MODESTO CITY COUNCIL
RESOLUTION NO. 99-497

A RESOLUTION AWARDING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TO THE HOMELESS VETERANS STAND DOWN EVENT.

WHEREAS, the Homeless Veterans Stand Down event was held at Thurman and Fairway Soccer Fields on September 25 and 26, 1999, which provided a variety of services, information and referrals to local veterans, and

WHEREAS, the Event Committee has requested that the facility and equipment fees be waived, that the City provide $2,000 in funding toward expenses of the event and other services at no cost to the event, and

WHEREAS, the Community Services and Neighborhood Connections Department (CS&NC) submitted a recommendation to the City Council to award $2,000 in Community Development Block Grant (CDBG) funding to the Homeless Veterans Stand Down Event, and

WHEREAS, on October 5, 1999, the Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards $2,000 in CDBG grant funding to the Homeless Veterans Stand Down Event as recommended by the Community Services and Neighborhood Connections Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHUTT MOEN ASSOCIATES FOR THE DESIGN, ENGINEERING, AND CONSTRUCTION ADMINISTRATION FOR AIRPORT IMPROVEMENT PROJECTS INCLUDED IN AIP 3-06-0153-22/23

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shut Moen Associates for the design, engineering, and construction administration for airport improvement projects included in AIP 3-06-0153-22/23 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-499

A RESOLUTION APPROVING THE FINAL MAP OF THE
SIERRA VIEW SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, LING INVESTMENTS, a Limited Partnership, is possessed of a
tract of land situated in the City of Modesto, County of Stanislaus, consisting of 18.0 acres,
known as ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 25th day of January 1999, 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 SIERRA VIEW 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 dedications for 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 after subdivider has furnished
securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure
the obligations set forth in Section 66499.3 of the Government Code of the State of California.
Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-500

A RESOLUTION AMENDING POLICIES AND PROCEDURES
FOR THE USE OF MELLO-ROOS COMMUNITY FACILITIES
DISTRICTS

WHEREAS, on September 3, 1996, by Resolution No. 96-501, the City Council
adopted “Policies and Procedures” for the creation and administration of Mello-Roos Community
Facilities Districts, and

WHEREAS, by Resolution No. 96-545, adopted on October 8, 1996, the City
Council made certain amendments to its “Policies and Procedures” for the creation and
administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-164, adopted on March 24, 1998, the City
Council made certain amendments to its “Policies and Procedures” for the creation and
administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-186, adopted on April 7, 1998, the City
Council made certain amendments to its “Policies and Procedures” for the creation and
administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-483, adopted on September 8, 1998, the City
Council made certain amendments to its “Policies and Procedures” for the creation and
administration of Mello-Roos Community Facilities Districts, and

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WHEREAS, by Resolution No. 99-405, adopted August 10, 1999, the City Council made certain amendments to its “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, the creation of Mello-Roos Community Facilities Districts, pursuant to the Act of 1982, Chapter 2.5 commencing with Section 53311 of Part 1 of Division 2 of Title 5 of the California Government Code, for the financing and completion of public works improvements has become an increasingly integral part of City planning for the creation of such improvements, and

WHEREAS, a standard “Facilities Acquisition Agreement” has been written which places requirements on a developer proposing to complete facilities for a CFD, and

WHEREAS, the standard “Facilities Acquisition Agreement” is necessary to ensure that CFD facilities are properly installed and that proper insurance and securities are posted,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its “Policies and Procedures” relating to the application for, creation of and administration of Mello-Roos Community Facilities Districts, formerly adopted and amended by this Council, be further amended as set forth below:

1. That Section 2 of the Policies and Procedures read as follows:

2. Definitions.

a. Acquisition District. A CFD formed to finance the acquisition of infrastructure or public facilities where the applicant will be reimbursed for eligible construction related costs by means of tax credits or otherwise.
b. **Amendment.** A change, in any manner, to an adopted Public Report.

c. **Annexation.** The addition of real property into a CFD which has already been formed, and for which a Public Report has already been prepared and adopted. “Annexation” in this context does not mean a change in organization as described in the Cortese-Knox Act of 1985 (Sections 56000 et seq., Division 3 of the Government Code).

d. **Applicant.** Developer or landowner who initiates formation/annexation of a CFD.

e. **Bonds.** Bonds authorized and issued under the Mello-Roos Community Facilities Act of 1982.

f. **Bond Counsel.** Outside counsel retained by the City to assure compliance with applicable federal and State tax and other laws and regulations relating to public financing.

g. **Bond Underwriter.** The investment banker(s) retained by the City to design, develop and execute the sale of bonds in the market place.

h. **Certificate of Completion:** A written document provided to a facility provider by the District Engineer stating that the facility is complete and in good working order, and that the requirements of the facility acquisition agreement have been met.

i. **City.** The City of Modesto.

j. **City Attorney.** City Attorney of the City of Modesto.

k. **Community Facilities District (CFD).** A special district formed pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 as amended, to finance specific public improvements or public services, and where properties within the CFD are levied a special tax in accordance with the rate and method of apportionment adopted as part of the district proceedings.
1. **Conclusion of Formation.** The date a tax lien, for a specific CFD, is successfully recorded by the Stanislaus County Clerk Recorder.

m. **Credit:** An offset against tax owed, or cash reimbursement for tax paid, as appropriate, calculated by subtracting from the Facility Cost Estimate any non-prepaid costs or incidental costs as defined in the Mello Roos Act, Section 53317(c) and (e), by means of a cash administrative cost offset. The administrative offset may be specified in the public report.

n. **CFD:** A Community Facilities District created for the purpose of financing the costs of certain public facilities and services pursuant to the provisions of Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code.

o. **CFD Formation Group.** An interdepartmental City working group consisting of the City Clerk, the Assistant City Attorney, and a designated member of the Community Development Department and such staff as they may designate. Its function shall be to process CFD applications and the formation of CFDs, including elections as appropriate.

p. **District Administrator.** A subgroup of the CFD Formation Group composed of the City Clerk and the Assistant City Attorney and such City staff as they may designate. The District Administrator shall have the power to retain and consult with an outside consultant experienced in administering established CFDs in order to assure such administration is in accordance with City ordinances, resolutions, these Policies and Procedures as amended, and applicable law.

q. **District Engineer:** A California registered professional engineer employed by the City of Modesto, or a City of Modesto CFD, who is responsible for making final engineering determinations on behalf of that CFD.
r. **Facility:** Any public works-type infrastructure for which tax is to be collected pursuant to the public report, which could be eligible for tax credit and is located within a CFD.

s. **Facility Cost Estimate:** The facility (or facility segment) cost estimate, including contingency cost estimates relating to that facility (or segment) which are included in the tax stated directly, or by reference, in the public report, as that report may be amended or adjusted for inflation from time to time.

t. **Facility Provider:** Any person or entity constructing a facility.

u. **Fair Market Value or Value:** The amount of cash or its equivalent which property would bring if exposed for sale on the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other and both have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon uses and purposes.

v. **Financial Advisor:** Financial consultant retained by the City to review, comment and advise on financial matters relating to CFDs.

w. **Fiscal Feasibility Report:** A study performed under the direction of the City to determine the financial viability of a proposed CFD.

x. **Infrastructure and Public Facilities:** Those public improvements including but not limited to major streets and arterials, highway improvements and freeways, freeway interchanges, right of way acquisitions, bridges, street lights, water, flood, sewer and drainage improvements, fire and police stations, parks, wetlands, telephone ducts, electrical conduits, libraries, transit improvements (including public parking facilities), and the provision of certain services (if applicable), that may be eligible for financing pursuant to these Policies and Procedures, and which are authorized improvements pursuant to provisions of the Mello-Roos

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Community Facilities Act of 1982 ("Act").

y. **In-tract Facilities.** Infrastructure and public facilities which serve an individual CFD, such as local subdivision streets, local utilities and local drainage systems. Not all such infrastructure and public facilities may actually be located within the boundaries of the CFD. (Possible example: drainage system).

z. **Oversubscription:** Oversubscription is the furnishing of land or facilities whose total value as set forth in the public report exceeds the total taxes attributable to a facility provider’s entire development within a CFD.

aa. **Public Report.** A report generally containing the following:

   (1) A description of the public capital facilities and services proposed for the CFD.

   (2) A general description of the area to be served by said facilities; said areas being the boundaries of the CFD.

   (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the CFD and the costs of any incidental expenses to be paid by the CFD.

   (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed CFD to estimate the annual amount of payment;

   (5) General Terms and conditions relating to the proceedings.

   (6) All exhibits and attachments to the resolution of formation of a CFD, and documents included therein by reference.
bb. **Special Tax Consultant.** A consultant retained by the City to develop the rate and method of apportionment and other special tax formulas and criteria for a Mello-Roos CFD.

c. **Tax:** Any facilities special tax specified in the public report for the CFD.

dd. **Value-to-Lien Ratio.** The value of a parcel of land as determined by an MAI appraisal relative to the amount for which land secured bonds may be sold for the parcel.

3. That the following section be added:

6. e **Tax Credit Procedure**

i. Facility providers may be permitted credits against taxes owed, or cash credits, as appropriate, and as set forth herein.

ii. In the case of oversubscription, cash up to the amount of the oversubscription may be paid to a facility provider as cash becomes available to the CFD through tax collection.

iii. Taxes shall be payable at the time specified in the public report. Until January 1, 2000, the tax payable shall at least equal the administrative offset specified in the public report or otherwise.

iv. The district shall also be compensated from available tax monies for money and services advanced by it for the acquisition, construction, improvement or control of any or all of the facilities set forth in the public report, all in accordance with and subject to the Mello Roos Act (including, without limitation, Section 53314.9 of the Act), the resolution of formation of the CFD, the policies and procedures for administration of the CFD, the public report and other applicable law.

v. In no event shall cash advances, dedications, or construction of facilities become either a debt of the City, or a debt in excess of actual tax receipts, of the CFD.
vi. All tax credits shall be made by the District Administrator pursuant to a valid, executed facility acquisition agreement in a form approved by the District Administrator.

vii. Prior to January 1, 2000, with the approval of the District Administrator, credits may be furnished to a facility provider to offset taxes otherwise due if the facility provider has furnished or is furnishing facilities which have not yet received a notice of completion. Notwithstanding the foregoing, such discretionary credit shall be fully reimbursable to the CFD in cash by the facility provider in the event that a facility acquisition agreement is not executed by the facility provider, or if that facility provider does not receive a notice of completion from the District Engineer.

viii. On and after January 1, 2000:

1. The District Administrator shall ensure that the full tax is collected as it becomes due from each provider of facilities or facility segments to the CFD until (a) a valid facility acquisition agreement exists between the CFD and the facility provider and, (b) the facility has been completed, and (c) a certificate of completion has been issued to the facility provider. The District Administrator shall then provide facility special tax credits or cash reimbursement, as appropriate, to that facility provider.

2. All facility providers shall be denied tax credit for any portion of an otherwise credit-eligible facility constructed prior to execution by that provider of a facility acquisition agreement suitable to the District Administrator. Credit shall not be denied for planning or engineering costs included in a Facility Cost Estimate incurred prior to execution of that agreement.

3. Credits shall be expended by the District Administrator in date order of the certificate of completion of the facility for which credits are requested, and each such facility shall be completely credited before the district administrator shall grant credits to a facility receiving a certificate of
ix. Where apportionment is required, as with respect to a total facilities cost stated in the public report including two or more sub-facilities, or where more than one person or entity participates in the construction or furnishing of a facility, the determination of such apportionment and credit by the District Administrator or their designee shall be conclusive evidence of the amount of the credit derived thereby.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (Signature)
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: (Signature)
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-501


WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of October 5, 1999, at 7:00 p.m., in City Hall, 801 11th Street, Modesto, to consider the City's participation in the Supplemental Law Enforcement Services State Grant Program entitled, "Citizen's Option For Public Safety", and

WHEREAS, in 1996, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, was passed by the State Legislature and signed by the Governor, to help ensure public safety, and

WHEREAS, said legislation has continued to be funded each year for the exclusive purpose of funding front line municipal police services, in accordance with written requests submitted by the Chief of Police of a city to his or her governing body, convened in public hearing, and

WHEREAS, the total amount of funding anticipated by the City of Modesto for 1999/2000 is approximately $412,000.00, and

WHEREAS, upon acceptance of said funds, the funds must be held in an interest-bearing Supplemental Law Enforcement Services Fund, and the funds may not be used to supplant existing budget funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that it hereby approves the City’s participation in the Supplemental Law Enforcement Services State Grant Program and accepts the expenditure of funding in the anticipated amount of $412,000.00 allocated to the City of Modesto for 1999/2000.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto, or his authorized designee, is hereby authorized to execute all documents necessary to accept said grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-502

A RESOLUTION APPROVING THE ANNUAL
PERFORMANCE AND EVALUATION REPORT
FOR FISCAL YEAR 1998/99 AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE
NECESSARY DOCUMENTS FOR SUBMISSION OF
THE REPORT TO THE U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT.

