, there is no evidence that Air Quality in the basin*
would improve to a level below significance. This is why Air Quality has been determined to be an impact which is significant and not mitigable.

The most significant revision in Air Quality Mitigation Measures is the division of the measures into two categories:

- those which will be directly implemented by the City, by incorporating those measures directly into the General Plan; or

- those which are strongly encouraged, but not necessarily required by the General Plan.

Finally, three mitigation measures published in the Final EIR are recommended for DELETION, because they are too general, and staff has found no empirical evidence that these measures would improve air quality. The two measures proposed for deletion are as follows:

- “The City of Modesto shall work to reach an equitable tax sharing agreement with Stanislaus County to avoid the fiscalization of land use decisions”.

- “The City of Modesto shall plan for a multi-modal transportation system that meets the mobility needs of the community and improves air quality”.

- “The City of Modesto should encourage developers to certify that their construction contractors use construction equipment that is well-maintained according to the manufacturer’s recommendations.”

C. Revised Mitigation Measure

5. The City of Modesto recognizes the efforts of the San Joaquin Valley Unified Air Pollution Control District, to identify the cumulative transportation and air quality impacts of all general plan amendments approved during the previous years. This measure is intended to track the effectiveness of current air-quality-related programs and guide revision to these programs through periodic review of cumulative air quality impact in the City.

D. Reason for Revision

The Mitigation Measure published in the Final EIR had the City being responsible for evaluating the cumulative impacts of General Plan Amendments. Since the cumulative effects of increases in air pollution are generated and measured on a Valley-wide scale, the San Joaquin Valley Unified Air Pollution Control District, as the agency responsible for regulating air quality in the San Joaquin Valley, is the appropriate agency for monitoring these cumulative impacts.
TABLE 2-2: AIR QUALITY MEASURES INVOLVING CHANGES TO THE TRANSPORTATION INFRASTRUCTURE

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:

   a. The City of Modesto shall vigorously pursue and use state and federal funds earmarked for bicycle and transit improvements.

   b. The City shall establish transit services on key arterials to locate stops within 1/4 mile of residences/work places, and reevaluate quality and frequency of services, as appropriate as development progresses and demand increases.

   c. The City of Modesto shall consider measures to increase the capacity of the existing road network prior to constructing more capacity (additional lanes, new freeways, etc.).

2. The following measures should be strongly encouraged, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible.

   a. The City of Modesto should ensure that a comprehensive system of bikeways and pedestrian paths is planned and constructed in accordance with an adopted City/County Regional plan. The City of Modesto should ensure that regional and commuter bikeways are extended to serve new development consistent with the adopted bikeway plan.

   b. The City of Modesto should plan for a multi-modal transportation system that meets the mobility needs of the community and improves air quality. The City of Modesto should plan for multi-modal transfer sites that incorporate auto parking areas, bike parking, transit, pedestrian and bicycle paths, and park-and-ride points.

   c. The City of Modesto should ensure that upgrades to existing roads (widening, curb and gutter, etc.) include bicycle and pedestrian improvements in their plans and implementation, where appropriate.

   d. The City of Modesto should design all arterial and collector streets planned as transit routes to allow the efficient operation of public transit.

   e. The City of Modesto should plan park-and-ride lots at suitable locations serving long distance and local commuters. The City of Modesto should work with Caltrans and transit providers to identify park-and-ride sites with convenient access to public transit.
## TABLE 2-3: AIR QUALITY MEASURES TO REDUCE VEHICLE USE

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate.

   a. The City of Modesto shall work with employers and developers to provide employees and residents with attractive, less-polluting, and affordable transportation alternatives (such as accommodations for bicycle use, transit use subsidies for employees, ridesharing incentives, etc.).

   b. The City of Modesto shall consider air quality and mobility when reviewing any proposed change to the land use pattern of this community.

   c. The City of Modesto shall plan adequate neighborhood commercial shopping areas to serve new residential development.

   d. Subdivision designs shall provide neighborhood parks in proximity to activity centers such as schools, libraries, and community centers.

   e. The City of Modesto shall plan the area around new commuter and mainline rail stations to provide convenient and safe pedestrian and bicycle access, and connections to the transit system.

2. The following measures should be strongly encourage, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible:

   a. Projects within the City of Modesto should propose pedestrian or transit-oriented designs at suitable locations.

   b. The City of Modesto should work to preserve and enhance existing neighborhoods and commercial districts having transit and pedestrian-oriented designs.

   c. The City of Modesto should plan areas within 1/4 mile of locations identified as transit hubs and commercial centers for higher density development.

   d. Higher housing densities in areas served by the full range of urban services should be utilized within the City of Modesto.

   e. Mixed-use developments should provide commercial services such as day care centers, restaurants, banks, and stores near employment centers.

   f. The development of shopping areas should be located within walking distance of high density residential neighborhoods.

   g. The City of Modesto should protect pedestrian-oriented commercial areas from development that is incompatible in design, scale or use.
h. Regional shopping malls/centers should be located at sites capable of support by a full range of transportation options.

I. The City of Modesto should require new major activity centers, office, and commercial development to provide secure bicycle storage and parking facilities.

j. The City should establish TCMs and mandatory trip reduction and monitoring/reporting programs for all development within the BP designation. Such programs shall ignore property boundaries so that paratransit and carpooling opportunities are cooperative and in-common.

k. The City of Modesto should work to establish public/private partnerships to develop satellite and neighborhood work centers for telecommuting.
TABLE 2-4: AIR QUALITY MEASURES RELATED TO ENERGY USE

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:

   a. The City of Modesto shall work with the local energy providers on voluntary incentive-based programs to encourage the use of energy efficient designs and equipment.

   a. The City shall not allow new residential development to include conventional open-hearth fireplaces. With designs of new residential construction that include fireplaces, the City shall encourage installation of California Energy Commission (CEC) certified natural gas appliances over wood-burning appliances. The City shall limit the number of allowable EPA-approved/Oregon-certified wood-burning appliances to one per new residence.

2. The following measures should be strongly encouraged and incorporated into development plans and public facility plans when it is shown to be appropriate and feasible:

   a. The City should cooperate with the local building industry, utilities, and the SJVUAPCD to develop and adopt new building efficiency practices (standards) for commercial, industrial, and residential buildings to reduce energy and water consumption below the amounts which would be used if the buildings only complied with the existing state standard.

   b. The City could implement a program to offer incentives for new developments that are more energy efficient than state energy standards at the time the building permit is issued. Incentives may include reduced permit fees or expedited permit processing. Through an annual awards program the City could recognize outstanding projects.

   c. The City should ensure that new residential construction and residential redevelopment include low-NO\textsubscript{x} space heaters and water heaters.
TABLE 2-5: AIR QUALITY MEASURES TO BE IMPLEMENTED THROUGH THE CEQA REVIEW PROCESS

1. The following mitigation measures shall be implemented by the City of Modesto:
   a. The City of Modesto shall consult with the San Joaquin Valley Unified Air Pollution Control District during CEQA review for all discretionary projects not previously reviewed by the District. The City of Modesto shall determine project air quality impacts using analysis methods and significance thresholds recommended by the SJVUAPCD.

2. The following measures should be strongly encouraged, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible:
   a. The City of Modesto should require local CO "hot spot" modeling for individual projects that would substantially affect high-volume intersections such that Levels of Service would degrade to "F" or where Levels of Service without the project are already "F."
   b. The City should ensure that air quality impacts identified during the CEQA review are consistently and fairly mitigated.
   c. The City of Modesto should ensure that all air quality mitigation measures are feasible, implementable, and cost effective.
TABLE 2-6: AIR QUALITY MEASURES TO BE REDUCE CONSTRUCTION IMPACTS

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:

   a. The City of Modesto shall work with the SJVUAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.

   b. If required by Regulation VIII (Fugitive Dust Rules) of the San Joaquin Valley Unified Air Pollution Control District, the City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.

2. The following measures should be strongly encouraged and incorporated into development plans and public facility plans when it is shown to be appropriate and feasible:

   a. The City of Modesto should reduce PM$_{10}$ emissions from City-maintained roads to the maximum extent feasible.

   b. The City of Modesto should adopt a standard set of construction-related mitigation measures that can be adapted to all new, non-emergency construction projects in the City. A set of potential construction-related mitigation measures and their respective efficiencies are shown in Table 2-7.
### TABLE 2-7: MITIGATION FOR CONSTRUCTION ACTIVITIES AND EMISSION REDUCTION EFFICIENCIES

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>Mitigation Measure</th>
<th>Emission Reduction Efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fugitive Dust from Construction Activities</td>
<td>- Apply approved chemical soil stabilizers to inactive inactive construction areas</td>
<td>30-65%</td>
</tr>
<tr>
<td></td>
<td>- Replace ground cover in disturbed areas as quickly as possible</td>
<td>15-49%</td>
</tr>
<tr>
<td></td>
<td>- Enclose, cover, water twice daily, or apply soil binders to exposed stock piles, i.e., gravel, sand, dirt</td>
<td></td>
</tr>
<tr>
<td>Fugitive Dust from Grading and Excavation</td>
<td>- Water active sites at least twice daily</td>
<td>34-68%</td>
</tr>
<tr>
<td></td>
<td>- Suspend all excavating and grading activities when winds exceed 25 miles per hour</td>
<td>NQ</td>
</tr>
<tr>
<td>Fugitive Dust from Roads</td>
<td>- Sweep streets at the end of the day</td>
<td>25-60%</td>
</tr>
<tr>
<td></td>
<td>- Apply water twice daily or chemical soil stabilizers per manufacturers instruction to unpaved parking, staging areas, and roads</td>
<td>45-85%</td>
</tr>
<tr>
<td></td>
<td>- Install wheel washers to clean trucks and equipment leaving site onto paved roads</td>
<td>40-70%</td>
</tr>
<tr>
<td></td>
<td>- Limit traffic speeds on unpaved roads to 15 mph</td>
<td>40-70%</td>
</tr>
<tr>
<td></td>
<td>- Cover trucks hauling dirt, sand, soil, or loose material</td>
<td>7-14%</td>
</tr>
<tr>
<td></td>
<td>- Pave construction roads</td>
<td>92-94%</td>
</tr>
<tr>
<td></td>
<td>- Pave access road at least 100 feet onto site</td>
<td>92-94%</td>
</tr>
</tbody>
</table>

NQ: Not Quantified

**SOURCE:**
2. San Joaquin Valley Unified Air Pollution Control District, Regulation VIII, Fugitive Dust Rules.
III. Generation of Noise

A. Revised Mitigation Measures

A. 1. The City of Modesto shall require noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g. where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.) The City should consider potential mitigation measures, including, but not limited to, the following:

a. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

b. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable," ) shown in Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.

A. 2. During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation:

a. Single-family Residential uses: the Ldn 65 contour, as depicted on the most recent noise contours for the City, shown in Figure VII-1.

b. Other proposed uses: the noise/land compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable," ) shown on Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.

A. 3. For new single-family residential development within the Ldn 65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

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

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

c. Incorporate construction techniques to achieve an interior noise limit of 45 Ldn (these potential techniques are presented in CCR Title 24 standard).

A. 5. For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines
(Figure VII-2), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

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

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

c. Incorporate construction techniques to achieve specified interior noise limits. One source than can be used for such specifications is the “Recommended Maximum Interior Noise Level Criteria for Intermittent Noise,” (Table 2, Noise Insulation Problems in Buildings, Paul S. Veneklasen & Associates, January 1973).

A. 6. With road extension, widening and upgrade projects, the City of Modesto shall provide barriers of sufficient height and length to minimize noise impacts on adjacent uses.

a) Widened right-of-way;
b) Depressed roadway alignments;
c) Earthen berms or earthen/wall combination;
d) Walls;
e) Acoustical retrofitting to affected parties.

A. 7. In recognition of the conservative methodology used to develop the noise contours shown on Figure VII-1, builders, developers (for private development projects) and the City (for Capital projects) shall be allowed to demonstrate that detailed noise studies and/or mitigation are not necessary because future noise levels would be substantially less than depicted on Figure VII-1 due to, for example, natural shielding (e.g. from intervening topographical features or man-made structures) of a site or inapplicability of assumptions (shown on Table 3-3 of the Master Environmental Impact Report) used to develop the contours.

B. Reason for Revision

Staff revised these mitigation measures in order to ensure their proper implementation. The measures, as revised, allow for site specific conditions to be considered so as to avoid the need for physical barriers, when appropriate.

C. Revised Mitigation Measure

B. 1. 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(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.)
D. **Reason for Revision**

The last two sentences in the above paragraph were added for clarification and illustration. There is no change in policy direction.

IV. **Loss of Productive Agricultural Land**

A. **Revised Mitigation Measure**

The following mitigation measure is proposed to be DELETED:

B. 6. "If a subsequent project (Comprehensive Plan) is in any of the Comprehensive Planning Districts identified on the General Plan Land use Diagram, the City shall consider requiring the project proponent to contribute toward a City-established fee for the purchase of conservation easements on existing farmland. The fee structure shall take into account the relative importance of various classifications of farmland. The goal of the fee shall be based on a reasonable nexus between the farmland lost and the easements purchased (e.g., conservation of at least one acre of prime farmland for every acre converted)."

B. **Reason for Revision**

This mitigation measure is proposed for DELETION. Although the City recognizes and supports the County's overall goal of preserving agriculture outside of urban areas, staff believes it would be infeasible to implement this particular mitigation measure without the County's involvement. The mitigation measure requires that conservation easements to be purchased through development projects, would have to be applied to development outside the Planned Urbanizing Area. In other words, it would be self-defeating to conserve existing farmland within the Planned Urbanizing Area, because that farmland would eventually need to be displaced by future urban uses.

Therefore, the conservation easements proposed to be applied to existing farmland must occur on property outside the General Plan boundary, presumably in the County of Stanislaus. However, to date, the County has chosen not to establish such a conservation easement program. Because the Planned Urbanizing Area's agricultural resources (approximately 26,000 acres) are significantly smaller than the County's land area, staff believes it to be unlikely that the Conservation Easement process described above would be successful, absent significant County involvement, and the involvement of the other 8 cities in Stanislaus County.

V. **Increased Demand for Water Supplies**

A. **Revised Mitigation Measure**

B. 1. 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.
B. **Reason for Revision**

This mitigation measure shows up in all the public services sections of the EIR: Increased Demand for Water Supplies, Increased Demand for Sanitary Sewer Services, Increased Demand for Storm Drainage, Increased Demand for Parks and Open Space, Increased Demand for Police Services, and Increased Demand for Fire Services. The revised mitigation measure deletes the requirement of the previous mitigation measure to identify the costs of public services, in addition to infrastructure costs. Given the long-term, ongoing nature of public services, and the constantly-changing strategies to fund them, this measure was deemed by staff to be too speculative and difficult to implement consistently over a 30-year period.

C. **Revised Mitigation Measure**

C. 3. The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City’s Sphere of Influence. The City will cooperate with the overlying agricultural water providers, MID and TID, and with adjacent municipal and industrial providers for the mutually beneficial management of the limited water resources. The City will also take into consideration its public trust duty with regard to environmental uses of water resources.

D. **Reason for Revision**

This first sentence was revised from “The City of Modesto will be the sole provider...within the City’s water service area” to read “...within the City’s Sphere of Influence” is more descriptive and more explicit than “water service area”. The implementation of this mitigation measure will not affect the City’s recent acquisition of the Del Este Water Company.

VI. **Drainage, Flooding and Water Quality**

A. **Revised Mitigation Measure**

A. 1. Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed “rockwells”. New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems, unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. This policy applies to both positive storm drainage systems, and to new rockwells (which are generally discouraged) in the Baseline Developed Area.

B. **Reason for Revision**

The Mitigation Measure published in the EIR required all new development in the Baseline Developed Area to submit a drainage plan, regardless of whether adequate storm drainage...
facilities existed or not. The revised mitigation measure, rather than requiring a drainage plan, is more explicit in the requirements for the type of drainage facilities to be required.

VII. Landslides and Seismic Activity

A. Revised Mitigation Measure

The following mitigation measure is proposed to be deleted:

A. 2. “The City shall implement any policies of the City and County General Plan Safety Elements, which prohibit urban development within areas subject to seismic activity, unless mitigation measures reduce impacts to less than significant.”

B. Reason for Revision

This mitigation measure is redundant. It is a mitigation measure that requires us to implement our General Plan. In effect, it is a circular argument.

VIII. Increased Demand for Parks and Open Space

A. Revised Mitigation Measure

B. 3. Prior to Comprehensive Plan approval in the Planned Urbanizing Area, the Comprehensive Plan shall provide open space and parkland acreages in the following amounts: neighborhood parks at 1 acre of parkland and open space per 1,000 population; and community parks at 2 acres of parkland and open space per 1,000 population. The minimum park size requirements listed in the General Plan shall be applied.

B. Reason for Revision

The first paragraph of the Mitigation Measure published in the EIR has been deleted from the above narrative because it is redundant with the second paragraph (which remains). Also, the first sentence in the above narrative has been revised to clarify that it is the Comprehensive Plan, not the applicant, which is to provide the required park acreage.

IX. Increased Demand for Fire Services

A. Mitigation Measure to be Deleted

B. 3. The City of Modesto shall not annex areas to the City before fire hydrants with approved flows are in place (or a mutually acceptable arrangement for providing fire services has been reached with Stanislaus County).

B. Reason for Deletion

The City Fire Department would have the full capability to serve property upon annexation and future development. LAFCO would require this assurance prior to approval of any annexation. Therefore, this mitigation measure is unnecessary and should be deleted.
X. Generation of Hazardous Materials

A. Mitigation Measure to be Revised

2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.

B. Reason for Revision

The "Guide for NEPA Compliance" (referenced in the original mitigation measure) has yet to be published, and it may change over time. "Phase II" and "Phase III" studies, as referenced in the original mitigation measure, are too specific for General Plan purposes. The proposed revision is editorial only; there is no loss of policy direction.
Recirculation Findings

Attached (Exhibit C-3) is the Project Description for the Adopted General Plan Land Use Diagram, approved by the Modesto City Council on August 15, 1995. The Final Master Environmental Impact Report (MEIR) was published on May 26, 1995, but this document did not explicitly include a Land use Diagram precisely corresponding to the land use pattern and overall boundaries of the Preferred Alternative (Figure C-2 in the MEIR). Nevertheless, the City believes that the Final MEIR adequately addresses the environmental impacts of the Adopted General Plan Land Use Diagram, and that recirculation of the Final MEIR is not necessary. Following are the facts, statements, and analysis to support the City's decision not to recirculate the Final MEIR.

Recirculation Finding No. 1

With regard to Section 15088.5(a) of the CEQA Guidelines, the revised Mitigation Measures (Exhibit C-1) and the revised Project Description (namely, the Adopted General Plan Land Use Diagram) do not constitute "significant new information," as illustrated in Section 15088.5(a), including the subsections reproduced below:

"(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: Exhibit C-1 provides a clear explanation for the rationale adopted for the revision and/or deletion of each mitigation measure proposed for revision.