WHEREAS, a duly noticed public hearing was held by the City Council at its
meeting of October 5, 1999, at 7:00 p.m., in City Hall, 801 11th Street, Modesto, to consider
submittal of the Consolidated Annual Performance and Evaluation Report (CAPER) to the
United States Department of Housing and Urban Development, and

WHEREAS, said report relates to progress made towards goals and objectives
identified in the FY 1998/99 Annual Action Plan funded under the Community Development
Block Grant (CDBG), HOME, and Emergency Shelter Grant (ESG) programs, and

WHEREAS, said report reflects the activity of the City and its sub-recipients for
the period from July 1, 1998 through June 30, 1999, and

WHEREAS, citizen input was solicited on the programs' performance by notice
duly published in the Modesto Bee on September 7, 1999, and September 12, 1999, with copies
of the CAPER being made available to the public on Friday, September 10, 1999, at the Office of
Housing and Neighborhoods, the City Clerk’s Office and the Stanislaus County Central Library,
and

WHEREAS, as of September 30, 1999, City staff had not received any public
comments,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the FY 1998/99 Consolidated Annual Performance and Evaluation Report is hereby approved for submission to the United States Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute all necessary documents related to the submission of said FY 1998/99 Consolidated Annual Performance and Evaluation Report to the United States Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahrl, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE BID OF PAUL ANDERSON CONSTRUCTION FOR THE BOWEN LIFT STATION STORAGE BUILDING PROJECT FOR $67,816

WHEREAS, the bids received for the Bowen lift station storage building project were opened at 11:00 a.m. on September 28, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $67,816.00 from Paul Anderson Construction be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the city of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-504

A RESOLUTION ACCEPTING THE BID OF 7/11 MATERIALS, INC. FOR THE ANNUAL SUNKEN SIDEWALK AT ROCKWELLS 99/00 PROJECT FOR $97,269.26

WHEREAS, the bids received for the annual sunken sidewalk at rockwells 99/00 project were opened at 11:00 a.m. on September 28, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of 7/11 Materials, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $97,269.26 from 7/11 Materials, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the city of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $6,000 TO FULLY FUND THE ANNUAL SUNKEN SIDEWALK AT ROCKWELLS 99/00 PROJECT

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

FROM: Annual Catch Basin and Valley Gutter 628 440 K790; $6,000

TO: Annual Sunken Sidewalk at Rockwells 628 480 L009; $6,000

This project will repair sidewalks, catch basins, curbs and gutters damaged by sunken rockwells and catch basins at various locations throughout the City. Transfer needed to fully fund the project.

The foregoing resolution was introduced at a regular meeting of the Council of the city of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-506

A RESOLUTION ACCEPTING IMPROVEMENTS IN COFFEE ROAD PROFESSIONAL OFFICES SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES UPON EXPIRATION OF STATUTORY PERIOD.

WHEREAS, Coffee Road 1, LLC, a California Limited Liability Company, subdivider of Coffee Road Professional Offices Subdivision has filed $9,637.50 in lieu of faithful performance and labor and materials bonds, and;

WHEREAS, the Community Development Director in a memorandum to the City Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department, and;

WHEREAS, the Community Development Director has indicated it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file the Notice of Completion and release the $9,637.50 in lieu of faithful performance and labor and materials bonds upon expiration of the statutory period.

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

1. The improvements in Coffee Road Professional Offices Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release $9,637.50 for faithful performance and labor and materials upon the expiration of the statutory period after filing the Notice of Completion.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH TUOLUMNE RIVER REGIONAL PARK JOINT POWER AUTHORITY TO ALLOW THE USE OF MODESTO CITY-COUNTY AIRPORT PROPERTY FOR PARK

BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding with Tuolumne River Regional Park, a Joint Powers Authority consisting of the City of Ceres, the City of Modesto, and the County of Stanislaus to allow the use of Modesto City-County Airport property for park purposes, including the construction of a bike trail between Tioga Drive and Mitchell Road, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH BERBERIAN TRUST PROPERTIES FOR THE PURCHASE OF PROPERTY NEEDED FOR THE PELANDALE EXPRESSWAY PROJECT FOR $82,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Berberian Trust Properties for the purchase of property needed for the Pelandale Expressway Project for $82,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-509

A RESOLUTION APPROVING AN AGREEMENT WITH EDENVALE INVESTMENT COMPANY FOR THE LEASE OF PROPERTY AT 940 11TH STREET FOR THE HOUSING AND NEIGHBORHOODS DIVISION

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Edenvale Investment Company for the lease of property at 940 11th Street for the Housing and Neighborhoods Division be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-510

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH SKYTREK AVIATION FUELS, INC. FOR AN EXTENSION OF THE FUEL LEASE AT THE MODESTO CITY-COUNTY AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Skytrek Aviation Fuels, Inc. for an extension of the fuel lease at the Modesto City-County Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-511

A RESOLUTION APPROVING A LEASE AGREEMENT WITH NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) FOR THE LEASE OF A PORTION OF THE MODESTO AMTRAK STATION

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Railroad Passenger Corporation (Amtrak) for the lease of a portion of the Modesto Amtrak Station, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-512

A RESOLUTION APPROVING THE FINAL MAP OF THE
ROSE HOLLOW NO. 3 OF THE CITY OF MODESTO.

WHEREAS, FLORSHEIM BROS., a California general partnership by
FLORSHEIM PROPERTIES, a California Corporation, is possessed of a tract of land situated
in the City of Modesto, County of Stanislaus, consisting of 8.99 acres, known as ROSE
HOLLOW NO. 3 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 9th day of February, 1998, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final
map of said ROSE HOLLOW NO. 3 SUDIVISION 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 dedications for 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 after subdivider has furnished
securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure

10/8/99-CA

-1-
the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of October, 1999, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by Councilmember
Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
RESOLUTION NO. 99-513

A RESOLUTION APPROVING THE SALE OF SAFE AND SANE FIREWORKS IN THE CITY OF MODESTO FOR THE MILLENNIUM CELEBRATION, SUBJECT TO CERTAIN REGULATIONS.

WHEREAS, the State of California has authorized a millennial celebration for the year 2000, and

WHEREAS, AB2090 (Chapter 363 of the Statutes of 1998) permits the sale of certified safe and sane fireworks from 9:00 a.m., December 26, 1999, until midnight of January 1, 2000, pursuant to a license issued by the State Fire Marshal, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks, and

WHEREAS, Section 3-1.126 of the Modesto Municipal Code regulates the sales, storage, use and handling of fireworks in Modesto, however, this special sales period, which is permitted pursuant to AB2090, will occur under conditions not anticipated at the time Section 3-1.126 of the Modesto Municipal Code was approved, and

WHEREAS, the Fire Chief is responsible for assuring that “safe and sane” fireworks within the City of Modesto are sold, stored, used and handled safely, and

WHEREAS, the revocation of any permit to sell fireworks will disqualify that individual or organization from receiving a permit for one year, and

WHEREAS, the authorized sales of safe and sane fireworks for the millennial celebration shall expire at 5:30 p.m. on December 31, 1999,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the selling of safe and sane fireworks for the millennial celebration as authorized by AB2090, is hereby approved; said sales shall be subject to the Regulations which are attached hereto as Exhibit "A" and incorporated herein by reference and which are hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember _____Serpa_____ who moved its adoption, which motion being duly seconded by Mayor Lang ________, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________
MICHAEL D. MILICH, City Attorney
SECTION 1. SALES OF FIREWORKS.

Sales. It shall be unlawful to engage in the sale of "Safe and Sane" fireworks in the City of Modesto without first having secured a permit to do so.

1. The total number of sales permits issued shall be limited to one (1) sales permit for each organization who had such a permit in July 1999.

2. Sales permits for the sale of "Safe and Sane" fireworks in the City of Modesto shall be issued only to local nonprofit organizations and existing local for-profit organizations as defined herein.

(A) A "nonprofit organization" shall mean any nonprofit association, club, or corporation organized for veteran, patriotic, welfare, religious, civic betterment, youth or charitable purposes, or affiliated with a public school located within the city limits of Modesto. Except for organizations affiliated with a public school, each organization shall provide the City with a tax exempt certificate issued pursuant to the Revenue and Taxation Code of the State of California or written verification that they are an integral part of a recognized national organization having such a tax exempt status.

(B) A "local nonprofit organization" must have its principal and permanent meeting place in the City of Modesto and must have been organized and established in the City of Modesto for a minimum of one (1) continuous year preceding the filing of the application for permit, and must have a bona fide membership of at least ten (10) members who reside in the City of Modesto. In addition, organizations affiliated with a public school shall provide written verification of existence, acceptable to the Fire Chief, such as, but not limited to a current bank statement.

(C) An "existing local for-profit organization" must have a permitted fixed business location in the City of Modesto, have been issued a fireworks sales permit the previous year, have remained under the same management and/or ownership continuously since 1999, and have maintained a delinquent-free business license at all times during the previous year.

3. Sales permits for retail sales of "Safe and Sane" fireworks in the City of Modesto issued pursuant to provision of the Modesto Municipal Code are not transferable by the holder of the permit. The sales permits may be used only by the organization to which it is issued.
4. All applications for sales permits shall be in writing to the Fire Chief on forms supplied by the City. Applications may only be filed during normal business hours from October 25, 1999, up to and including November 12, 1999, at which time the filing period will close. A separate sales permit shall be required for each proposed location of a fireworks stand.

5. Applications shall set forth the proposed location of the fireworks stand including the seven (7) digit parcel number (APN) of the Stanislaus County Assessor and other information as may be required by the Fire Chief. Written permission from the property owner, or his/her designee, to sell fireworks at that location shall accompany the permit application.

6. Applicants for sales permits shall be notified by December 6, 1999, by the Fire Chief of approval or disapproval of such application. All approved applications shall be picked up from the Fire Chief by 4:00 p.m. on December 13, 1999. Sales permits will be issued on the day the applicant begins selling, and after inspection of the stand reveals compliance with all conditions of these regulations.

7. Every application shall be accompanied by proof of insurance as specified in Section 3-1.128 of the Modesto Municipal Code.

8. Every application shall be accompanied by a nonrefundable application fee as established by resolution of the City Council from time to time. This application fee shall be in addition to any fees or taxes imposed by Title 6 of the Modesto Municipal Code.

SECTION 2. SALES, STORAGE, USE, AND HANDLING OF FIREWORKS.

General. Sales, storage, use, and handling of fireworks shall be in accordance with this division.

1. Sales. Retail sale or display with the intent to sell fireworks is limited to State of California Fire Marshal approved and labeled "Safe and Sane" fireworks within the City of Modesto by State of California licensed retailers, provided a permit to sell those fireworks has been approved and obtained from the Chief. Fireworks may be sold or offered for sale from 12:00 noon to 5:30 p.m. on December 28, 1999, and 9:00 a.m. to 5:30 p.m. on December 29 through December 31, 1999.

The storage of fireworks within the City of Modesto is limited to State of California Fire Marshal-approved and labeled "Safe and Sane" fireworks by State of California licensed wholesalers and retailers.

(A) Wholesale Storage. Wholesalers may store "Safe and Sane" fireworks within the City of Modesto solely during the period of December 6 through January 31.
of each year. Storage facilities shall comply with H1 occupancy classification requirements as defined by the Uniform Building Code.

(B) **Retailers Storage.** Retailers may store "Safe and Sane" fireworks within the City of Modesto solely during the period of December 20, 1999 through January 9, 2000. "Safe and Sane" fireworks that are not being sold or displayed with the intent to sell, shall be stored solely in the following manner:

1. Within the permitted fireworks stand with a responsible adult on the premises at all times.

2. In a completely enclosed and locked utility type trailer constructed of one-fourth (1/4) inch plywood or other approved noncombustible material.

3. In a completely detached garage on residential property with a minimum ten (10) feet clearance from other structures or property lines. There shall be no open-flame or spark producing equipment, or Class 1 flammable liquids stored or used within in the garage.

4. Fireworks shall not be stored within forty (40) feet of any building classified or used as a public or private school, day care facility, residential care facility, hospital, place of detention, public oil/gas station, or public garage, or any place of public assembly that can accommodate fifty (50) or more persons.

5. In an approved and permitted fireworks warehouse.

2. **Operator Safety.** Each year, one (1) or more representatives from each organization, that is granted a permit to sell fireworks, shall attend a stand operator safety seminar conducted by the Fire Department and the fireworks industry. Failure to attend the seminar shall result in the revocation of the organization’s permit to sell fireworks for that calendar year.

3. **Temporary Fireworks Stands.**

   (A) All retail sales of "Safe and Sane" fireworks shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is hereby prohibited.

   (B) City Business License, Fire Department Permit and State License shall be displayed in the fireworks stand during hours of operation.

   (C) Temporary fireworks stand shall not be set up before application for permit has been approved.
(D) The fireworks stands shall be located at least twenty (20) feet from other structures.

(E) Zoning of property, in which the fireworks stand will be located, shall be in accordance with Section 10-2.2330 of the Modesto Municipal Code.

(F) Fireworks shall not be stored, sold, offered for sale, or discharged within one hundred (100) feet of a location where gasoline, LPG, other class 1 flammable liquids or flammable gasses are stored or dispensed.

(G) All unsold stock and accompanying litter shall be removed from the location by 9:00 p.m. on December 31, 1999.