Exhibit C-3 includes a detailed explanation of each change in the Land Use Diagram. Five areas, covering approximately 3,760 acres, would be deleted from Figure C-2 in the Final MEIR. Therefore, the City concludes, as explained in detail in Exhibit C-3, that deletion of these areas would result in fewer environmental impacts, or a lessened severity of impacts, compared to those impacts reported in the Final MEIR.

Exhibit C-3 also indicates that five areas, covering a total of approximately 2,710 acres, would be added to Figure C-2 (the "Preferred Land Use Diagram") in the Final MEIR. Two additional changes were made, but they did not increase or decrease the overall General Plan Area. In any event, each of these seven areas were adequately addressed in one or more Alternative Land
Use Diagrams, as presented in the Final MEIR. Exhibit C-3 describes the relevant Alternatives for which the analysis was completed in the Final MEIR.

"(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: Exhibits C-1 and C-2, as explained above, do not result in the increase in severity of any environmental impact analyzed in the Final MEIR. In fact, the Adopted Land Use Diagram contains 1,050 fewer acres, and 41,200 fewer population buildout, than Figure C-2, Figure C-1, or Figure C-2, all three of which were explicitly analyzed in the Final MEIR.

"(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: The Final MEIR has been available to the public since May 26, 1995. The Planning Commission held two workshop and two public hearings, since June 1, 1995. In reaction to various concerns raised by the public, the City Council on July 15, 1995, deleted 1,050 acres of territory from the proposed Land Use Diagram. The reduction of environmental impacts from this deletion is presented in Exhibit C-3.

No other feasible project alternatives or mitigation measures have been suggested to the City since July 15, 1995.

"(4) The Draft EIR was so fundamentally flawed and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: Nineteen letters of comment were received during the public review period of the draft EIR (February 16 - April 1, 1995). The responses to
those comments, as well as the original letters of comments, are presented in Appendix I of the Final MEIR. None of these nineteen letters of comment, and no public comments since received by the City, have indicated that the draft MEIR was "fundamentally flawed and basically inadequate and conclusory in nature."

Recirculation Finding No. 2

With regard to Section 15088.5(b) of the CEQA Guidelines, the following finding is made: Recirculation is not required where the new information added to the MEIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Substantial Evidence: Exhibits C-1 and C-3 provide detailed discussions of the modifications to the MEIR.

Recirculation Finding No. 3

Sections 15088.5(c) and 15088.5(d) do not apply to the General Plan Final MEIR, because recirculation is not required.

Recirculation Finding No. 4

Exhibit C in its entirety provides substantial evidence, as required by Section 15088.5(e), for the City's decision not be recirculate the MEIR.
Exhibit C-3

PROJECT DESCRIPTION

ADOPTED GENERAL PLAN LAND USE DIAGRAM

Attached is the Land Use Diagram adopted by the City Council on August 15, 1995, for the new General Plan. Briefly stated, the Adopted Land Use Diagram is based on the Planning Commission Proposal (which is the Preferred Alternative in the Final EIR), with the following changes:

Change #1

A change in the boundaries of the Stanislaus River Comprehensive Planning District, resulting in a change in acreage from 770 acres of Open Space to 810 acres of Open Space. The new boundaries are: to the west, the western boundary of Assessors Parcel No. 3-10-03; to the north, the Stanislaus River; to the east, Dale Road; and to the south, the bluff line of the Stanislaus River. This results in an increase of approximately 300 acres in the General Plan area.

Change #2

Moving the northern boundary of the Stoddard Comprehensive Planning District north to the bluff line of the Stanislaus River. This results in an expansion of the Village Residential portion of this Comprehensive Planning District, from 520 acres to 820 acres. This results in neither an increase or decrease in the General Plan area.

Change #3

The addition of the Stoddard/Dale Comprehensive Planning District, which consists of 860 acres of Village Residential and 320 acres of Business Park. It is bounded by the bluff line of the Stanislaus River to the north, Dale Road to the east, Kiernan Avenue to the south, and Stoddard Road to the west. This results in an increase of 1,180 acres in the General Plan area.

Change #4

A change in the boundaries of the Highway 99 Comprehensive Planning District, resulting in a change in acreage from 550 acres of Regional Commercial to 570 acres. The new boundaries are: Hammett Road and M.I.D. Lateral No. 8 to the west; the bluff line of the Stanislaus River to the north; a line parallel to and 1/2 mile east of State Highway 99, to the east; and the northern boundary of the
Salida Community Plan and Murphy Road to the south. This results in neither an increase or decrease in the General Plan area.

Change #5

The expansion of the Beckwith/Dakota Comprehensive Planning District to the west 1/2 mile, with the new boundaries being Murphy Road to the north, State Highway 99 and Morse Road to the east, North Avenue to the south, with the western boundary being a line parallel to and 1/2 mile to the west of Dakota Avenue. The resulting Comprehensive Planning District consists of 690 acres of Business Park and 350 acres of Regional Commercial. This results in an increase of 480 acres in the General Plan area.

Change #6

The deletion of the Blue Gum/Dakota Comprehensive Planning District, which consists of 970 acres of Village Residential, located west of Morse Road between North Avenue and Woodland Avenue. This results in a decrease of 970 acres in the General Plan area.

Change #7

Moving the Highway 132 Business Park Comprehensive Planning District to a location south and east, displacing a portion of the Paradise/Carpenter Comprehensive Planning District. The new boundaries of the Highway 132 Business Park, which consists of 660 acres of Business Park, are: Kansas Avenue to the north, Carpenter Road to the east, California Avenue to the south, and Nebraska Avenue to the west. The Paradise/Carpenter Comprehensive Planning District is reduced by 660 acres, from 1,470 acres of Village Residential to 810 acres of Village Residential. This results in a decrease of 650 acres in the General Plan area.

Change #8

The deletion of the Paradise/Maze Comprehensive Planning District, which consists of 1,580 acres of Village Residential, located west of Nebraska Avenue and south of Maze Boulevard. This results in a decrease of 1,580 acres in the General Plan area.

Change #9

The deletion of a portion of the Tuolumne River Comprehensive Planning District, consisting of 400 acres of Open Space, located west of the line of Nebraska Avenue, leaving 1,380 acres of Open Space. This results in a decrease of 400 acres in the General Plan area.
Change #10

The deletion of a portion of the Whitmore/Carpenter Comprehensive Planning District, consisting of 160 acres of Village Residential, located west of Vivian Road, leaving 690 acres of Village Residential. This results in a decrease of 160 acres in the General Plan area.

Change #11

The addition of the Empire North Comprehensive Planning District, which consists of 270 acres of Village Residential. Its boundaries are Parker Road to the north, Church Street to the east, and the Santa Fe Railroad to the west. The southern boundary is the northern boundary of the Empire Sanitary Sewer District. This results in an increase of 270 acres in the General Plan area.

Change #12

The addition of the Kiernan/Carver North Comprehensive Planning District, which consists of 450 acres of Village Residential and 30 acres of Regional Commercial. It is bounded by Kiernan Avenue to the south, Dale Road to the west, and McHenry Avenue to the east. The northern boundary is a line parallel to Kiernan Avenue lying 1/4 mile to the north of Kiernan Avenue. This results in an increase of 480 acres in the General Plan area.
FINDINGS SUPPORTING REJECTION OF ALTERNATIVES

The Final MEIR discussed and evaluated a range of alternative Land Use Diagrams. These alternatives were as follows:

1. A "Preferred Alternative", which reflects the City Planning Commission's recommendations to the City Council, on June 12, 1995. This Alternative is shown as Figure C-2 in the Final MEIR, and Attachment D-3 of this document.

2. Alternative A, which reflected the recommendations of the General Plan Steering Committee in 1994. This Alternative is shown as Figure D-1 in the Final MEIR, and Attachment D-4 of this document.

3. Alternative B, which was originally developed by City staff in 1994, and modified by the City Council on September 27, 1994. This Alternative is shown as Figure D-2 in the Final MEIR, and Attachment D-5 of this document.

4. Alternative C, which is the Environmentally Superior Alternative. This Alternative is shown as Figure D-3 in the Final MEIR, and Attachment D-6 of this document.

5. Alternative D, is the No-Project Alternative, in other words, the present (pre-1995) General Plan developed and buildout. This Alternative is shown as Figure D-4 in the Final MEIR, and Attachment D-7 of this document.

A statistical comparison between these 5 Alternatives (population and employment) is attached (Attachment D-1); this same data is shown on page I-30 in the Final MEIR. The actual Land Use Diagram approved by the City Council is presented in Attachment D-2; this Diagram has been named, the Adopted General Plan Land Use Diagram.

In selecting the Adopted Land Use Diagram, the City Council simultaneously rejected the five Alternatives analyzed in the Final MEIR. The reasons for not selecting these Alternatives are presented below:

1. Alternative D, the pre-1995 Plan was not selected, because it did not provide sufficient employment opportunities in the Planned Urbanizing Area. Even though a lower overall population buildout is projected under this Alternative (357,300), the overall employment opportunities (163,000) are still not sufficient to maintain a reasonable jobs/housing balance. Furthermore, the employment opportunities (19,000) would be limited in the Planned Urbanizing Area to relatively small business parks, incidental to a residential "village".
2. Alternative C, the Environmentally Superior Alternative, was not selected because it included even fewer employment opportunities (3,700) in the Planned Urbanizing Area than would be provided in the PUA shown in Alternative D. In addition, this Alternative significantly concentrates employment opportunities into the Redevelopment Area (69,000 jobs, compared to 53,7000 in the other alternatives). The City Council has serious reservations that a substantial market exists, or will exist even in 30 years, for 69,000 jobs in the Redevelopment Area.