(H) The fireworks stand shall be removed from the temporary location by 12:00 noon on January 6, 2000, and all accompanying litter shall be cleared from said location by said time and date.

(I) A penalty of one hundred dollars ($100.00) per day will be assessed to the permittee of any fireworks stand not removed by 12:00 noon on the 6th day of January.


(A) No person under the age of eighteen (18) shall sell, or handle for sale, any classification of fireworks or be permitted in the sales booth during the sales period.

(B) No person under the age of eighteen (18) shall purchase or be allowed to purchase any classification of fireworks.

(C) Smoking, open-flame, and spark-producing equipment shall be prohibited for a distance of twenty (20) feet around any fireworks stand. No electrically operated or portable fuel burning equipment or appliances shall be permitted in the booth.

(D) Dry grass, weeds, trash, and other combustible material shall be removed for a distance of twenty (20) feet around any fireworks stand.

(E) Fireworks shall not be discharged within fifty (50) feet of a fireworks stand.

(F) Fireworks shall, at all times, be adequately protected against moisture damage while inside of original shipping cartons and after removal from the original shipping cartons. Wholesalers shall submit moisture protection methods to the Fire Chief for approval prior to distribution to retailers.
5. Stand Construction.

(A) Merchandise may be displayed in approved glass enclosed counters or showcases, or

(B) Merchandise may be displayed in stands constructed in the following manner:

1. Walls and roof shall be of plywood at least one-fourth (1/4) inches thick or of an approved noncombustible material.

2. The stand shall be provided with a roof. Approved weather resistant material, securely fastened to the roof, at all edges and at four (4) feet intervals, may be used for rain protection.

3. Walls shall extend to a minimum height of six (6) feet eight (8) inches, on at least three (3) sides. These three (3) sides shall be without openings, except for an exit door.

4. An exit door with a minimum size of twenty-four (24) inches in width and six (6) feet in height, shall be provided in each stand. Exits shall be maintained clear and unobstructed at all times.

5. The front wall of the stand shall provide a physical barrier not less than eighteen (18) inches in height between the public and the merchandise on display.

6. Approved "NO SMOKING" signs shall be prominently displayed in and on the stand.

7. Approved "NO SALES TO PERSONS UNDER THE AGE OF 18" signs shall be prominently displayed in the stand.

8. An approved fire extinguisher having a minimum U.L. classification of 2A shall be located in the stand, near the exit and readily accessible.

9. Sellers of fireworks shall comply with all rules and regulations of Title 19 of the California Code of Regulations and with the rules and regulations of the Chief.

6. Operation of Fireworks Stand Only by Permittee.

(A) It is unlawful for the permittee organization to permit any person other than the permittee organization to operate the fireworks stand for which the permit is issued or to otherwise participate in the profits of the operation of such fireworks stand.
(B) It is unlawful for a non-profit organization to permit any person other than the individuals who are members of the permittee organization, their spouses or adult children, or volunteers to whom no compensation is paid, to sell or otherwise participate in the sale of fireworks at such fireworks stand.

(C) It is unlawful for a non-profit organization to pay any consideration to any person for selling or otherwise participating in the sale of fireworks at such fireworks stand, except the hiring of a night watchman or security officer.

SECTION 3. REVOCATION OF PERMIT AND SEIZURE OF FIREWORKS.

1. The Fire Chief, or his/her designee, may revoke, immediately and without notice or hearing, the "Safe and Sane" fireworks sales permit of any location or organization when any of the provisions of Sections 3-1.124, 3-1.125, or 3-1.126 of the Modesto Municipal Code are violated. The Chief shall inform the permittee that permittee may seek review of the Chief's decision, by the City Manager, on the next business day. At the earliest opportunity on the next business day after revocation, the Chief shall provide the City Manager with written notice that a fireworks sales permit has been revoked, including the name of the permittee and a brief statement of the grounds for revocation. If requested by the permittee, the City Manager, or his/her designee, shall meet with the permittee and the Chief, or his/her designee, that day to review the Chief's decision. The decision of the City Manager shall be final.

2. Any revocation, upheld by the City Manager, of any sales permit will be effective for one (1) year. The organization or business whose permit was revoked will also be removed from the pool of pre-approved organizations.

3. Each organization or business that applies for a sales permit under this resolution shall acknowledge in writing that they understand subsection 2 above and agree to abide with its conditions.

SECTION 4. FIREWORKS DISPLAYS INSURANCE REQUIRED.

Insurance.

1. The permittee shall furnish a certificate of insurance for each policy required, executed by the company issuing such policy, and approved as to form by the Risk Manager. Such policies shall contain a provision which holds the City as an additional insured and declaring said insurance to be primary and that no other insurance carried by an insured party shall be called upon for contribution. Notwithstanding any other provision of this section, the failure of the permittee to carry such insurance during the time covered by such permit shall automatically revoke the permit as of the date of expiration of such insurance policy or policies. A payment of fifty dollars ($50.00) shall be made to the City before any such revoked permit may be reinstated.
2. The permittee/licensee shall carry general liability insurance with a minimum limit of liability per occurrence of one million dollars ($1,000,000.00) for bodily injury and one hundred thousand dollars ($100,000.00) for property damage, or one million dollars ($1,000,000.00) combined single limit. The certificate of insurance shall include the following coverages and indicate the policy aggregate limit applying to: premises and operations, broad form contractual, and, products and completed operation.

3. The permittee/licensee shall agree to hold the City of Modesto, its agents, officers, employees, and volunteers harmless from and save, defend, and indemnify them against any and all claims, losses, liabilities, and from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney fees and all costs and expenses arising directly or indirectly out of any act or omission of permittee arising out of any activity authorized by the permit.

4. The permittee/licensee shall provide at its own expense and maintain at all times the specified insurance policies with insurance companies approved by the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the City Clerk of the City by registered mail, return receipt requested.
A RESOLUTION ACCEPTING THE BID OF T & S CONSTRUCTION COMPANY, INC. FOR THE CARPENTER ROAD WATER LINE BETWEEN MAZE BOULEVARD AND CHICAGO AVENUE PROJECT FOR $426,190

WHEREAS, the bids received for the Carpenter Road Water Line between Maze Boulevard and Chicago Avenue project were opened at 11:00 a.m. on October 12, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of T & S Construction, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $426,190 from T & S Construction, Inc. be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO FULLY FUND THE WATER LINE PROJECT

WHEREAS, this project will install a new 20” waterline between Maze Boulevard and Chicago Avenue; which is another element in the water transmission system grid on Modesto’s west side; and

WHEREAS, funds were partially budgeted in the 1997-98 Capital Improvement Program. Additional funds will come from the accounts shown below, with savings available in the New Water Building Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>#612-480-J941-6040-941</th>
<th>20” Transmission Main</th>
<th>$172,000</th>
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</thead>
<tbody>
<tr>
<td>#612-480-C130-6060-130</td>
<td>New Water Building (Savings)</td>
<td>(35,000)</td>
</tr>
<tr>
<td>#612-800-8000-8003-6120R</td>
<td>Contingency Reserve</td>
<td>(137,000)</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 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ________________________
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 99-516

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS, INC. FOR THE CARVER/SCOTT LIFT STATION REHABILITATION PROJECT FOR $199,400

WHEREAS, the bids received for the Carver/Scott lift station rehabilitation project were opened at 11:00 a.m. on October 12, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Howk Systems, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $199,400 from Howk 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 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-517

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE
AMOUNT OF $92,000 TO FULLY FUND THE CARVER/SCOTT LIFT STATION
REHABILITATION PROJECT

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

FROM: Scenic Lift Station; 621 440 K653; $92,000

TO: Carver/Scott Pump Upgrades; 621 440 K675; $92,000

Funds for this project were originally budgeted when the cost of converting an
existing station was normally $140,00. Transfer needed to fully fund the project.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of October, 1999, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Conrad, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk
A RESOLUTION REJECTING BID RECEIVED FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT DALE ROAD AND PELANDALE AVENUE INTERSECTION PROJECT OPENED BY THE CITY CLERK ON SEPTEMBER 28, 1999

WHEREAS, the bids received for the installation of a traffic signal at Dale Road and Pelandale Avenue intersection project were opened at 11:00 on September 28, 1999, by the City Clerk, and

WHEREAS, lowest bid was 55.16% over the engineer’s estimate and staff recommends the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for the traffic signal at Dale Road and Pelandale Avenue intersection project, opened by the City Clerk on September 28, 1999, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHRI, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-519

A RESOLUTION REJECTING BID RECEIVED FOR LIQUID CHLORINE OPENED BY THE CITY CLERK ON AUGUST 31, 1999, AND AUTHORIZING A NEW BID CALL ON NOVEMBER 30, 1999, AT 11:00 A.M.

WHEREAS, the bid received for liquid chlorine was opened at 11:00 on August 31, 1999, by the City Clerk, and

WHEREAS, only one bid was received and opened, and it is recommended by the Purchasing Division that a new bid call be authorized to obtain competitive bids to achieve the best value for dollars spent and meet City Charter procedures for formal bids and that the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for liquid chlorine, opened by the City Clerk on August 31, 1999, is hereby rejected.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for liquid chlorine for Fiscal Year 1999-2000, with two one-year extensions, to be opened in the office of the City Clerk, 1010 Tenth Street, Suite 6000, in the City of Modesto, on November 30, 1999, at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

Section 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR ROCK, SAND AND GRAVEL, WITH TWO ONE-YEAR EXTENSIONS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for rock, sand and gravel for Fiscal Year 1999-2000, with two one-year extensions, to be opened in the office of the City Clerk, 1010 10th Street, Suite 6600 in the City of Modesto, on November 9, 1999, at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-521

A RESOLUTION AUTHORIZING THE SALE OF USED
FURNISHINGS AT A PUBLIC AUCTION TO BE
CONDUCTED BY ROGER ERNST AND ASSOCIATES AT
824 W. KIERNAN AVENUE.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell
surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City possesses used furnishings, as listed in Attachment "A",
attached hereto and incorporated herein by reference, resulting from the City’s move to Tenth
Street Place, said items having been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold
at a public auction to be conducted by Roger Ernst and Associates at their facility located at
824 W. Kiernan Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that unused furnishings, as listed in Attachment "A", attached hereto and
incorporated herein by reference, have become surplus property to the City’s needs, and the
Council does hereby authorize the sale of said surplus property.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a
public auction to be conducted by Roger Ernst and Associates located at 824 Kiernan Avenue,
at a date and time to be advertised by Roger Ernst and Associates, subject to an agreement
between the City of Modesto and Roger Ernst and Associates for auctioneering services which
was entered into on the 4th day of October, 1988, and which agreement was approved by
Council Resolution No. 88-757; subject to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember ______ who moved its adoption, which motion being duly seconded by Councilmember ______ was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney

10/21/99
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Total: 1673
MODESTO CITY COUNCIL
RESOLUTION NO. 99-522

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 property at the Jefferson Street warehouse and Water Quality Control Plant, thirty-one (31) unclaimed bicycles at the Police Department Evidence and Property Room and three (3) motorcycles at Fleet Services which are lost, stolen, unclaimed and/or seized property and excess City property which has been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a list of those items to be sold is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the thirty-one (31) unclaimed bicycles and the three (3) motorcycles which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-523

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO CITY SCHOOLS FOR THE USE OF MODESTO PROPERTY AGENT’S RIGHT OF WAY SERVICES FOR THE ACQUISITION OF SEVERAL PROPERTIES

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools for the use of Modesto Property Agent's right of way services for the acquisition of several properties, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-524

A RESOLUTION APPROVING AN AGREEMENT WITH BALVINO AND KATHLEEN IRIZARRY FOR THE PURCHASE OF PROPERTY NEEDED FOR THE FLOOD PROTECTION PROJECT FOR $85,750

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Balvino and Kathleen Irizarry for the purchase of property needed for the Flood Protection Project for $85,750 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-525

A RESOLUTION APPROVING AN AGREEMENT WITH ESCALON
NEIGHBORHOOD INVESTORS FOR THE PURCHASE OF PROPERTY NEEDED
FOR THE FLOOD PROTECTION PROJECT FOR $30,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement
between the City of Modesto and Escalon Neighborhood Investors for the purchase of
property needed for the Flood Protection Project for $30,000 be, and it is hereby
approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City
Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of October, 1999, by Councilmember Conrad,
who moved its adoption, which motion being duly seconded by Councilmember
Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-526

A RESOLUTION APPROVING AN AGREEMENT WITH ZANDY ROBBINS INVESTORS FOR THE PURCHASE OF PROPERTY NEEDED FOR THE FLOOD PROTECTION PROJECT FOR $32,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Zandy Robbins Investors for the purchase of property needed for the Flood Protection Project for $32,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-527

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $250,000 TO FULLY FUND THE ACQUISITION OF PROPERTIES NEEDED FOR THE AIRPORT NEIGHBORHOOD FLOOD PROTECTION

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

FROM: Direct Loans; 1130-140-1454-0497; $250,000
TO: Airport Property Acquisition; 1130-140-1455-5231; $250,000

Funds need to be transferred to the property acquisition Slum/Blight Account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH ALDEN MICHAEL LOPEZ AND WANDA R. LOPEZ AND THE SALIDA WATER BOARD FOR THE PURCHASE OF A WELL SITE FOR $39,500

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alden Michael Lopez and Wanda R. Lopez and the Salida Water Board for the purchase of a well site for $39,500 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $16,500 TO FULLY FUND THE CITY’S PORTION OF THE PURCHASE PRICE OF A WELL SITE FROM ALDEN MICHAEL LOPEZ AND WANDA R. LOPEZ AND THE SALIDA WATER BOARD

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

FROM: Purchase Generators; 616 480 L060; $16,500
TO: Purchase Well Site; 621 480 L123; $16,500

Transfer needed to fully fund the City’s portion of purchase price and closing costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH PAHRUMP HEIFER RANCH FOR THE LEASE OF LAND FOR AGRICULTURAL USE AND IRRIGATION BY WASTEWATER DISPOSAL TO EXTEND THE LEASE

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

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHRE/ City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES FOR ARCHITECTURAL SERVICES FOR THE REMODEL OF THE EXISTING POLICE HEADQUARTERS AT 601 11TH STREET – BID PACKAGE NO. 3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Design Associates for architectural services for the remodel of the existing Police Headquarters at 601 11th Street – Bid Package No. 3 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Juan Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-532

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNCIL OF GOVERNMENTS TO SET FORTH PLANNING AND PROGRAMMING RESPONSIBILITIES FOR THE DISTRIBUTION OF FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Stanislaus Council of Governments to set forth planning and programming responsibilities for the distribution of funding from the Federal Transit Administration (FTA) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding by the designated 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 November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-533

A RESOLUTION APPROVING EXPANSION OF THE MODESTO AREA EXPRESS (MAX) SERVICE TO THE NEW AMTRAK STATION.