3. Alternative B, was originally developed by City staff to foster discussion among the public with a range of options. This Alternative was ultimately not selected by the City Council because it didn't sufficiently take advantage of Freeway 99 and future Freeway 132 as the vital transportation link needed for future, successful, economic development.

4. Alternative A, was not selected by the City Council because of its westerly residential thrust onto prime agricultural soil.

5. The "Preferred Alternative", (i.e. the Planning Commission Proposal) was not selected by the City Council, although the Adopted Land Use Diagram is substantially similar to it. The most significant difference between this Alternative and the Adopted Alternative, is that the Adopted Alternative contains approximately 1,050 acres less of prime agricultural land than the Preferred Alternative. Instead, under the adopted Land Use Diagram, this land remains in Agriculture, in the County.

Summary/Conclusions:

The development of the Adopted General Plan Land Use Diagram in fact is a blending of some of the best features of all of the Alternatives. The process is an iterative one, which drew from the base case (Alternative D) to the Preferred Alternative.

Finally, the Statement of Overriding Considerations (Exhibit B of this Resolution), presents in detail the reasons for selecting the Adopted General Plan, in spite of the Significant Unavoidable Impacts reported in the Final MEIR.
### TABLE I-5: PROJECTED POPULATION AND EMPLOYMENT, GENERAL PLAN ALTERNATIVES

<table>
<thead>
<tr>
<th></th>
<th>Preferred</th>
<th>Alternative A</th>
<th>Alternative B</th>
<th>Alternative C</th>
<th>Alternative D</th>
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<tr>
<td><strong>Dwelling Units</strong></td>
<td>169,200</td>
<td>148,100</td>
<td>141,700</td>
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<tr>
<td>Baseline</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Developed Area</td>
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<td>260,700</td>
<td>260,700</td>
<td>260,700</td>
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<tr>
<td>Planned</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urbanizing Area</td>
<td>205,000</td>
<td>181,400</td>
<td>162,100</td>
<td>92,000</td>
<td>94,900</td>
</tr>
<tr>
<td>Total</td>
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<td>444,400</td>
<td>425,100</td>
<td>355,000</td>
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<td>Redevelopment Area</td>
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</tr>
<tr>
<td>Urbanizing Area</td>
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<td>3,700</td>
<td>19,000</td>
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<tr>
<td>Total</td>
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<td>227,000</td>
<td>229,700</td>
<td>163,000</td>
<td>163,000</td>
</tr>
</tbody>
</table>

Note: Although the Draft MEIR listed the population under Alternative B as 425,100, the traffic analysis for the Draft MEIR (and this Final MEIR) was based on a population of 514,400.

**SOURCE:** City of Modesto
CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure D-4
LAND USE DIAGRAM
ALTERNATIVE D

LEGEND

1. Medium-density residential
2. High-density residential
3. Commercial
4. Comprehensive Planning District
5. Redevelopment Planning District

ILLUSTRATIVE LAND USE DESIGNATIONS

1. Medium-density Residential
2. High-density Residential
3. Commercial
4. Comprehensive Planning District
5. Redevelopment Planning District

NOTES

(All plan areas not outlined)

- Areas not shown
- Streets
- Arroyos
- Storm drains

EXPERIMENTAL SCIENCE ASSOCIATES

Carto-Environmental

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(543) 2-2757

Modified by

EXPERIMENTAL SCIENCE ASSOCIATES
Exhibit E

Mitigation Monitoring Program

Section 21081.6 of the Public Resources Code requires what is commonly referred to “Mitigation Monitoring.” The actual requirement is as follows: “The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.” (21081.6(1), Public Resources Code.)

Attached is a comprehensive listing of all mitigation measures which are certified by the City Council for inclusion in the Final Master Environmental Impact Report.

The following format is employed for each mitigation measure, in order to comply with the Mitigation Monitoring requirement of Section 21081.6 of the Public Resources Code:

a. Method of Project Implementation

The City of Modesto intends to adopt all of the mitigation measures into the Modesto Urban Area General Plan as Policy Statements. This approach will comply with Section 21081.6(2)(b), which states:

“A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures, or in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.” (emphasis added)

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

In order to ensure compliance of a subsequent project with the Mitigation Measure, the measure itself must be carefully written. It is important to describe the means by which the mitigation measure relates to current practices, or established methods of review.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures”, as follows:

The City intends to adopt the subject mitigation measure as a Policy Statement in the General Plan. This approach will comply with Public Resources Code Section 21081.6(2)(b).
1. **Certified Mitigation Measure #1**

A. 1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of this Master EIR) to achieve LOS "D" or better in the year 2025 (as shown in Figure 1-5 and Appendix II-A) cannot cause, without further study, conditions to be worse than LOS "D" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)

b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

a. **Method of "Project Implementation"**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*Level of Service Standards are commonly-accepted means to evaluate traffic congestion levels.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:
  - Subdivision Maps (66473.5, Government Code)
  - Public Works Projects/Capital Improvement Program (65401)
  - Specific Plans (65454)
  - Development Agreements (65867.5)
  - Redevelopment Plan (33330, et seq, Health & Safety Code)
  - Comprehensive Plans (Section III-D, General Plan)
*These are the primary means of reviewing development plans and installing public streets.*
2. **Certified Mitigation Measure #2**

A. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "E" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause conditions on those facilities to exceed LOS "E" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)

b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

**a. Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

**b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*

*Level of Service Standards are commonly-accepted means to evaluate traffic congestion levels.*

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:*

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

*These are the primary means of reviewing development plans and installing public streets.*
3. **Certified Mitigation Measure #3**

A. 3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "F" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour vehicle/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 2025 by the traffic model. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)

b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

   *Level of Service Standards are commonly-accepted means to evaluate traffic congestion levels.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
   - Subdivision Maps (66473.5, Government Code)
   - Public Works Projects/Capital Improvement Program (65401)
   - Specific Plans (65454)
   - Development Agreements (65867.5)
   - Redevelopment Plan (33330, et seq, Health & Safety Code)
   - Comprehensive Plans (Section III-D, General Plan)

   *These are the primary means of reviewing development plans and installing public streets.*
4. **Certified Mitigation Measure #4**

A. 4. Designated City staff will review future development project proposals within the Baseline Developed Area, on a case-by-case basis. The following criteria will be applied to each proposal, and a determination made by the Public Works and Transportation Director, regarding the acceptable or appropriate level of project impact on the circulation network.

a. For proposed development projects that conform to the General Plan-approved land use for that site, it is assumed that the adopted performance standards for the circulation system within the area of impact will be maintained. For such projects, the designated City staff will establish an appropriate scope of study for a "Site Access Study" which may address project impacts to adjacent or nearby intersections, as described in Mitigation Measures 1-3.

b. The "Site Access Study" shall, at a minimum, analyze, and resolve the following:

1. Impacts to roadway intersections that are adjacent to the project site.

2. Impacts to other intersections considered to have a key role in regulating access to the project site or substantial traffic flow between the project site and a key arterial roadway.

3. Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to off-site bicycle/pedestrian circulation systems, and transit services.

4. On-site parking needs and impacts to off-site parking, when applicable.

5. Other operational or safety-related concerns and issues, including site access.

c. The proposed development project will be designed to incorporate all recommendations of the "Site Access Study."

d. If implementation of the definitive recommendations of the Site Access Study is impractical or infeasible, a Focused Environmental Impact Report, including a Comprehensive Traffic Study will be required. That Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

e. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code.

a. **Method of "Project Implementation"**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C9) describe the means to review development in the Baseline Developed Area. This Mitigation Measure has been incorporated into the General Plan as Policy V-B(6).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq. Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

5. Certified Mitigation Measure

B. 1. 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Principal Comprehensive Planning District Policies (Section III-D(1)) provide the means to review development in the Planned Urbanizing Area. This Mitigation Measure has been incorporated into the General Plan as Policy V-B(7).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
6. **Certified Mitigation Measure #6**

B. 2. 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 internal 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.

**a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

**b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

Level of Service standards are commonly-accepted means to evaluate traffic congestion levels.

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.
7. **Certified Mitigation Measure #7**

B. 3. 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."

**a. Method of "Project Implementation"**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

**b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation."** This Mitigation Measure supports the State Law requirement in the following manner:

*Comprehensive Plans must conform to Section V-B(7).*

**c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:**

*General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

  * Subdivision Maps (66473.5, Government Code)
  * Public Works Projects/Capital Improvement Program (65401)
  * Specific Plans (65454)
  * Development Agreements (65867.5)
  * Redevelopment Plan (33330, et seq, Health & Safety Code)
  * Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

8. **Certified Mitigation Measure #8**

B. 4. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(c) of the Public Resources Code.
a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

General Plan Amendments must evaluate traffic impacts (Section II-C(4)(c)).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

9. Certified Mitigation Measure #9

C. 1. Data from the General Plan Traffic Analysis, described in Appendix II-A, shall be utilized to evaluate the effectiveness of mitigation measures presented in this section.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Comprehensive Plans must conform to Section V-B(7).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public streets.

10. **Certified Mitigation Measure #10**

C. 2. The General Plan Traffic Analysis and Model shall be kept current through periodic updates, performed either unilaterally by the City or in conjunction with a focused EIR, which includes a Comprehensive Traffic Study.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

Section II-C(3) describes the process for maintenance of the Master EIR, including the General Plan traffic analysis.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section 21157.6 of the Public Resources Code requires the General Plan Traffic Analysis to be kept up to date. Section II-C(3) of the General Plan reinforces this requirement.

11. **Certified Mitigation Measure #11**

C. 3. The City may implement or adopt a number of policy-oriented and operational measures to improve roadway circulation conditions. Collectively, the measures may produce small scale reductions in regional and site-specific trip generation. The following measures are taken from the approved list of Transportation Control Measures (TCMs) from the 1991 Air Quality Attainment Plan, prepared by the San Joaquin Valley Air Pollution Control District (SJVUAPCD). However, the list is comparable to the measures that are encouraged under the Congestion Management Planning statutes (passed via Statewide Proposition 111). The measures are summarized below.

a. The City shall carry out a citywide transportation improvement plan to accommodate peak hour traffic flow on arterial streets and major collector streets. This plan shall include additional lanes, striping, and turning pockets.

b. The City shall adopt a goal of improving public transportation that would include increased bus and light rail service. This could help mitigate some issues related to site-specific intersection operations or parking requirements, if combined with other trip reduction measures. The ability to add service shall be determined by the availability of public sector funding sources and extent of private sector participation or subsidy.
c. The City shall adopt a Trip Reduction Ordinance which may include the following measures, most of which require implementation at the employer level:

- in-house matching services (for carpools and vanpools) at employers with over 100 weekday employees, or at large development sites occupied by several smaller employers, or coordination with Caltrans' "Commuter Computer" program;

- employer-based dissemination of commute information;

- employer subsidies for transit passes and incorporation of transit stop facilities into site design;

- a program to guarantee rideshare participants a ride home in case of emergency;

- flex-time scheduling;

- site plan design which encourage pedestrian movement between adjacent land uses;

- incentives such as preferred parking for carpoolers;

- encouraging submission of site plans featuring mixed-land uses or "neo-traditional" design; and

- encouraging employers to experiment with telecommuting options, where feasible.

d. The use of the bicycle shall be promoted as an alternative mode of transportation. An adequate and safe bicycle system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle usage should be considered in the planning of new streets and in street improvements. Facilities for mode transfer from bicycle to park-and-ride lots, transit, and rail should be considered and provided when necessary.

e. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:

- **Amtrak.** The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.

- **Inter-regional Rail Service.** The City supports the rerouting of the San Joaquin's rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.

- **Light Rail Transit.** The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail
lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.

- **Freight Rail.** The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of “truck on rail” as a technique for reducing through-truck traffic on highway corridors.

The City shall also encourage increased use of freight rail transportation service, and establishment of inter-model facilities and links to help reduce through truck traffic on state highways and arterial roadways.

f. The City will work with Caltrans to promote the application of advanced technology to help manage congestion, and enhance roadway capacity and safety. Known as “Intelligent Transportation Systems (ITS), the program includes the following components:

Advanced Traffic Management Systems (ATMS), which maximize capacity of the transportation system, and involves using technology to manage traffic flow, disseminate real-time travel information to travelers, improving emergency response, and coordinate inter-agency traffic management.

Advanced Traveler Information Systems (ATIS), which provides on-board navigation that can provide congestion and accident information and alternative travel routes.

Commercial Vehicle Operation (CVO), which restricts commercial vehicles from operating during commute peak hours, and helps transportation companies track their vehicles.

Advanced Vehicle Control Systems (AVCS), which use on-board and in-road guidance systems to optimize vehicle speed and movement.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

All future City actions regarding transportation will be guided by these mitigation measures (Section V-B(5)).

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures”** as follows:

*Section V-B(5) of the General Plan presents these Mitigation Measures as General Plan Policies.*
12. **Certified Mitigation Measure #12**

C. 4. Any necessary crossings of the Santa Fe Railroad corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In a letter dated March 30, 1995, the AT&SF Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe’s rail line.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The letter dated March 30, 1995 (included in Appendix I of the Final EIR) provides a means to ensure resolution of AT&SFs concerns.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

13. **Certified Mitigation Measure #13**

1. The City of Modesto shall implement measures to reduce motor vehicle use and related ozone precursor and PM$_{10}$ emissions through changes to the transportation infrastructure. Table 2-2 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provides the means to review future development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

14. Certified Mitigation Measure #14

2. The City of Modesto and project proponents shall implement measures to reduce vehicle use and associated emissions related to existing and future land use development in the City of Modesto. Table 2-3 in the MEIR describes those measure to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provide the means to review future development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

15. Certified Mitigation Measure #15

3. The City of Modesto shall implement measures to reduce emissions associated with energy use by residences and businesses. Table 2-4 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provide the means to review future development.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

16. Certified Mitigation Measure #16

4. The City of Modesto shall implement measures to reduce emissions associated with future development through the CEQA review process. Table 2-5 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provide the means to review future development.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

17. Certified Mitigation Measure #17

5. The City of Modesto recognizes the efforts of the San Joaquin Valley Unified Air Pollution Control District, to identify the cumulative transportation and air quality impacts of all general plan amendments approved during the previous years. This measure is intended to track the effectiveness of current air-quality-related programs and guide revision to these programs through periodic review of cumulative air quality impact in the City.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Section II-C(3) describes the process for maintenance of the Master EIR.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VI-H of the General Plan presents these Mitigation Measures as General Plan Policies.

18. Certified Mitigation Measure #18

6. The City of Modesto shall work with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This Measure presents an on-going commitment for the City.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

19. Certified Mitigation Measure #19

7. The City of Modesto shall coordinate with other jurisdictions and other regional agencies in the San Joaquin Valley to establish parallel air quality programs and implementation measures (trip reduction ordinances, indirect source programs, etc.).

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This Measure present an on-going commitment for the City.
c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

20. Certified Mitigation Measure #20

8. The City of Modesto shall implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Table 2-6 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The City's Municipal Code regulates construction activities.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

21. Certified Mitigation Measure #21

9. The City of Modesto shall work to improve the public's understanding of the land use, transportation, and air quality link.

a. Method of "Project Implementation"

This Mitigation Measure is intended to reduce air quality impacts through interagency coordination.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Through this Policy, the General Plan provides an on-going commitment to achieving this Mitigation Measure.
c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

22. Certified Mitigation Measure #22

10. The City of Modesto shall encourage local public and private groups to provide air quality education programs.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Through this Policy, the General Plan provides an on-going commitment to achieving this Mitigation Measure.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

23. Certified Mitigation Measure #23

11. The City of Modesto shall require residential development project and projects categorized as sensitive receptors (hospitals, schools, convalescent homes, etc.) to be located an adequate distance from existing and potential sources of toxic and/or odorous emissions such as freeways, major arterials, industrial sites, refuse transfer or disposal sites and hazardous material locations.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District Policies (Section III-D(1)) provide the means to review future development projects.
c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

24. **Certified Mitigation Measure #24**

12. The City of Modesto shall require new air pollution sources such as, but not limited to, industrial, manufacturing, and processing facilities to be located an adequate distance (based on pollutant dispersion characteristics, site orientation, prevailing winds, etc.) from residential areas and other sensitive receptors.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District Policies (Section III-D(1)) provide the means to review future development projects.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

25. **Certified Mitigation Measure #25**

13. The City of Modesto shall implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Table 2-6 in the MEIR
describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This measure is intended to minimize exposure of the public from toxic air contaminants from construction activities. Typically, the building permit and grading permit processes provide adequate opportunities to address these issues.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-H(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

26. Certified Mitigation Measure #26

A. 1. The City of Modesto shall require noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g. where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.) The City should consider potential mitigation measures, including, but not limited to, the following:

   a. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

   b. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are “conditionally acceptable,” “normally unacceptable,” or “clearly unacceptable,”) shown in Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This measure is intended to minimize exposure of the public from toxic air contaminants from construction activities. Typically, the building permit and grading permit processes provide adequate opportunities to address these issues.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-B(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

27. Certified Mitigation Measure #27

A. 2. During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation:

a. Single-family Residential uses: the Ldn 65 contour, as depicted on the most recent noise contours for the City, shown in Figure VII-1.

b. Other proposed uses: the noise/land compatibility guidelines (i.e., those noise levels which are “conditionally acceptable,” “normally unacceptable,” or “clearly unacceptable,”) shown on Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Day-Night Average Sound Level (Ldn) is a 24-hour average of the sound levels. This is a commonly-accepted standard for noise evaluation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.
28. **Certified Mitigation Measure #28**

A. 3. For new single-family residential development within the Ldn 65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

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

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

c. Incorporate construction techniques to achieve an interior noise limit of 45 Ldn (these potential techniques are presented in CCR Title 24 standard).

**a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

**b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Day-Night Average Sound Level (Ldn) is a 24-hour average of the sound levels. This is a commonly-accepted standard for noise evaluation.

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

29. **Certified Mitigation Measure #29**

A. 4. The City of Modesto shall use the most recent noise contour map to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. (Title 24 applies to multi-family housing, not single-family.) Title 24 also specifies minimum values for the sound insulation afforded by interior partitions separating different dwelling units from each other, and from interior common space.

**a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The reference to Title 24 is appropriate because the City’s building code is based on this Section of State law.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

30. Certified Mitigation Measure #30

A. 5. For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines (Figure VII-2), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

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

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

c. Incorporate construction techniques to achieve specified interior noise limits. One source than can be used for such specifications is the “Recommended Maximum Interior Noise Level Criteria for Intermittent Noise,” (Table 2, Noise Insulation Problems in Buildings, Paul S. Veneklasen & Associates, January 1973).