WHEREAS, the City has planned to provide transit service to the new Amtrak station near the intersection of E. Briggsmore and Held, and

WHEREAS, the Modesto Area Express (MAX) Route 34 currently operates to the Briggsmore/Held intersection Mondays through Fridays, and could easily be extended to provide service to the new Amtrak Station at no cost to the City and could be upgraded if needed dependent upon ridership demand, and

WHEREAS, the Transportation Policy Committee approved the proposed Route 34 extension of the service area with staff to monitor demand, and

WHEREAS, at its meeting of November 2, 1999, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the expansion of the Modesto Area Express Service to the new Amtrak Station.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-534

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND BRUCE KOKKO FOR 1024 I STREET TO ACCOMMODATE THE WATER METER READING SECTION OF THE CUSTOMER SERVICES DIVISION OF THE FINANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Bruce Kokko for 1024 I Street to accommodate the Water Meter Reading Section of the Customer Services Division of the Finance Department 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 2nd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN PARADISE ROAD HOUSING PROJECT SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Self-Help Enterprises, a California Non-Profit Public Benefit corporation, subdividers of Paradise Road Housing Project Subdivision have filed a Subdivision Faithful Performance bond and a Subdivision Improvements bond for labor and materials in the amount of $119,117.90 and $59,558.95 respectively to guarantee improvements in Paradise Road Housing Project Subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Paradise Road Housing Project Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $119,117.90 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $59,558.95 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-536

A RESOLUTION APPROVING AMENDMENT NO. 8 TO
THE PELANDALE-SNYDER SPECIFIC PLAN TO
REDESIGNATE 5.0 ACRES LOCATED ON THE EAST SIDE
OF PRESCOTT ROAD SOUTH OF PELANDALE AVENUE
FROM MULTIFAMILY RESIDENTIAL TO COMMERCIAL.
(REDEV., INC.)

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

WHEREAS, on January 16, 1996, the City Council by Resolution No. 96-19,
adopted the Pelandale-Snyder Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of
Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, on March 18, 1997, the City Council, by Resolution No. 97-136,
approved Amendment No. 1 to the Pelandale-Snyder Specific Plan to change funding of
certain public facilities from an Assessment District to a City Mello-Roos Community
Facilities District, and

WHEREAS, on March 18, 1997, the City Council, by Resolution No. 97-139,
approved Amendment No. 2 to the Pelandale-Snyder Specific Plan to delete the requirement
for a Housing Trust Fund Equity Sharing Program Collection of an Affordable Housing Fee,
WHEREAS, on October 21, 1997, the City Council, by Resolution No. 97-590 approved Amendment No. 3 to the Pelandale-Snyder Specific Plan to allow a phased development of Pelandale Avenue, to delete a collector street connection to Pelandale Avenue, and to modify or delete certain other development standards, and

WHEREAS, on November 4, 1997, the City Council, by Resolution No. 97-624 approved Amendment No. 4 to the Pelandale-Snyder Specific Plan to allow changes in public service providers, and

WHEREAS, on February 23, 1999, the City Council, by Resolution No. 99-67 approved Amendment No. 5 to the Pelandale-Snyder Specific Plan to allow a fence separation between multi-family and single-family areas and to relocate a fire station site, and

WHEREAS, on April 13, 1999, the City Council, by Resolution No. 99-164 approved Amendment No. 6 to the Pelandale-Snyder Specific Plan to redesignate 2.5 acres located at the northwest corner of Tully Road and Snyder Avenue from Multifamily Residential to Professional Offices, and

WHEREAS, on August 17, 1999, the City Council, by Resolution No. 99-419 approved Amendment No. 7 to the Pelandale-Snyder Specific Plan to redesignate 13.75 acres located on the east side of Dale Road south of Pelandale Avenue from Multifamily Residential to Commercial, and

WHEREAS, Redev., Inc. has proposed Amendment No. 8 to the Pelandale-Snyder Specific Plan to redesignate 5.0 acres located on the east side of Prescott Road south of Pelandale Avenue from Multifamily Residential to Commercial, and
WHEREAS, the Planning Commission held a duly noticed public hearing on October 4, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on October 4, 1999, the Planning Commission adopted Resolution No. 99-67, recommending to the City Council Amendment No. 8 to the Pelandale-Snyder Specific Plan to redesignate 5.0 acres located on the east side of Prescott Road south of Pelandale Avenue from Multifamily Residential to Commercial, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 2, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered, and

WHEREAS, the applicant requested modifications pertaining to driveways,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend the Pelandale-Snyder Specific Plan to redesignate 5.0 acres located on the east side of Prescott Road south of Pelandale Avenue from Multifamily Residential to Commercial, as recommended by the Planning Commission in its Resolution 99-67, including applicant's requested modifications is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. The location is consistent with General Plan policies for siting of neighborhood commercial centers in existing neighborhoods, which the Pelandale-Snyder area is an extension of.
2. The street improvements and traffic control measures that will be implemented with this project will ensure that there will be no significant increase in traffic impacts to the surrounding area resulting from this project.

BE IT FURTHER RESOLVED that said Amendment No. 8 to the Pelandale-Snyder Specific Plan to redesignate 5.0 acres located on the east side of Prescott Road south of Pelandale Avenue from Multifamily Residential to Commercial, as recommended by the Planning Commission, and including applicant's requested modifications pertaining to driveways is hereby approved as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, and on file in the office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
PELANDALE-SNYDER SPECIFIC PLAN AMENDMENT

FOR

REDEV, INC.

Intent:

The intent of the Specific Plan Amendment is to permit the development of approximately five (5) acres at the southeast corner of Prescott Road and the Pelandale Expressway as a neighborhood commercial shopping center consistent with the City's existing C-1 Zoning standards.

Text Changes

Page 2-2;

See attached modified Figure 5.

Page 2-3;

2. Adoption of Land Use Designations:

Amend Table 2 to include:

<table>
<thead>
<tr>
<th>Specific Plan Designation</th>
<th>Permitted City Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>C-1, Mini Warehouse Facilities.</td>
</tr>
</tbody>
</table>
And add a new policy:

B.3.j

"The five (5) acre commercial site at the southeast corner of Prescott Road and the Pelandale Expressway will be entitled to three (3) driveway accesses along the Prescott Road frontage at approximately 200 feet, 400 feet and 600 feet south of the flowline in the Pelandale Expressway. The northernmost driveway will be right-in/right-out. The center driveway will be full service. The southernmost driveway will be full service. Driveways may be requested closer to the Pelandale Expressway than set forth herein, subject to review and approval as part of the Site Plan Review."

3. Principal Underlying Zones – Established:

Revise to read:

"There are only four (4) principal underlying zones..." and

add:

"...and Commercial zone (C-1) – Article 10, Section 10-2.1001 et seq"
And add a new policy:

B.3j

"The five (5) acre commercial site at the southeast corner of Prescott Road and the Pelandale Expressway will be entitled to three (3) driveway accesses equally spaced along the Prescott Road frontage (approximately 200 feet, 400 feet and 600 feet south of the flowline in the Pelandale Expressway). The northernmost driveway will be right-in/right-out. The center driveway will be full service. The southernmost driveway will be right-in/right-out if a raised median is installed, or full service, if one is not. Driveways may be requested closer to the Pelandale Expressway than set forth herein, subject to review and approval as part of the Site Plan Review."

3. Principal Underlying Zones - Established:

Revise to read:

"There are only three (3) four (4) principal underlying zones...." and add:

"...and Commercial zone (C-1) - Article 10, Section 10-2.100 et seq."
The Pelandale-Snyder Specific Plan amendment process is set forth in Chapter Four on pages 4-1 and 4-2. While there are six different steps to be completed, the first four are addressed below, and the last two are the responsibility of the City.

Review Process

"1. Specific Details of Amendment

Proposals to amend the Pelandale-Snyder Specific Plan must be accompanied by detailed information documenting the change requested. This information should include a revised Specific Plan Text (or excerpt therefrom) and revised Land Use Diagram, where relevant, depicting the Amendment requested."

The previous sections of the application set forth all the proposed textual and map revisions.

"2. Presentation of Need for Amendment

Since the City has invested a significant amount of time and money in the preparation of the Pelandale-Snyder Specific Plan, and proposals to amend the Specific Plan must document the need for such changes, the applicant should indicate the economic, social, or technical issues that generate the need to amend the Specific Plan."

The need for the Land Use Amendment stems from the current need for commercial development in the area of the Pelandale-Snyder and Carver-Bangs Specific Plans. The project site is adjacent to an arterial street and an expressway, and as such, is ideally located to provide commercial services to the neighborhood.
"3. Submittal of Supplemental Studies

Any proposal to amend the Pelandale-Snyder Specific plan must be accompanied by studies that analyze the amendment’s effects, compared to the adopted Specific Plan, on the following issues:

- Conformance with Specific Plan Principles in Chapter I of the Pelandale-Snyder Specific Plan."

These policies are listed and responded to individually below:

**Land Use Goal**

**Provide for the logical completion of the McKinney Colony, Aqueduct, and Northwest McHenry Neighborhood Planning Areas (NPA).**

*The proposed amendment is the logical extension of the McKinney Colony, Aqueduct and Northwest McHenry Planning Areas. In fact, the designation of five (5) acres of commercial is generally consistent with the Neighborhood Plan Prototype set forth in the Modesto Urban Area General Plan on page III-116. That plan shows one neighborhood shopping center of 7-9 acres within every 3/4 mile by one mile grid area. This site is centrally located and would serve the area from Standiford to the Pelandale Expressway (3/4 mile), and Prescott Avenue to Tully Road (two miles), and provide the first neighborhood type shopping center in the area, again, consistent with the Neighborhood Plan Prototype. The site is also centrally located, and adjacent to the Carver-Bangs Specific Plan area.*

**Circulation Goal**

**Provide a safe and efficient circulation system that accommodates multiple forms of transportation while minimizing land use conflicts.**

*No changes are proposed in the area circulation system. The project will require three accesses to Prescott Avenue.*

**Infrastructure Goal**

**Provide the necessary infrastructure improvements to serve the entire Plan Area at buildout.**

*Adequate infrastructure is available to serve the project.*
School Goal

Provide adequate school facilities to accommodate students generated by the Project.

The project will not affect the adequacy of school facilities.

Parks and Open Space Goal

Provide adequate parkland for the recreational, open space and aesthetic requirements of all residents.

The project will not affect park or open space facilities.

Public Safety Goal

Provide for the protection of the health and well being of all residents.

The project will be consistent with current City policies regarding public safety.

Natural Resource Goal

Minimize the impact of the Project on existing natural resources.

The project will not have any major impact on natural resources.

Community Design Goal

Assure the development of cohesive and identifiable neighborhoods within the Plan Area.

As set forth previously, the proposed project is generally consistent with the Neighborhood Plan Prototype, the governing development guideline for the area.

Affordable Housing Goal

Provide for a reasonable share of affordable housing within the Pelandale-Snyder Specific Plan Area.

The project site is currently mapped for single family development. The proposed project will reduce the single family housing which is currently proposed, and in return, provide some land for commercial development. This type of development neither assists with, nor frustrates, the City’s goals to provide affordable housing.
"- Compatibility with any approved development which will be affected by the Specific Plan Amendment."

The project will be adjacent to an existing approved single family development. As such, the project has been laid out in a way to assure land use compatibility.

"- Consistency with the Comprehensive Policies presented in Chapter II of the Pelandale-Snyder Specific Plan."