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The above-recommended practices are commonly-accepted means of noise mitigation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)
Public Works Projects/Capital Improvement Program (65401)
Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

31. Certified Mitigation Measure #31

A. 6. With road extension, widening and upgrade projects, the City of Modesto shall provide barriers of sufficient height and length to minimize noise impacts on adjacent uses.
   
   a. Widened right-of-way;
   b. Depressed roadway alignments;
   c. Earthen berms or earthen/wall combination;
   d. Walls;
   e. Acoustical retrofitting to affected parties.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The above-recommended practices are commonly-accepted means of noise mitigation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
   Subdivision Maps (66473.5, Government Code)
   Public Works Projects/Capital Improvement Program (65401)
   Specific Plans (65454)
   Development Agreements (65867.5)
   Redevelopment Plan (33330, et seq, Health & Safety Code)
   Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

32. Certified Mitigation Measure #32

A. 7. In recognition of the conservative methodology used to develop the noise contours shown on Figure VII-1, builders, developers (for private development projects) and the City (for Capital projects) shall be allowed to demonstrate that detailed noise studies and/or mitigation are not necessary because future noise levels would be substantially less than depicted on
Figure VII-I due to, for example, natural shielding (e.g. from intervening topographical features or man-made structures) of a site or inapplicability of assumptions (shown on Table 3-3 of the Master Environmental Impact Report) used to develop the contours.

a. **Method of "Project Implementation"**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation."** This Mitigation Measure supports the State Law requirement in the following manner:

   The above-recommended practices are commonly-accepted means of noise mitigation.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
   - Subdivision Maps (66473.5, Government Code)
   - Public Works Projects/Capital Improvement Program (65401)
   - Specific Plans (65454)
   - Development Agreements (65867.5)
   - Redevelopment Plan (33330, et seq. Health & Safety Code)
   - Comprehensive Plans (Section III-D, General Plan)

   These are the primary means of reviewing development plans and installing public streets.

33. **Certified Mitigation Measure #33**

   A. 8. The City of Modesto shall limit trucking to specific routes, times, and speeds that minimize adverse effects to sensitive land uses such as schools and residential areas.

   a. **Method of "Project Implementation"**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation."** This Mitigation Measure supports the State Law requirement in the following manner:

   Through the Municipal Code, the City has the ability to designate specific truck routes.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.
34. **Certified Mitigation Measure #34**

A. 9. To address noise impacts related to operation of the Airport, the City shall continue with noise abatement measures related to the airport operations (included in the Airport's approved FAR Part 150 Program) including curfews, ground run-up suppressors, prohibition of operations of some aircraft types at certain hours of the day, land acquisition to prevent development in noise impacted areas, use of appropriate zoning and implementation of sound insulation programs in the aircraft noise impacted area.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

The Airport’s approved FAR Part 150 Program provides the means to enforce noise mitigation measures.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:*

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (63434)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

*These are the primary means of reviewing development plans and installing public facilities.*

35. **Certified Mitigation Measure #35**

A. 10. Proponents of new heliports where projected noise impacts from helicopter operations would exceed 65 Ldn at the nearest residential uses should utilize the latest FAA helicopter modeling tools and noise assessment criteria.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*The Day-Night Average Sound Level (Ldn) is a 24-hour average of sound levels. It is a commonly-accepted standard for noise evaluation.*
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

36. Certified Mitigation Measure #36

B. 1. 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(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.)

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This responds to the state law requirement for Noise Element for the General Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.
37. **Certified Mitigation Measure #37**

B. 2. All Noise Mitigation Policies adopted for the Baseline Developed Area apply equally in the Planned Urbanizing Area.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   *This responds to the state law requirement for Noise Element for the General Plan.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
   - Subdivision Maps (66473.5, Government Code)
   - Public Works Projects/Capital Improvement Program (65401)
   - Specific Plans (65454)
   - Development Agreements (65867.5)
   - Redevelopment Plan (33330, et seq. Health & Safety Code)
   - Comprehensive Plans (Section III-D, General Plan)

   *These are the primary means of reviewing development plans and installing public streets.*

38. **Certified Mitigation Measure #38**

A. 1. If a subsequent project is within the Baseline Developed Area or Redevelopment Area as identified on the General Plan Growth Strategy Diagram (reproduced as Figure C-1 in the Project Description of the MEIR), the project shall be considered to have minimal effect on the conversion of agricultural lands, and no mitigation for that impact is required.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   *This reflects Section 21157.6 of CEQA which ensures the adequacy of the Master EIR.*
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

*General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:*
  *Subdivision Maps (66473.5, Government Code)*
  *Public Works Projects/Capital Improvement Program (65401)*
  *Specific Plans (65454)*
  *Development Agreements (65867.5)*
  *Redevelopment Plan (33330, et seq, Health & Safety Code)*
  *Comprehensive Plans (Section III-D, General Plan)*

*These are the primary means of reviewing development plans and installing public facilities.*

39. **Certified Mitigation Measure #39**

B. 1. Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farmland, foster resident convenience, and provide for economy in City services.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*

*As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:*
  *Subdivision Maps (66473.5, Government Code)*
  *Public Works Projects/Capital Improvement Program (65401)*
  *Specific Plans (65454)*
  *Development Agreements (65867.5)*
  *Redevelopment Plan (33330, et seq, Health & Safety Code)*
  *Comprehensive Plans (Section III-D, General Plan)*

*These are the primary means of reviewing development plans and installing public facilities.*

40. **Certified Mitigation Measure #40**

B. 2. Residential growth and development within the Modesto Urban Area General Plan shall take place only following annexation to the City.
a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq., Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

41. Certified Mitigation Measure #41

B. 3. Urban growth should be directed, as long as economically feasible, to areas currently served with City services.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
42. **Certified Mitigation Measure #42**

B. 4. 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.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

- General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
  - Subdivision Maps (66473.5, Government Code)
  - Public Works Projects/Capital Improvement Program (65401)
  - Specific Plans (65454)
  - Development Agreements (65867.5)
  - Redevelopment Plan (33330, et seq, Health & Safety Code)
  - Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

43. **Certified Mitigation Measure #43**

B. 5. The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density. Potential conflicts between agricultural and urban uses should be resolved through appropriate land use measures.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

44. Certified Mitigation Measure #44

B. 6. For any subsequent project that is adjacent to an existing agricultural use, the project proponent shall incorporate measures to reduce the potential for conflicts with the agricultural use. The City shall consult Table 4-1 in the MEIR, and shall select appropriate measures for the project proponent to implement.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.

45. **Certified Mitigation Measure #45**

C. 1. The City shall encourage the County to retain agricultural uses on lands surrounding the General Plan area and on lands within the General Plan area pending their annexation to the city or development by mutual agreement with the County.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*

   As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section VII-D(3) of the General Plan presents these Mitigation Measures as General Plan Policies.

46. **Certified Mitigation Measure #46**

A. 1. 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 shall refer to Table 5-1 in the MEIR for techniques.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*

   As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
   - Subdivision Maps (66473.5, Government Code)
These are the primary means of reviewing development plans and installing public facilities.

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

47. Certified Mitigation Measure #47

B. 1. 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

48. Certified Mitigation Measure #48

C. 1. The City of Modesto will encourage the optimum beneficial use of water resources within the City. The City shall strive to maintain an adequate supply of high quality water for urban uses.
a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to development.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

### 49. Certified Mitigation Measure #49

C. 2. The City of Modesto will strive to stabilize groundwater levels and eliminate groundwater overdraft, as part of a conjunctive groundwater-surface water management program. The City shall view regional water sources, such as groundwater, surface water and recycled wastewater, as an integrated hydrologic system when developing water management programs.

### 50. Certified Mitigation Measure #50

C. 3. The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City's Sphere of Influence. The City will cooperate with the overlying agricultural water providers, MID and TID, and with adjacent municipal and industrial
providers for the mutually beneficial management of the limited water resources. The City will also take into consideration its public trust duty with regard to environmental uses of water resources.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies.

51. Certified Mitigation Measure #51

C. 4. The City supports the local management of groundwater resources, rather than state regulation or adjudication. The City will adopt a Groundwater Management Plan in accordance with AB3030, and in cooperation with the adjacent and overlying water providers within the groundwater basins the City occupies.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies.
52. **Certified Mitigation Measure #52**

A. 1. The City’s wastewater system capacity will be allocated to existing and future residential, commercial and industrial customers. Discharges from environmental cleanup sites may be issued conditional discharge permits subject to the availability of excess treatment capacity. In accordance with federal and state regulations, all discharges to the wastewater system may not, or may not threaten to, upset, interfere, or pass through the wastewater system.

a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section V-D(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

53. **Certified Mitigation Measure #53**

B. 1. 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.

a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.
c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

*These are the primary means of reviewing development plans and installing public facilities.*

54. **Certified Mitigation Measure #54**

B. 2. Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V [of the General Plan].

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

*As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

*These are the primary means of reviewing development plans and installing public facilities.*

55. **Certified Mitigation Measure #55**

B. 3. The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities.
a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq. Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

56. Certified Mitigation Measure #56

C. 1. To protect public health and the environment, the City of Modesto will maintain the standards for effluent water and biosolids, from Modesto's wastewater treatment facilities, as established by the Central Valley Regional Water Quality Control Board, in compliance with the Federal Clean Water Act, the State Porter-Cologne Act, and their implementing regulations, current and future.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:
57. **Certified Mitigation Measure #57**

C. 2. The City will encourage the regional beneficial use of reclaimed water. The City is committed to development of a full reclamation program in the long term.

a. **Method of "Project Implementation"**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   *As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   *General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:*  
   - Subdivision Maps (66473.5, Government Code)  
   - Public Works Projects/Capital Improvement Program (65401)  
   - Specific Plans (65454)  
   - Development Agreements (65867.5)  
   - Redevelopment Plan (33330, et seq, Health & Safety Code)  
   - Comprehensive Plans (Section III-D, General Plan)  

   *These are the primary means of reviewing development plans and installing public facilities.*

58. **Certified Mitigation Measure #58**

C. 3. The City should utilize source control and demand management among its tools for accomplishing the most cost-effective wastewater management, protective of public health and the environment.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

59. Certified Mitigation Measure #59

C. 4. The City of Modesto shall approve and implement the 1994 Draft Wastewater Master Plan. As the City’s population increases, the City shall update the Wastewater Master Plan as appropriate to adequately address the sewage collection and treatment needs anticipated at General Plan buildout.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
60. Certified Mitigation Measure #60

A. For proposed development consistent with the General Plan Update on lands within the Baseline Developed Area and Redevelopment Plan Area, exclusive of lands within the designated riparian corridors and the Dry Creek and Tuolumne River Comprehensive Planning Districts, no further biological study is warranted unless specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-E(2) of the General Plan presents these Mitigation Measures as General Plan Policies.