Based upon a review of the policies presented in Chapter II of the Pelandale-Snyder Specific Plan, some amendments are required for the project to be determined consistent with the Comprehensive Policies presented therein. For consistency to be achieved, the proposed new policy B.3.j must be adopted. With the adoption of these policies, and the other proposed amendments, the project will be consistent with the Comprehensive Policies in the Specific Plan.

"- Compatibility with existing and planned land uses surrounding the proposed Specific Plan Amendment, as indicated by the adopted Specific Plan."

The project will be adjacent to two major roadways and to SFR to the east. The proposed amendments recognize these uses, and adoption of the proposed amendments will assure compatibility between the uses.

"- Visual impacts, on-site and off-site."

The project will be constructed consistent with the City's C-1 development standards, and visual impacts are expected to be minimal.

"- Traffic impacts."

The project proposed will not increase traffic beyond that generally planned for by the Pelandale-Snyder Specific Plan FEIR, and as such, no additional environmental review related to traffic is required.

"- Public Utilities, documented in Chapter II of this Specific Plan, as well as any adopted Public Facility Master Plan."

The project is consistent with the Public Utility policies contained in the Pelandale-Snyder Specific Plan.
"Any other issues identified by the Environmental Assessment Committee."

Compliance will be subject to review by the Committee.

"4. Supplemental Environmental Analysis

The applicant must provide an analysis of the Amendment’s impacts relative to the adopted Environmental Impact Report. Depending on the nature of the Amendment, supplemental environmental analysis may be necessary, according to the California Environmental Quality Act (Section 15162)."

The specific plan amendment will change the land use mix within the Specific Plan. The current Pelandale-Snyder Specific Plan and FEIR assumed the development of this property would result in about 350 multi-family units, generating about 2,191 trips per day and about 220 trips at the peak hour. The proposed project would approximately double the peak hour trips from the property, but in relation to the overall specific plan, this would be less than a 10% increase, and is insignificant in its effect on the neighboring roadway system.

As all appropriate conditions, policies and mitigation measures will apply, no additional impacts are expected in the areas covered by the Pelandale-Snyder FEIR. These areas include Land Use, Population, Employment and Housing, Noise, Air Quality, Biology, Archaeology, Public Services, Hydrology and Drainage, Growth Inducement and Geology/Soils.
MODESTO CITY COUNCIL
RESOLUTION NO. 99-537

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 93042004) RELATING TO THE APPROVAL OF THE PELANDALE-SNYDER SPECIFIC PLAN: APPROVING AMENDMENT NO. 8 TO THE PELANDALE SNYDER SPECIFIC PLAN TO REDESIGNATE 5.0 ACRES LOCATED ON THE EAST SIDE OF PRESCOTT ROAD SOUTH OF PELANDALE AVENUE FROM MULTIFAMILY RESIDENTIAL TO COMMERCIAL. (REDEV., INC.)

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

WHEREAS, Section 21166 of the Public Resources Code provides that the lead agency not require a subsequent or supplemental EIR for a project where an EIR has already been certified, unless the lead agency finds that substantial changes are proposed that will require major revisions of the EIR, substantial changes have occurred with respect to the circumstances under which the project is being undertaken, or new information becomes available that would change the conclusions of the EIR, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 99-70 reviewed the proposed Amendment No. 8 to the Pelandale-Snyder Specific Plan to redesignate 5.0 acres located on the east side of Prescott Road south of Pelandale Avenue from Multifamily Residential to Commercial, and made the determination that there are no substantial changes proposed in the project which will require
major revisions in the Final EIR, that no substantial changes have occurred in the circumstances under which the project is being undertaken, and that there is no new information that would change the conclusions of the Final EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the specific plan amendment that will require major revisions of the Pelandale-Snyder Specific Plan EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the amendment is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan EIR.

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

4. The Initial Study, Environmental Assessment No. EA/CDD 99-70, provides substantial evidence to support findings 1-3 above.

5. As per Section 21166 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __2nd__ day of __November__, 1999, by Councilmember __Dobbs_____, who moved its adoption, which motion being duly seconded by Councilmember __Serpa_____, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Fisher

**ATTEST:** 

JEAN ZAHR, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By __________________________

MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

Initial Study

EA/CDD 99-70
I. PURPOSE

On January 16, 1996, the Modesto City Council certified the Final Environmental Impact Report for the Pelandale-Snyder Specific Plan (SCH# 93042004). This Final EIR analyzed the impacts of build-out of the Pelandale-Snyder Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Pelandale-Snyder Specific Plan EIR to be used for subsequent projects, provided the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Pelandale-Snyder Specific Plan Amendment No. 8

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

C. Contact person and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:
The east side Prescott Road south of Pelandale Avenue.

E. Project Sponsor:
Redev, Inc., 2020 Standiford Ave., D-5, Modesto, CA 95350

F. General Plan Designation:
Village Residential (VR)
G. **Current Zoning:**
Specific Plan-Overlay (SP-O) Zone

H. **Description of Proposed Project:**
This is an amendment to the Pelandale-Snyder Specific Plan to redesignate five acres from Multi-Family Residential to Commercial.

I. **Surrounding land uses:**
The project is bounded by currently-developing single subdivisions on the north and east, by vacant land designated for multi-family development to the south, and by a storm drain basin to the west.

J. **Other public agencies whose approval is required:**
None.

III. **ANALYSIS OF CONFORMANCE WITH SECTION 21166 FINDINGS**

A. **No substantial changes are proposed in the project which will require major revisions of the environmental impact report**

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of Pelandale-Snyder Specific Plan EIR:

1. **Land Use, Consistency with Plans and Policies, and Agriculture**

   Impacts to land use, consistency with plans and policies, and agriculture, are discussed on pages 33 through 41 of the Pelandale-Snyder Specific Plan EIR. Although the proposed amendment will change the planned land uses for the area, the General Plan anticipates limited amounts of neighborhood commercial uses in the Pelandale-Snyder area. Since there is no proposed expansion of the Specific Plan, there would be no additional impacts on agriculture. Therefore, there would be no substantial changes to the Land Use, Consistency with Plans and Policies, and Agriculture section of the EIR.

2. **Population, Employment, and Housing**

   Impacts to population, employment, and housing are analyzed on pages 42 through 44 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment would not result in any increase in population or housing in the Specific Plan. Therefore, there would be no change needed to the impacts to population, employment, and housing analyzed in this section of the EIR.

3. **Traffic and Circulation**

   Traffic and circulation impacts are analyzed on pages 45 through 94 of the Pelandale-Snyder Specific Plan EIR. The City's Transportation Planning Division have analyzed this project for potential traffic impacts. They concluded that the proposed amendment would result in an increase in traffic over what was
predicted in the EIR for this site. However, they also concluded that this increase in traffic would not result in any decrease in the level of service for adjacent or nearby intersections. Therefore, there would be no significant traffic impacts resulting from this project, and no change would be needed in the Traffic and Circulation section of the EIR.

4. Noise

Noise impacts are analyzed on pages 95 through 109 of the Pelandale-Snyder Specific Plan EIR. Although commercial development will create additional noise, the location of the commercial center at the intersection of an arterial street and expressway, combined with the requirement for an eight-foot-high masonry wall between the commercial center and the adjacent residential development, will ensure that there will be no significant increase in noise to the surrounding residential neighborhood. Therefore, there would be no change needed to the noise analyzed in this section of the EIR.

5. Air Quality

Impacts to air quality are analyzed on pages 110 through 126 of the Pelandale-Snyder Specific Plan EIR. Air quality impacts for this project are directly related to traffic congestion. Because this amendment will not increase traffic beyond that predicted in the EIR, there would be no increase in air quality impacts analyzed in the EIR.

6. Biology

Impacts to biology are analyzed on pages 127 through 129 of the Pelandale-Snyder Specific Plan EIR. The EIR concluded that there were no significant biological impacts. The proposed amendment will not impact any additional areas not already analyzed in the EIR. Therefore, there would be no change needed to the section of the EIR analyzing biological impacts.

7. Archaeology

Impacts to archaeology are analyzed on page 130 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment will not impact any additional areas not already analyzed in the EIR. Therefore, there would be no change needed to the section of the EIR analyzing archaeological impacts.

8. Public Services

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment was referred to affected public agencies for comments. None of the agencies indicated that the amendment would result in any increase in the need for services. Therefore, there would be no change needed to the impacts to public services analyzed in the EIR.
9. **Hydrology and Drainage**

Hydrology and drainage are analyzed on pages 137 through 141 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment will not affect the conclusions reached in the EIR regarding hydrology and drainage, as the project will continue to provide storm drainage consistent with the Specific Plan.

10. **Growth Inducing Impacts**

Growth-inducing impacts are analyzed on page 142 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment will result in a neighborhood-oriented commercial center designed to serve the existing and planned residential areas for this area, and thus will not result in any additional growth-inducing impacts. Therefore, there would be no change needed to the analysis of growth-inducing impacts in the EIR.

11. **Geology/Soils**

Impacts to geology and soils are analyzed on pages 143 through 144 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment will not impact any additional areas not already analyzed in the EIR. Therefore, there would be no change needed to the section of the EIR analyzing impacts to soils and geology.

B. **No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report**

The Pelandale-Snyder Specific Plan EIR was certified by the Modesto City Council on January 16, 1996. In the period since then, the City Council has approved the Carver-Bangs and Kiernan Business Park Specific Plans for development immediately to the north of the Pelandale-Snyder Specific Plan. However, this development was consistent with the City's General Plan, and was therefore assumed in the analysis of the Pelandale-Snyder Specific Plan EIR. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan EIR.

C. **No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available**

The Pelandale-Snyder Specific Plan EIR was certified by the Modesto City Council on January 16, 1996. In the intervening period, there has been no new information, which was not known at the time the Pelandale-Snyder Specific Plan EIR was certified, has become available, that would change the conclusions of the EIR.
IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed amendment which will require major revisions of the Pelandale-Snyder Specific Plan EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the amendment is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan EIR.

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

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

Signature:

Steve Mitchell,
Associate Planner
EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 CDD - Attention: Steve Mitchell

3
MODESTO CITY COUNCIL
RESOLUTION NO. 99-538

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO CONFIRMING THE CANVASS OF THE
REGULAR MUNICIPAL ELECTION WHICH WAS HELD IN
THE CITY OF MODESTO ON NOVEMBER 2, 1999, AND
DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 2, 1999, a Regular Municipal Election was
held in the City of Modesto (herein called “City”) and in the Modesto High School District
(herein called “District”) of Stanislaus County to elect the following:

1. One Mayor to the Modesto City Council for a four year term;
2. One Councilmember to Chair No. 1 for a four year term;
3. One Councilmember to Chair No. 3 for a four year term;
4. One Councilmember to Chair No. 6 for a four year term;
5. Three Board of Education Members for four year terms; and

WHEREAS, Measures F and G, as set forth in Section 5 hereof, were advisory
measures, and Measures H through O, as set forth in Section 5 hereof, were proposed Charter
amendments, and were submitted to the qualified electors in the November 2, 1999, City of
Modesto election, and

WHEREAS, said election was held on Tuesday, November 2, 1999, in accordance
with law and the proceedings of this Council, and the votes thereat received and canvassed, and
the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular municipal
election in accordance with law, and certified the results of the election to the Council by a
Certificate of Canvass and Statement of Votes dated November 9, 1999, a copy of which is attached hereto marked Exhibit "A" and made a part hereof,

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

**SECTION 1.** Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

**SECTION 2.** That in accordance with Sections 15308 and 15309 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

(A) The whole number of votes cast in the City.
(B) The whole number of votes cast in the Modesto High School District.
(C) The names of the persons voted for.
(D) For what office each person was voted for.
(E) The number of votes given in the City to each person.
(F) The number of votes given in the City for each Measure.

**SECTION 3.** That, at said Regular Municipal election, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of Election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the
oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

Bill Conrad  Councilmember for a term of four years, Chair No. 3, Modesto City Council.

Tim Fisher  Councilmember for a term of four years, Chair No. 6, Modesto City Council.

Connie Chin  Member, Modesto Board of Education, for a term of four years.

Gary A. Lopez  Member, Modesto Board of Education, for a term of four years.

Odessa P. Johnson  Member, Modesto Board of Education, for a term of four years.