61. Certified Mitigation Measure #61

B. 1. For all lands within the Planned Urbanizing Area that contain or potentially contain valley foothill riparian, riverine, wetland, grassland and pasture habitats, 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. In particular, proposed development within any lands included within a riparian corridor as delineated on the Riparian Corridor Diagrams shall trigger the need for a site-specific survey and assessment of potential impact to sensitive species or their habitats.

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.
a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:*
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

*These are the primary means of reviewing development plans and installing public facilities.*

**62. Certified Mitigation Measure #62**

B. 2. 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.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.*
c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

*These are the primary means of reviewing development plans and installing public facilities.*

63. **Certified Mitigation Measure #63**

B. 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.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-E(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

64. **Certified Mitigation Measure #64**

4. Other measures to protect sensitive habitats shall be implemented. The City shall consult Table 7-1 in the MEIR for a list of the measures to be implemented.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*
b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-E(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

65. **Certified Mitigation Measure #65**

A. 1. For all proposed development within an identified archaeological resource study zone boundary, 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 MEIR for the steps to be implemented.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65434)
- Development Agreements (65867.5)
Redevelopment Plan (33330, et seq. Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.

66. Certified Mitigation Measure #66

A. 2. For proposed development outside an identified archaeological resource study zone boundary, 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 at 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 allow the procedure described in Mitigation Measure 1, above.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-F(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

67. Certified Mitigation Measure #67

A. 3. The City of Modesto shall implement regulations which identify important historic resources, and establish regulations to preserve the important aspects of those resources. The City could encourage adaptive reuse of listed buildings, including historically sensitive restoration, as a means of preserving eligible structures. Restoration and renovation of buildings should be performed in accordance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties" and the State Historic Building Code. The standards serve as guidelines for rehabilitation, restoration, preservation, retaining and preserving historic character of a property.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-F(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

68. Certified Mitigation Measure #68

A. 4. When structures or areas of historical significance over 45 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant shall submit data to the City regarding the structure's history or locations prepared by a qualified architectural historian. The City shall evaluate the historical significance of the proposal and require measures be implemented to preserve all structures and places it deems historically significant.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-F(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

69. Certified Mitigation Measure #69

C. 1. The City shall require that zoning provisions for structures of historical significance are sufficiently flexible to ensure that the parking or other structures requirements of the Zoning Ordinance allow the historic structures to remain viable in the future.
a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-F(2) of the General Plan presents Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

70. Certified Mitigation Measure #70

A. 1. Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed “rockwells”. New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems, unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. This policy applies to both positive storm drainage systems, and to new rockwells (which are generally discouraged) in the Baseline Developed Area.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)
These are the primary means of reviewing development plans and installing public facilities.

71. **Certified Mitigation Measure #71**

B. 1. The City should implement a comprehensive water supply management strategy for the Modesto area. Preservation of groundwater recharge areas should be considered as one factor in choosing between alternative future sewer trunk extensions.

   a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

   b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   As a General Plan policy, this Mitigation Measure must be followed in the Capital Improvement Program.

   c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section V-C of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

72. **Certified Mitigation Measure #72**

C. 1. The City shall update its Drainage Master Plan to cover the entire area with the City's Sphere of Influence.

   a. **Method of “Project Implementation”**

   The Drainage Master Plan is considered the Stormwater Management Program which is presented in Section V-E.

   b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   Section V-E indicates that the Stormwater Management Program should incorporate those measures listed in Table 9-4 in the Master EIR.
c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.3, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

### 73. Certified Mitigation Measure #73

A. 2. The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by this MEIR.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

Section V-E indicates that the Stormwater Management Program should include consultation with M.I.D.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section V-E of the General Plan presents these Mitigation Measures as General Plan Policies.

### 74. Certified Mitigation Measure #74

B. 1. 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.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

75. **Certified Mitigation Measure #75**

B. 2. 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, pipelines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)  
Comprehensive Plans (Section III-D, General Plan)  
These are the primary means of reviewing development plans and installing public streets.

76. Certified Mitigation Measure #76

B. 3. 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65434)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

77. Certified Mitigation Measure #77

B. 4. 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

> As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

78. **Certified Mitigation Measure #78**

b. Figure V-5 in the General Plan presents Park Planning Areas for the Baseline Developed Area. With regards to acreage, service area, location and street frontage standards, the existing park system shown on Figure V-4 in the General Plan shall be considered adequate and acceptable, as is, with the following exceptions, by Park Planning Area designation:

- Bret Harte
- Shackleford
- Tide Water Industrial
- Burbank
- Maze Wren
- Woodland
- College West
- North East McHenry
- Empire East
- Empire West
- Airport

Within these Park Planning Areas, the open space and parks system is NOT considered adequate and acceptable as is and the City will endeavor to develop facilities in accordance with all of the Open Space and Parks policies and Community and Neighborhood Park standards that apply to the Baseline Developed Area. However, the City recognizes and accepts that it may not be possible to conform precisely to all policies and meet all standards in total because of prior development patterns and policies that were not under the City’s control.

a. **Method of “Project Implementation”**

> This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.*

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*Section V-G of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.*

### 79. Certified Mitigation Measure #79

**B. 1.** Each community or neighborhood should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.

**a. Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

**b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.*

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
  - Subdivision Maps (66473.5, Government Code)
  - Public Works Projects/Capital Improvement Program (65401)
  - Specific Plans (65454)
  - Development Agreements (65867.5)
  - Redevelopment Plan (33330, et seq, Health & Safety Code)
  - Comprehensive Plans (Section III-D, General Plan)
*These are the primary means of reviewing development plans and installing public facilities.*

### 80. Certified Mitigation Measure #80

**B. 2.** 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.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

81. **Certified Mitigation Measure #81**

B. 3. Prior to Comprehensive Plan approval in the Planned Urbanizing Area, the Comprehensive Plan shall provide open space and parkland acreage in the following amounts: neighborhood parks at 1 acre of parkland and open space per 1,000 population; and community parks at 2 acres of parkland and open space per 1,000 population. The minimum park size requirements listed in the General Plan shall be applied.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan Policy, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

82. Certified Mitigation Measure #82

B. 4. The Regional Park system consisting of Dry Creek, Stanislaus River, and Tuolumne River shall be developed through the “Comprehensive Planning District” process outlined in Chapter III [of the General Plan]. The River Greenway Program policies [Section VII-B(6) in the General Plan] shall be incorporated into each of these three Comprehensive Planning Districts by including the [design elements listed in the General Plan].

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan Policy, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.
83. **Certified Mitigation Measure #83**

A. 1. Changes in land use or intensity of development within the Baseline Developed Area may have an impact on school services which necessitate close communication between the City and the school district.

   a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

   b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   Section II-C(4) describes the required process for reviewing General Plan Amendments.

   c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

84. **Certified Mitigation Measure #84**

A. 2. Land for new school facilities should generally meet the following minimum space requirements:

   a. Elementary schools - 10 acres (net)
   b. Middle schools or junior high schools - 20 acres (net)
   c. High schools - 50 acres (net)

   a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

   b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   The acreage standards have been reviewed and approved by the affected school districts, although some flexibility is desired.

   c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.
85. **Certified Mitigation Measure #85**

A. 3. Neighborhoods should contain sufficient elementary schools necessary to serve the residential development within the neighborhood. Schools should be located on Collector streets within the neighborhood, preferably at or near the intersection of two Collector streets.

   a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

   b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   These locational criteria have been reviewed by the affected school districts.

   c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   *Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.*

86. **Certified Mitigation Measure #86**

A. 4. The City shall continue to require that the developer pay, prior to issuance of any building permits, the maximum residential, commercial and industrial development school fees in effect at the time building takes place. This requirement is in accordance with the provisions of Assembly Bill 2926.

   a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

   b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   Collection of school fees by the City on behalf of the school districts has been practiced for many years.

   c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   *Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.*

   Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.
87. Certified Mitigation Measure #87

B. 1. Developers of residential projects that are subject to these procedures 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.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Consultation with the affected school district has been practiced for many years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

88. Certified Mitigation Measure #88

B. 2. 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 Environmental Impact Report (Focused or otherwise).

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.
89. **Certified Mitigation Measure #89**

B. 3. 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.

a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

90. **Certified Mitigation Measure #90**

B. 4. If it is determined that a proposed residential project may have a significant effect on a school district's facilities, the EIR (Focused or otherwise) 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.

a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

91. Certified Mitigation Measure #91

B. 5. 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City’s school mitigation efforts for several years.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

92. Certified Mitigation Measure #92

B. 6. The above procedures 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 is has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.