SECTION 4. The Charter provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election of the office, therefore, the two candidates receiving the highest number of votes for Mayor, Richard A. Lang and Carmen Sabatino, and the two candidates receiving the highest number of votes for Councilmember for Chair No. 1, Bruce Frohman and Pat Dobbs, shall have their names on the ballot for a run-off election to be held on Tuesday, December 14, 1999.
SECTION 5. The following votes were cast for Measures F through O:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure F:</td>
<td>12,508</td>
<td>9,518</td>
</tr>
<tr>
<td>Proposal Extending Sewer Service to Pelandale/McHenry Comprehensive Planning District in the Modesto Urban Area General Plan, provided area is first annexed to the City.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure G:</td>
<td>12,119</td>
<td>9,547</td>
</tr>
<tr>
<td>Proposal Extending Sewer Service to Westside Infill area consisting of Rosemore-Cox area and Carpenter-Shaddox area, provided area is first annexed to the City.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure H:</td>
<td>7,773</td>
<td>14,529</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Eliminate Restriction on 5% Spending of City’s Property Tax Revenue.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure I:</td>
<td>10,453</td>
<td>11,199</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Change the date of Any Run-off Election.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure J:</td>
<td>13,872</td>
<td>7,990</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Change the Provisions for Selection of Vice Mayor.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure K:</td>
<td>7,188</td>
<td>15,211</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Provide Additional Money as Compensation to Mayor and Vice Mayor, plus Medical Benefits to Mayor, Vice Mayor and Councilmembers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure</td>
<td>Total Votes For</td>
<td>Total Votes Against</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Measure L:</td>
<td>8,793</td>
<td>12,294</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Establish At will Positions for Employees in Unclassified Service.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure M:</td>
<td>9,274</td>
<td>12,174</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Authorize City Manager to Approve a Multi-Year Budget.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure N:</td>
<td>12,099</td>
<td>9,403</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Exempt Park or Park Playground Projects from being Subject to Public Bidding if Project involves Donated Labor and/or Material.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure O:</td>
<td>10,339</td>
<td>10,630</td>
</tr>
<tr>
<td>Proposed Charter Amendment to Eliminate Reference to the Board of Personnel Appeals.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Measures F, G, J & N.** More than a majority of all of the votes cast at the election for Measures F, G, J & N were in favor of said proposed Measures, and said Measures did carry and were approved and were ratified by a majority of the qualified voters voting on said Measures.

**Measures H, I, K, L, M & O.** Less than a majority of all of the votes cast at the election for Measures H, I, K, L, M & O were in favor of said proposed Measures, and said Measures did not carry, were not approved, and were not ratified by a majority of the qualified voters voting on said Measures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CERTIFICATE OF CANVASS AND STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 2, 1999

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 9, 1999, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 2, 1999, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Richard A. Lang</td>
<td>8,333</td>
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<tr>
<td>Carmen Sabatino</td>
<td>7,540</td>
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<td>Kenni Friedman</td>
<td>5,910</td>
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<td>Tom Maher</td>
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<td>Chair 1, Modesto City Council</td>
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<tr>
<td>Pat Dobbs</td>
<td>8,191</td>
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<td>Bruce Frohman</td>
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<td>DeMarcus McCloud</td>
<td>2,221</td>
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<td>David Michael Lopez</td>
<td>2,115</td>
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<td>Marcus Nugent</td>
<td>1,792</td>
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<td>Miguel B. Donoso</td>
<td>1,583</td>
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<td>Chair 3, Modesto City Council</td>
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<tr>
<td>Bill Conrad</td>
<td>11,579</td>
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<td>Nicholas Bavaro</td>
<td>7,093</td>
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<td>Richard S. Herman</td>
<td>2,731</td>
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<td>Gary Bulbof</td>
<td>1,342</td>
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<td>Chair 6, Modesto City Council</td>
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<tr>
<td>Tim Fisher</td>
<td>11,223</td>
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<td>Steve Burke</td>
<td>7,370</td>
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<td>Steven Trapp</td>
<td>3,209</td>
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<td>Measure F</td>
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<td>Sewer Service Modesto Urban Area General Plan</td>
<td>12,508</td>
<td>YES</td>
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<td>9,518</td>
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<td>Measure G</td>
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<tr>
<td>Sewer Service Modesto Urban Area General Plan</td>
<td>12,119</td>
<td>YES</td>
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<td>9,547</td>
<td>NO</td>
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Exhibit “A”
**Measure H**  
Eliminate Restriction on 5% Spending Tax Revenue  
<table>
<thead>
<tr>
<th></th>
<th>YES</th>
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<td>7,773</td>
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<td>14,529</td>
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**Measure I**  
Change the Date of Any Run-off Election  
<table>
<thead>
<tr>
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<td>10,453</td>
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<td>11,199</td>
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**Measure J**  
Provisions for the Selection of Vice Mayor  
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<thead>
<tr>
<th></th>
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<td>7,990</td>
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**Measure K**  
Mayor/Vice Mayor Extra Money as Compensation, plus Medical Benefits  
<table>
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<tr>
<th></th>
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<td>15,211</td>
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**Measure L**  
Establish At Will Positions for Employees/Unclassified  
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<tr>
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<td>12,294</td>
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**Measure M**  
Authorize City Manager to Approve a Multi-Year Budget  
<table>
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<tr>
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<th>YES</th>
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<td>12,174</td>
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**Measure N**  
Park/Park Playgrounds Project Subject to Public Bid  
<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<td>12,099</td>
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<tr>
<td>9,403</td>
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**Measure O**  
Eliminate Reference to the Board of Personnel Appeals  
<table>
<thead>
<tr>
<th></th>
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<td>10,630</td>
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**Member, Modesto Board of Education**  
<p>| | | | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Connie Chin</td>
<td>17,384</td>
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<td>Gary A. Lopez</td>
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<td>Odessa P. Johnson</td>
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<td>Bob Jackson</td>
<td>8,767</td>
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<td>John N. Uhl</td>
<td>8,629</td>
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<tr>
<td>Rickey McGill</td>
<td>5,621</td>
<td>8.5</td>
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</table>
Voter Turnout
City of Modesto Council Seats
Modesto High School District 28,100 25.4

November 9, 1999

JEAN ZAHR
City Clerk/Auditor
City of Modesto
A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SONS INC FOR THE PROJECT TITLED “1999 STORM DRAIN REPAIRS”

WHEREAS, the bids received for 1999 Storm Drain Repairs were opened at 11:00 a.m. on October 26, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $184,000 from Fagundes & Sons Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $45,000 TO FULLY FUND THE PROJECT TITLED "1999 STORM DRAIN REPAIRS"

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

FROM: 6280-480-1091 6040; $42,000

TO: 628-440-K793 6040; $42,000

and

FROM: 6280-480-1091 6060; $3,000

TO: 628-440-K793 6060; $3,000

Project was originally funded for $142,000 worth of construction. Due to an increase in the scope of the project, the original funds will be supplemented with funds from a current storm drain project. By moving the funds, the improvements on Granite Lane will be completed a year earlier than would have been possible if they were included with the current years' project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF SUREBUILT INC. FOR THE PROJECT TITLED “DRYDEN GOLF CART SHED CONSTRUCTION”

WHEREAS, the bids received for Dryden Golf Cart Shed Construction were opened at 11:00 a.m. on October 5, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $135,553 from Surebuilt Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Surebuilt 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 November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “REMOTE PONDS MODULAR BUILDING” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Remote Ponds Modular Building, has been completed by Pacific Mobile Structures Inc., in accordance with the contract agreement dated June 9, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Remote Ponds Modular building be accepted from said contractor, Pacific Mobile Structures Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $65,987.00 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 November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “EISENHUT PARK” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Eisenhut Park, has been completed by Duley’s Landscape, in accordance with the contract agreement dated November 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Eisenhut Park be accepted from said contractor, Duley’s Landscape; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $361,509.45 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 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "PELANDALE EXPRESSWAY PHASE 1A" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pelandale Expressway Phase 1A, has been completed by George Reed Inc., in accordance with the contract agreement dated September 1, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Pelandale Expressway Phase 1A 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 $1,628,594.97 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 November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND ALL VALLEY DIVERS FOR CO-SPONSORSHIP FOR THEIR
SPRINGBOARD DIVING TRAINING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and All Valley Divers for co-sponsorship for
their springboard diving training 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 November, 1999, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN ADRIANNA ONE A GATED COMMUNITY SUBDIVISION AND AUTHORIZING RELEASE OF LETTERS OF CREDIT

WHEREAS, Max Norton Enterprises Inc., a California Corporation, subdividers of Adrianna One A Gated Community Subdivision have filed an Irrevocable Standby Letters of Credit for faithful performance and for labor and materials in the amount of $102,533, and $51,266.50 respectively to guarantee improvements in Adrianna One A Gated Community subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the letters of credit upon expiration of the statutory period.

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

1. The improvements in Adrianna One A Gated Community Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $102,533 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $51,266.50 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: JEN ZAHR
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-546

A RESOLUTION ACCEPTING IMPROVEMENTS IN ADRIANNA TWO SUBDIVISION AND AUTHORIZING RELEASE OF STANDBY LETTERS OF CREDIT

WHEREAS, Max Norton Enterprises Inc., a California Corporation and Adrianna Properties, a California Limited Partnership, by its General Partner, Lily Development, a California Corporation, subdividers of Adrianna Two Subdivision have filed Irrevocable Standby Letters of Credit for Faithful Performance and for labor and materials in the amount of $154,800 and $77,400 respectively to guarantee improvements in Adrianna Two Subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the letters of credit upon expiration of the statutory period.

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

1. The improvements in Adrianna Two Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $154,800 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $77,400 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-547

A RESOLUTION ACCEPTING IMPROVEMENTS IN BRADLEY ESTATES PHASE ONE SUBDIVISION AND AUTHORIZING RELEASE OF STANDBY LETTERS OF CREDIT

WHEREAS, Stewart W. Bradley and Betty J. Bradley, husband and wife as Joint Tenants, and McHenry Ranch Joint Venture, a Partnership, subdividers of Bradley Estates Phase One have filed an Irrevocable Standby Letter of Credit for Performance and an Irrevocable Standby Letter of Credit for labor and materials in the amount of $423,307 and $211,653 respectively to guarantee improvements in Bradley Estates Phase One and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the letters of credit upon expiration of the statutory period.

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

1. The improvements in Bradley Estates Phase One Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $423,307 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $211,653 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-548

A RESOLUTION APPROVING THE FINAL MAP OF THE EASTPORT SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, CORN & HARRIS DEVELOPMENT, LLC, a California limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.7 acres, known as EASTPORT SUBDIVISION, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 9th day of February, 1998, and

WHEREAS, Condition No. 13 for the approval of said tract requires the subdivider to install temporary wall vine anti-graffiti landscaping to cover the masonry wall along Pelandale Expressway, and

WHEREAS, recent construction work along Pelandale Expressway has resulted in the construction of a drainage ditch adjacent to the wall, which, in turn, has made it impossible to plant the vines as required, and

WHEREAS, as a replacement for these vines the developer will make a cash donation of Seven Hundred Fifty Dollars and No/Cents ($750.00) to Color Modesto, and,

WHEREAS, Council desires to amend the conditions of approval for said tract to delete the vine landscaping requirement, 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 EASTPORT SUBDIVISION meets all of the provisions of the California

11/15/99-CA
Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the conditions of approval for said tract are hereby amended to delete Condition No. 13 (installation of temporary wall vine anti-graffiti landscaping); that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-549

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

WHEREAS, Rodney K. Lowe, Inc., a California corporation, is possessed of a
tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.69 acres,
known as BELLA TUSCANY UNIT NO. 1 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 9th day of February 1998, and

WHEREAS, Condition No. 13 for the approval of said tract requires the
subdivider to install temporary wall vine anti-graffiti landscaping to cover the masonry wall
along Pelandale Expressway, and

WHEREAS, recent construction work along Pelandale Expressway has resulted
in the construction of a drainage ditch adjacent to the wall, which, in turn, has made it
impossible to plant the vines as required, and

WHEREAS, as a replacement for these vines the developer will make a cash
donation of Seven Hundred Fifty Dollars and No/Cents ($750.00) to Color Modesto, and,

WHEREAS, Council desires to amend the conditions of approval for said tract
to delete the vine landscaping requirement, 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 BELLA TUSCANY UNIT NO. 1 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 the conditions of approval for said tract are hereby amended to delete Condition No. 13 (installation of temporary wall vine anti-graffiti landscaping); that said final map be approved; that the dedications for 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 after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: Serpa

**ABSENT:** Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING IMPROVEMENTS IN TUSCANY UNIT NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF STANDBY LETTERS OF CREDIT

WHEREAS, Rodney K. Lowe Inc., a California Corporation, subdividers of Tuscany Unit No. 2 Subdivision have filed an Irrevocable Letter of Credit for Faithful Performance and an Irrevocable Letter of Credit for labor and materials in the amount of $268,600 and $134,300 respectively to guarantee improvements in Tuscany Unit No. 2 Subdivision and;

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 9th Day of February 1998, and

WHEREAS, Condition No. 13 for the approval of said tract requires the subdivider to install temporary wall vine anti-graffiti landscaping to cover the masonry wall along Pelandale Expressway, and

WHEREAS, recent construction work along Pelandale Expressway has resulted in the construction of a drainage ditch adjacent to the wall, which, in turn, has made it impossible to plant the vines as required, and

WHEREAS, as a replacement for these vines the developer will make a cash donation of Seven Hundred Fifty Dollars and No/Cents ($750.00) to Color Modesto, and

WHEREAS, Council desires to amend the conditions of approval for said tract to delete the vine landscaping requirements, and

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the letters of credit upon expiration of the statutory period.

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

1. The improvements in Tuscany Unit No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $268,600 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $134,300 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MODESTO, THE COUNTY OF STANISLAUS, AND THE CITY OF CERES FOR AN ALTERNATE EMERGENCY OPERATIONS CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is authorized to negotiate and enter into an agreement between the City of Modesto, the County of Stanislaus, and the City of Ceres for an alternate Emergency Operation Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:    Councilmembers: Dobbs, Smith

ABSENT:  Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO ESTABLISH AN ALTERNATE EOC IN THE CITY OF CERES PUBLIC SAFETY BUILDING

WHEREAS, the City's Emergency Operation Center site on Tioga Road has not been used for many years and does not meet the criteria necessary for a joint EOC facility. Partially due to these deficiencies, the City of Modesto joined with Stanislaus County to establish a joint EOC in the basement of the County Administrative Building during the flood of January 1997; and

WHEREAS, the joint EOC will no longer be available for us and the primary EOC being developed by Stanislaus County and the City of Modesto on Oakdale Road will not be available until July or August of 2000; and

WHEREAS, the City of Ceres Public Safety building is being recommended with some site improvements and new equipment being needed to make this center functional.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Appropriations:
#0100-80-8000-8003 $50,000
#0100-180-1802-0235 50,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: Dobbs, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 99-553

A RESOLUTION ACCEPTING THE BID OF AMERINE SYSTEMS FOR THE PROJECT TITLED “MARTIN/CLAYTON SEWER LIFT STATION REHABILITATION”

WHEREAS, the bids received for Martin/Clayton Sewer Lift Station Rehabilitation were opened at 11:00 a.m. on November 2, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $123,722 from Amerine Systems be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:  
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF RIGDECREST DESIGNER SERVICES OF MODESTO FOR FURNISHING PRINTING OF MODESTO AREA EXPRESS (MAX) RIDE GUIDES

WHEREAS, the bids received for printing services for furnishing printing of Modesto Area Express (MAX) Ride Guides, were opened at 11:00 a.m. on October 12, 1999, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Ridgecrest Designer Services of Modesto for an annual cost of $24,826.00 and a three-year total cost of $74,478.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ridgecrest Designer Services of Modesto be accepted and the preparation of a formal purchase order by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-555

A RESOLUTION AUTHORIZING INCREASING BASIC TERM LIFE INSURANCE COVERAGE FOR ALL CITY STAFF.

WHEREAS, The City has contracted with Standard Mutual Insurance Company for several of the City’s employee benefits, and

WHEREAS, the Employee Benefits Committee has recommended that $92,435 be set aside in the Employee Benefits Fund and utilized to increase the basic term life insurance policy for all budgeted employees from $2,000 to $10,000, as set forth in an agenda report from Risk Management which is on file in the office of the City Clerk, and

WHEREAS, the City Council considered this matter at its meeting of November 16, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes increasing the basic term life insurance coverage for all budgeted staff from $2,000 to $10,000, effective December 1, 1999.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY AMENDMENTS TO AGREEMENTS BETWEEN THE CITY OF MODESTO AND STANDARD MUTUAL INSURANCE COMPANY FOR TERM LIFE INSURANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager be authorized to execute any necessary amendments to agreements between the City of Modesto and Standard Mutual Insurance Company for provision of term life insurance, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendments to 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 16th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-557

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
APPROVE THE INCREASED REVENUE AND EXPENDITURES IN THE OTHER
EMPLOYEE INSURANCE FUND

WHEREAS, the City has contracted with Standard Mutual Insurance Company for many years
for several of the employee benefits. Standard has decided to dissolve the mutual company; and

WHEREAS, at the time of conversion the City had amassed a large amount of shares.
Consequently, staff recommended that the money could be returned to employees via enhancement of
benefits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-
2000 Annual Budget is hereby amended as indicated below:

Revenue
#7380-700-7000-9751 $16,543
Expenditure
#7380-030-6618-0408 $16,543
#7510-700-7000-7738 $16,543
#7510-800-8000-8003 ($16,543)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held
on the 16th day of November, 1999, by Councilmember Friedman, who moved its adoption, which
motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution
adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr, City Clerk

(Approved as to sufficiency)

By: Stan Feathers, Budget Officer
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CLEVELAND J. STOCKTON FOR THE LEASE OF PARKING LOT NO. 41

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cleveland J. Stockton for lease of parking lot No. 14 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 November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR M. McELROY MARITAL TRUST FOR THE POLICE EVIDENCE BUILDING AT 1124 F STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Arthur M. McElroy Marital Trust for the Police Evidence Building at 1124 F Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-560

A RESOLUTION DEALLOCATING $606,000 OF THE 98/99 HOME FUNDS PREVIOUSLY ALLOCATED TO EDEN HOUSING, INC., AND REALLOCATING FUNDS IN THE AMOUNT OF $306,000 TO NEW REQUESTS FOR PROPOSALS FOR AFFORDABLE HOUSING PROJECTS, AND $300,000 TO THE SELF-HELP ENTERPRISES BRIGGS ROAD SWEAT EQUITY HOUSING PROJECT.

WHEREAS, on October 13, 1998, the City Council approved the allocation of $606,000 in HOME funds to Eden Housing, Inc., to acquire the property at 620 Paradise Road, and to demolish 172 deteriorated units and rebuild 148 new units, and

WHEREAS, approval of the allocation was granted subject to satisfying three conditions, the first of which required Eden to submit a copy of the purchase agreement for 620 Paradise no later than December 15, 1998, with a copy of an appraisal supporting the sales price within sixty (60) days of a signed purchase agreement, and

WHEREAS, this condition has not been met, and

WHEREAS, at its September 10, 1999, meeting, the Citizens Housing and Community Development Committee recommended that the funding allocation be maintained for the site, without a specified developer, until December 31, 1999, and

WHEREAS, since December 1998, other developers have approached the property owner, Verne Stark, with the intention of acquiring the apartment complex, and
WHEREAS, said developers requested access to the funding allocation made to Eden Housing for this project ($606,000 of HOME funds and $215,000 of RDA funds), and

WHEREAS, the most recent interested buyer (Joe Wu) indicated he is no longer interested in the City’s funding assistance and will be proceeding with the purchase of 620 Paradise Road, and

WHEREAS, staff is now recommending that the funds should be made available to other affordable housing developers in other areas of the City, and

WHEREAS, staff plans to combine these funds with the 1999/2000 HOME and RDA Housing Set-aside funds that were not allocated in July of this year, and

WHEREAS, a new Request for Proposals (RFP) will be distributed which will incorporate the funds from 620 Paradise Road and the funds from the previous RFP, and

WHEREAS, the $606,000 in HOME funds must be committed through a binding agreement by July 31, 2000, or said funds must be returned to HUD, and

WHEREAS, maintaining the allocation of funds to the 620 Paradise Road Project may jeopardize funding needed for other affordable housing projects, and

WHEREAS, a total of $300,000 from the original allocation of $606,000 of HOME funds is being recommended for allocation to the Self-Help Enterprises (SHE) Sweat Equity Project on Briggs Road, and

WHEREAS, SHE has recently enrolled 11 eligible families to participate in the first phase of the Briggs Road Single-family Sweat Equity Housing Project, and

WHEREAS, a previous allocation of 97/98 HOME funds will most likely be
recaptured by HUD because a binding agreement between the City and the home buyer was not reached before August 1, 1999, and

WHEREAS, staff wishes to avoid another recapture of funds by HUD by executing a binding agreement with Self-Help Enterprises, thereby allowing construction to begin this year, and

WHEREAS, the Community Development and Housing Committee met on October 20, 1999, and recommended that the City Council reallocate the funds as recommended by staff and publish a new Request for Proposals for affordable housing projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the deallocation of $606,000 in HOME funds previously allocated to Eden Housing, Inc., and reallocates the sum of $306,000 of said HOME funds to a new Request for Proposals for affordable housing projects and reallocates the sum of $300,000 to the Self-Help Enterprises Briggs Road Sweat Equity Housing Project.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the reallocation of said HOME funds.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Serpa

ATTEST: ________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-561

A RESOLUTION APPROVING CITY ASSISTANCE FOR THE MODESTO MILLENNIUM CELEBRATION TO BE HELD ON DECEMBER 31, 1999.

WHEREAS, the Modesto Millennium Celebration Committee ("Committee") has requested City assistance in sponsoring a Millennium Celebration on December 31, 1999, and

WHEREAS, the program will include a DJ dance at the Modesto Centre Plaza for young people and a community fireworks display to ring in the new millennium, and

WHEREAS, the Committee has requested a $10,000.00 cash contribution for the fireworks display, Fire Department involvement in the presentation of the fireworks, and Police Department assistance with security and traffic management services for citizens attending the fireworks display, and

WHEREAS, the Committee has also requested approval to close Tenth Street between I Street and J Street on December 31, 1999, at 9:00 p.m., until January 1, 2000, at 2:00 a.m., and

WHEREAS, the Committee has also requested that portable toilets be made available to the public at Frank Muratore Square at the Centre Plaza, and at the plaza in front of the administration building at Tenth Street Place, and

WHEREAS, the total cost of the Committee's requests for sponsorship and other assistance from the City totals $14,335.00 in cash, rentals, and services, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a "Policy For Evaluating Requests For Direct City Assistance",...
and

WHEREAS, the Financial Policy Committee recommended awarding the sum of $14,335.00 in funding and other direct City assistance to the event, and

WHEREAS, the Council deems it appropriate to grant approval for financial and direct City assistance to the Modesto Millennium Committee for the Millennium Celebration to be held on December 31, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Modesto Millennium Committee for financial and direct city assistance in the total amount of $14,335.00 in cash, rentals, and services for the Millennium Celebration to be held on December 31, 1999.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-562

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(539). (RAY LINDSEY)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Ray Lindsey on August 9, 1999, to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539), to allow a mini-storage warehouse facility, property located on the north side of Scenic Drive west of Coffee Road, described as follows:

C-1 to P-D(539)

Commencing at a point on the North line of Scenic Drive running Southwest, bearing from the Southeast corner of the Northeast quarter of the Northeast quarter of Section 28, Township 3 South, Range 9 East M.D.B & M., North 89° 18' West, distant 38 links; thence along the North line of said County Road, South 67° 33' West, 7.24 chains to the point of beginning; thence North 0° 4' West, 5.9965 chains to a point, thence North 89° 10' West, 221 feet to a point, thence South 0° 4’ East to a point in the North line of said Scenic Drive, thence North 67° 33’ East along the North line of said Scenic Drive, to the point of beginning, subject to reservations and restrictions of record.

Also including the southerly half of the alley immediately adjacent to the above-described property and that portion of Scenic Drive between the southerly line of the above described property and the centerline of Scenic Drive.

and

WHEREAS, after a public hearing held on October 4, 1999, 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. 99-62, that rezoning of the property as
MODESTO CITY COUNCIL  
RESOLUTION NO.  99-562

A RESOLUTION APPROVING A DEVELOPMENT PLAN  
FOR PLANNED DEVELOPMENT ZONE, P-D(539).  (RAY  
LINDSEY)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the  
Zoning Map was filed by Ray Lindsey on August 9, 1999, to reclassify from Neighborhood  
Commercial Zone, C-1, to Planned Development Zone, P-D(539), to allow a mini-storage  
warehouse facility, property located on the north side of Scenic Drive west of Coffee Road,  
described as follows:

C-1 to P-D(539)

Commencing at a point on the North line of Scenic Drive running Southwest,  
bearing from the Southeast corner of the Northeast quarter of the Northeast  
quarter of Section 38, Township 3 South, Range 9 East M.D.B & M., North  
89° 18' West, distant 38 links; thence along the North line of said County  
Road, South 67° 33' West, 7.24 chains to the point of beginning; thence North  
0° 4' West, 5.9965 chains to a point, thence North 89° 10' West, 221 feet to a  
point, thence South 0° 4' East to a point in the North line of said Scenic Drive,  
thence North 67° 33' East along the North line of said Scenic Drive, to the  
point of beginning, subject to reservations and restrictions of record.

Also including the southerly half of the alley immediately adjacent to the above- 
described property and that portion of Scenic Drive between the southerly line  
of the above described property and the centerline of Scenic Drive.

and

WHEREAS, after a public hearing held on October 4, 1999, 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. 99-62, that rezoning of the property as
requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed Planned Development Zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.

2. That the requested Planned Development Zone for a mini-storage warehouse use is within a portion of the Redevelopment Planning District (RPD) designated for commercial, residential, and public uses by the General Plan, and that this development is consistent with uses included within this designation.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 16, 1999, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Ray Lindsey 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. 99-62 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3161-C.S. on the 16th day of November, 1999, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539).

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

1. All development shall conform to the plot plan and floor plans titled
   "Proposed Mini-Storage, Scenic Drive, Modesto, CA" as amended in red, stamped approved by the City Council on November 16, 1999.

2. Prior to issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping, including provision for street tree locations, together with an irrigation system, shall be installed and maintained in accordance with the approved plan.

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

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

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

6. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

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

8. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Recreation and Neighborhoods Director, be dedicated along all street frontages.