**a. Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

**b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*  

*This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City’s school mitigation efforts for several years.*

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:*  

*Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.*

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**93. Certified Mitigation Measure #93**

**B. 7.** The above procedures shall not apply to residential projects approved in conjunction with a General Plan Amendment, rezoning, prezoning, annexation, or other legislative act that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration or adoption of an exemption determination) as of March 5, 1991.

**a. Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

**b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*  

*This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City’s school mitigation efforts for several years.*

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:*  

*Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.*
94. **Certified Mitigation Measure #94**

C. 1. School districts are encouraged to involve the city in deliberations regarding school closure, early in the process. Consistent with state statutes, school districts are encouraged to include extensive community participation in the process to close any existing schools.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*

   Consultation with the affected school district has been practiced for many years.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:*

   *Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.*

95. **Certified Mitigation Measure #95**

C. 2. There are specific state law prohibitions against certain uses within close proximity to schools, such as hazardous materials uses and alcohol sales. Developers should contact the appropriate school district to determine if there are any known constraints to future development.

a. **Method of “Project Implementation”**

   *This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:*

   Consultation with the affected school district has been practiced for many years.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:*

   *Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.*

96. **Certified Mitigation Measure #96**

B. 1. 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.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

97. **Certified Mitigation Measure #97**

C. 1. The City of Modesto should maintain an adequate personnel level, to organize patrol areas and provide investigative responses to achieve a comfortable and safe community climate conducive to a high quality of life and to maintain an active and growing commercial and business environment. To the maximum economic extent feasible, police operations should include protective law enforcement and administrative efforts, all to be expanded as the City’s population grows.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate police protection.
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-J of the General Plan presents these Mitigation Measures as General Plan Policies.

98. Certified Mitigation Measure #98

C. 2. The City of Modesto Police Department should strive to reduce the level of crime below levels of other progressive departments with comparable populations and demographics.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The strategy described in this Mitigation Measure are commonly-used techniques to provide adequate police protection.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-J of the General Plan presents these Mitigation Measures as General Plan Policies.

99. Certified Mitigation Measure #99

C. 3. The City of Modesto should strive to provide sworn officers in sufficient numbers to support basic police services consistent with other progressive departments with comparable populations and demographic statistics.

The City of Modesto should strive to provide civilian staff in sufficient numbers to support sworn staff and to support continuing civilianization of services such as Crime Prevention, Investigative Support, Crime Scene Investigation, Accident Reports, and other documentation of incidents.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate police protection.
c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-J of the General Plan presents these Mitigation Measures as General Plan Policies.

100. Certified Mitigation Measure #100

A. 1. The City of Modesto should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate fire protection.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies.

101. Certified Mitigation Measure #101

A. 2. The City of Modesto should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.
c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

**102. Certified Mitigation Measure #102**

A. 3. The City of Modesto should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

Review of development plans will ensure compliance with this requirement.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

**103. Certified Mitigation Measure #103**

A. 4. The City shall ensure that adequate water fire-flows are maintained throughout the City and shall regularly monitor fire-flows to ensure adequacy. 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.

a. **Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

Review of development plans will ensure compliance with this requirement.
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

104. Certified Mitigation Measure #104

A. 5. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

105. Certified Mitigation Measure #105

B. 1. 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

106. Certified Mitigation Measure #106

B. 2. 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)
- Public Works Projects/Capital Improvement Program (65401)
- Specific Plans (65454)
- Development Agreements (65867.5)
- Redevelopment Plan (33330, et seq, Health & Safety Code)
- Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.
107. Certified Mitigation Measure #107

C. 1. The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of facilities and service standards. The City shall consult Table 14-1 in the MEIR for the appropriate standards.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate fire protection.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies.

108. Certified Mitigation Measure #108

C. 2. The City of Modesto should practice timely adoption of the Uniform Fire Code, National fire code, and State Codes. These codes and ordinances may be amended to suit local conditions.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate fire protection.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.
109. Certified Mitigation Measure #109

B. 1. The City should consider implementing local land use incentives and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate space for containers.

a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
   Subdivision Maps (66473.5, Government Code)
   Public Works Projects/Capital Improvement Program (65401)
   Specific Plans (65454)
   Development Agreements (65867.5)

110. Certified Mitigation Measure #110

B. 2. Prior to approval of a project 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.

a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:
   Subdivision Maps (66473.5, Government Code)
   Public Works Projects/Capital Improvement Program (65401)
   Specific Plans (65454)
   Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)  
Comprehensive Plans (Section III-D, General Plan)  
These are the primary means of reviewing development plans and installing public facilities.

111. Certified Mitigation Measure #111

C. 1. The City of Modesto will comply with all the requirements of Assembly Bill 939 which mandates the diversion of solid waste of 25% by 1995 and 50% by 2000, by way of source reduction, recycling, composting, and transformation.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-L of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

112. Certified Mitigation Measure #112

C. 2. The state's placement of source reduction at the top of the integrated waste management hierarchy requires that the City implement source reduction programs. Some of the more critical program alternatives which may need to be implemented include variable can rates, composting at the site of generation, waste efficient yard care, and source reduction education.

New recycling programs may also need to be implemented; these programs include initiating multi-family and commercial/industrial recycling programs; evaluating the current curbside collection method and making recommendations for modifications as necessary; initiating a comprehensive public education and information program; and applying for grant funding for program implementation.

A significant amount of the waste currently being disposed of by the City is potentially compostable. Because of this significant diversion potential, it is essential that yard waste composting (including co-composting yard waste with biosolids) and compost market development be initiated.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-L of the General Plan presents these Mitigation Measures as General Plan Policies.

113. Certified Mitigation Measure #113

C. 3. The City shall provide for the safe collection and disposal of all solid waste generated in the City of Modesto and to provide for the appropriate disposal facilities for the City’s long-term needs. Garbage service shall be provided to all residences and businesses within the City of Modesto.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-L of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

114. Certified Mitigation Measure #114

C. 4. To meet the waste disposal demands of the growing population, the City shall support Stanislaus County’s efforts to find an additional landfill site, expand capacity of the Fink Road Landfill, or find an alternative waste disposal method for solid waste.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Landfill expansion shall be achieved in accordance with Section 41000 et. seq. of the Public Resources Code.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-L of the General Plan presents this Mitigation Measure as a General Plan Policy.

115. Certified Mitigation Measure #115

A. 1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.
b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

> These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

> Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

### 116. Certified Mitigation Measure #116

A. 2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.

a. **Method of “Project Implementation”**

> This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

> These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

> Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

### 117. Certified Mitigation Measure #117

A. 3. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall
identify the location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant’s hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section I-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

118. Certified Mitigation Measure #118

C. 1. The City shall comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.
c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

119. Certified Mitigation Measure #119

C. 2. The City shall continue to participate in the existing Household Hazardous Waste Programs, including support of the drop-off facility, continued public information, and participation in the oil and battery collection programs.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

120. Certified Mitigation Measure #120

C. 3. The County has prepared a Hazardous Waste Management Plan which is the guideline for managing hazardous waste in Stanislaus County. The goals, objectives, conclusions, recommendations and implementation measures of that plan are hereby incorporated as a part of this document, along with any modifications which may result from state review of the Hazardous Waste Management Plan.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Stanislaus County Chief Executive Officer has provided this language coordinating the County’s HWMP with the City’s efforts.
c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies.*

### 121. Certified Mitigation Measure #121

**A. 1.** Any construction which occurs as a result of the project must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology.

**a. Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

**b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*The City’s building regulations are consistent with the Uniform Building Code (UBC) and are regularly updated when the UBC is updated.*

**c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*Section VI-B of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.*

### 122. Certified Mitigation Measure #122

**A. 2.** City plans and policies shall not interfere with any emergency evacuation and response plans. This would include the continued maintenance of adequate police and fire services, and emergency evacuation routes such as Route 99.

**a. Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*
b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

The Fire and Police Departments have responsibility for determining and maintaining evacuation routes.

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-E of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

123. **Certified Mitigation Measure #123**

   A. 1. The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals. The City shall develop shade-tree specifications for different land uses (residential, commercial, parking lots, etc.) including appropriate types of trees (size, deciduous or evergreen, absence or lower branches, etc.), locations (e.g., distance from structures), density (i.e. within a subdivision or parking lot), and orientation (trees on the west side of a building generally provide the most benefit) for use in landscape plans.

   a. **Method of “Project Implementation”**

   This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

   b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

   The City Parks and Recreation Department has the responsibility of maintaining the City’s street tree program.

   c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

   Section VII-I of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

124. **Certified Mitigation Measure #124**

   C. 1. The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts to establish and promote a program whereby existing residential and commercial building owners are provided incentives to increase the number of shade trees in developed parts of the City. The City shall also provide information on appropriate types of trees and their locations to maximize the energy savings from this program.
a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*The City maintains on-going relationships with Modesto Irrigation District and Turlock Irrigation District.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*Section VII-I of the General Plan presents these Mitigation Measures as General Plan Policies.*

**125. Certified Mitigation Measure #125**

C. 2. The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts (for electricity) and Pacific Gas & Electric Company (for natural gas) on all new, large-scale, development proposals in the City.

a. **Method of “Project Implementation”**

*This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.*

b. **State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.”** This Mitigation Measure supports the State Law requirement in the following manner:

*The City maintains on-going relationships with Modesto Irrigation District and Turlock Irrigation District.*

c. **This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

*Section VII-I of the General Plan presents these Mitigation Measures as General Plan Policies.*
Re: Res No. 95-409

Exhibit "A", consisting of the
"City of Modesto Urban Area General Plan"
and
Exhibit "B", consisting of the
General Plan Issue Papers (1-7)
Are on file in the Office of the City Clerk