9. All signs shall comply with the sign requirements of the C-3 Zone.
10. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(539):

The entire construction program be accomplished in one phase, construction to begin on or before October 4, 2001, and completion to be not later than October 4, 2002.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(539), 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 November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department Development Services
MODESTO CITY COUNCIL  
RESOLUTION NO. 99-563  

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 28-2-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(539), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF COFFEE ROAD. (RAY LINDSEY)  

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

WHEREAS, Ray Lindsey has proposed that the zoning designation for the property located on the north side of Scenic Drive west of Coffee Road, be amended to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539), in the City of Modesto ("the project"), to allow a mini-storage warehouse facility, and  

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and  

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 99-68 reviewed the proposed amendment to the Zoning Map
and rezone to P-D(539) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(539) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 16th day of November, 1999, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Fisher, was upon roll call carried and the resolution
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

10/26/99
EXHIBIT "A"

Initial Study

EA/CDD 99-68
City of Modesto
Initial Study

EA NO. CDD 99-68

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a planned development zone for a mini-storage warehouse facility, property located on the north side of Scenic Drive west of Coffee Road. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title:
   Public Hearing - Application of Ray Lindsey to Rezone From C-1 to P-D to Allow A Mini-Storage Warehouse Facility Development, Property Located on the North Side of Scenic Drive West of Coffee Road

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

C. Contact person, address and phone number:
   John Stack, CDD, City of Modesto
   801 11th Street
   Modesto, CA 95354
   phone (209) 577-5282

D. Project Location:
   1165 Scenic Drive, Modesto, CA

E. Project Sponsor:
   Ray Lindsey

F. General Plan Designation:
   Redevelopment Planning District (RPD)

G. Zoning:
   existing C-1, Neighborhood Commercial

H. Description of Proposed Project:
   This is an application to rezone 1.94 acres, located on the north side of Scenic Drive west of Coffee Road, from C-1 to a planned development zone for a mini-storage warehouse facility. This property is separated from the adjacent residential uses to the north by a 20 foot wide alley. The property also fronts
along Scenic Drive with C-2 zoning to the west, east and south. This portion of Scenic Drive is developed primarily with auto related repair shops, with the exception of the "Scenic Drive-in" restaurant located immediately to the west. The rear of drive-in property is also developed with a number of one-story multifamily units. The applicant's development proposal will provide 41,600 square feet of enclosed storage area. All of the proposed storage units will be of a one-story design with an overall height of 12-feet. The rear or back walls of those units along the side and rear property lines will be constructed of a solid masonry system. The frontage of the storage facility will have a parapet type wall height of 16-feet along Scenic Drive. One gated access entrance will be provided from Scenic Drive near the west property line of the site. At the direction of the Fire Marshall, a minimum 20 foot wide emergency fire apparatus access entrance will also be provided from Scenic Drive adjacent to the eastern property line of the site. This entrance will be gated and secured with a Knox box lock.

I. Surrounding land uses:
refer to H. above

J. Other public agencies whose approval is required:
None

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

A. Traffic and Circulation
The proposed planned development zone and resulting mini-storage warehouse facility will not contribute to increased traffic beyond that which is projected for development of this commercial property. A site traffic mitigation study was not required as a result of this tentative map. The proposed mini-storage warehouse facility is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality
This proposed planned development zone and resulting mini-storage warehouse facility is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise
The proposed planned development zone and resulting mini-storage warehouse facility is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building
walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
   The planned development zone and resulting mini-storage warehouse facility is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned C-1 for commercial uses. The requested planned development zone and resulting mini-storage warehouse facility subject to conditions of approval. This property is also within the (RPD) area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
   The proposed planned development zone and resulting mini-storage warehouse facility will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

D. **Increased Demand for Sanitary Sewer Services**
   The proposed planned development zone and resulting mini-storage warehouse facility will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
   The proposed planned development zone and resulting mini-storage warehouse facility is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

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

I. Drainage, Flooding and Water Quality
The proposed planned development zone and resulting mini-storage warehouse facility will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage
The proposed planned development zone and resulting mini-storage warehouse facility will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space
This proposed planned development zone and resulting mini-storage warehouse facility will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. Increased Demand for Schools
The proposed planned development zone and resulting mini-storage warehouse facility will not impact the Modesto School system, as the commercial uses will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore still valid.

M. Increased Demand for Police Services
This proposed planned development zone and resulting mini-storage warehouse facility will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore still valid.
N. Increased Demand for Fire Services
This proposed planned development zone and resulting mini-storage warehouse facility will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is located approximately one miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

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

P. Generation of Hazardous Materials
The planned development zone and resulting mini-storage warehouse facility will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore still valid.

Q. Landslides and Seismic Activity
The planned development zone and resulting mini-storage warehouse facility will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore still valid.

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

A. The planned development zone for a mini-storage warehouse facility is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

B. No additional significant environmental effects will occur as a result of the proposed planned development zone that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed planned development zone that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

E. The Initial Study, provides the substantial evidence to support finding "A, B, C, and D above.

Signature: [Signature]
.MODESTO CITY COUNCIL
RESOLUTION NO. 99-564

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO ALLOW A 15-ACRE PORTION OF THE COFFEE/CLARATINA COMPREHENSIVE PLANNING DISTRICT TO HAVE LIMITED COMMERCIAL USES ALONG THE COFFEE ROAD FRONTAGE. (LANCE ELLIS)

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

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

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, No. 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, and 99-162 copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, Lance Ellis applied for an amendment to the Coffee/Claratina Specific Plan to redesignate 15-acres along the west side of Coffee Road to mixed uses to allow limited commercial uses, and

WHEREAS, City staff determined that this Specific Plan amendment would require an amendment to the General Plan, and

12/21/99
WHEREAS, staff concluded that the most appropriate amendment would be to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District, and

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

WHEREAS, on November 15, 1999, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban General Plan to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 99-69, recommending to the City Council an amendment to the General Plan to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 16, 1999, in the in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the General Plan,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on the attached Exhibit "A".

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of this resolution and said amendments to the General Plan to the Board of Supervisors of the County of Stanislaus.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"
(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,000 dwelling units.

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

(3) Notwithstanding the Land Use intensities presented in Section III-B for Residential, uses that include a mixture of commercial, professional office and residential use would be allowed along Coffee Road.

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 service 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 sub-trunk in Coffee Road that ties into the existing sanitary sewer system.

6. Mitigated Negative Declaration:

General Plan Policy III(D)(1)(g) specifically exempts the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR. CEQA review for this Comprehensive Planning District shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 2115.71 of CEQA.

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

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

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

c. The total number of dwelling units or employees may vary depending on the implementation of Policy 4 b.(3) above.

7. Special Considerations Unique to this Comprehensive Planning District:

None.
MODESTO CITY COUNCIL
RESOLUTION NO. 99-565

A RESOLUTION APPROVING AMENDMENT NO. 1 TO
THE COFFEE/CLARATINA SPECIFIC PLAN TO ALLOW
LIMITED COMMERCIAL USES FOR 15-ACRES ALONG
COFFEE ROAD. (LANCE ELLIS)

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

WHEREAS, on June 2, 1998, the City Council by Resolution No. 98-294,
adopted the Coffee/Claratina Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of
Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, property owner Lance Ellis has proposed Amendment No. 1 to the
Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee
Road, and

WHEREAS, the Land Use Diagram of the adopted Coffee/Claratina Specific
Plan states that: “limited Commercial uses may be established fronting on Coffee Road, as
long as these uses are consistent with the assumptions of the Traffic Analysis supporting the
Mitigated Negative Declaration adopted for the Specific Plan”, and

WHEREAS, the applicants traffic engineer, kdAnderson has worked with staff
to identify those land uses that would be consistent with the Specific Plan and staff has created
a land use designation for the Specific Plan, “Mixed Community Commercial” that further
defines the appropriate uses, and
WHEREAS, the Planning Commission held a duly noticed public hearing on November 15, 1999, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on November 15, 1999, the Planning Commission adopted Resolution No. 99-70, recommending to the City Council Amendment No. 1 to the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee Road, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 16, 1999, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee Road, as recommended by the Planning Commission in its Resolution 99-70, is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. An amendment to the Coffee/Claratina Comprehensive Planning District of the Urban Area General Plan has been adopted that allows mixed uses including commercial along Coffee Road.

2. A traffic analysis has been performed as part of the Coffee/Claratina Mitigated Negative Declaration (EA/CDD 99-79) that demonstrates the amendment would be within the City’s General Plan standard for roadway and intersection Level of Service “D”.
BE IT FURTHER RESOLVED that said Amendment No. 1 to the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee Road, as recommended by the Planning Commission, is hereby approved as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, and on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"

AMENDMENT NO. 1

TO THE COFFEE/CLARATINA

SPECIFIC PLAN
City of Modesto

COFFEE/CLARATINA
Specific Plan

reflects all amendments to the Coffee/Claratina
This document adopted June 2, 1999, by Modesto City Council
Resolution No. 99-204
Specific Plan as of November 16, 1999
Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

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

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

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

1. 130 acres designated "residential" for a maximum of 1,000 dwelling units.
2. 40 acres designated "regional commercial".
3. 15 acres of "Mixed Community Commercial" is allowed along Coffee Road.
4. Implementing adopted City General Plan policies.

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

B. PLAN AREA DESCRIPTION

The Coffee/Claratina CPD is located on the south side of Claratina Avenue ( See Figure 1). The site is bound by Coffee Road on the east and McHenry Avenue (State Hwy. 108) on the west, and the Modesto City limits to the south. The project site contains approximately 170 acres.
MCC = Mixed Community Commercial. Uses shall be allowed along Coffee Road as described in Policy 2A.4.e.

LAND USE DIAGRAM

* Notes: How to read the land use diagram. Without these notes, the only limited commercial uses may be established, having an
Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative
Declaration adopted for the Speculation.
d. Regional Commercial (RC). The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning designation contained in Article 12 of the Modesto Zoning Ordinance. Performance standards deemed necessary by the commission shall be required at that time.

e. Attached policy e. language to be inserted here.

5. Land Use Regulations

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

6. Improvement Standard Regulations

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

7. Designation of Sub-Areas

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

Following are the sub-areas:

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

All Residential designated areas will comply with "Neighborhood Plan Prototype" policies as presented in Section III-C(2) of the City of Modesto Urban Area General Plan, and regional commercial area will comply with standards set forth in Section III-B(7) of the General Plan.
e. Mixed Community Commercial (MCC) The Mixed Community Commercial designation is to allow for mixed uses including commercial uses. It applies to 15 acres fronting along Coffee Road which may be applied to a depth of 400 feet from Claratina Avenue (Pelandale Expressway) south to the southern boundary of the Specific Plan area, or located near the Pelandale Expressway/Coffee Road intersection. The purpose is to permit a mix of appropriate scale commercial and residential uses along Coffee Road in the Plan area. The uses would be compatible with and provide services and goods to the surrounding neighborhood as well as access community level shoppers. Uses allowed by this designation include a mix of Specialty Retail/Strip Commercial and Community Shopping Center uses, also included would be Professional Offices, Medium-High and Low Density Residential uses.

Land use and development standards shall be as set forth in the City's C-2, C-1, P-O, R-3, R-2 and R-1 sections of Title X of the Modesto Municipal Code with exemptions as granted by this Specific Plan or the City in order to implement the Plan.

Plans for development in this area shall not cause the level of service (LOS) on adjacent roadways and intersections to exceed the General Plan standard of LOS D.
The plan area is proposed to be annexed to the City of Modesto and served by Urban-Level Public Infrastructure. Access to the plan area would be from McHenry Avenue (State Hwy. 108), Pelandale Expressway (currently Claratina Avenue) and Coffee Road. City water, sewer, police and fire services are proposed to be extended to the plan area. Solid waste collection services also would be extended to the site by a private provider. Other services, including energy, parks and schools, also would be provided by public agencies or special districts.

8. Annexation of Sub-Areas

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

a.) One lift station on Coffee Road

b.) 700 LF of 30" sewer line

c.) 2100 LF of 12" sewer line

d.) 2100 LF of 15" sewer line

e.) 600 LF of 8" sewer line

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

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

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

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

a.) One storm drain basin in area B1 of 10-11 ac/ft capacity

b.) One storm drain basin in area B2 of 6-7 ac/ft capacity

c.) 1000 LF of 18" storm drain line

d.) 1000 LF of 24" storm drain line

3. Water (See Figure 7)

City water service will be provided to the entire plan area through connection and extensions of the existing water 12" main in Claratina Avenue, west of Coffee Road. The existing 12" water main and a 24" transmission water main which lie in Claratina Avenue are part of a larger looped water system designed to serve the entire Plan Area. Water system should be looped to tie in with existing water lines in Dragoo Park Drive and Drakeshire Drive. All private wells located on any individual parcel slated for development shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Service Standards.
### Improvements Required with Project Development (Sub-area B1)

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

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

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Required Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee/Claratina Intersection</td>
<td>LOS F</td>
<td>Signals needed plus four lane improvements.</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>Future Turning Movements</td>
<td>Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes.</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>LOS F</td>
<td>Signals needed plus improvements per study.</td>
</tr>
<tr>
<td>Fronting roadways of development: Pelandale Expressway (Claratina Avenue) Coffee Road</td>
<td>LOS is degraded</td>
<td>Dedicate and improve roadway to City Standards along fronting projects. Pelandale Expressway (Claratina Avenue) improvements per Specific Plan.</td>
</tr>
<tr>
<td>Future east-west Collector</td>
<td>New Roadway</td>
<td>Dedicate and improve roadway to City Standards plus additional turn lanes.</td>
</tr>
<tr>
<td>Coffee Road between Claratina &amp; east-west Collector</td>
<td>LOS E</td>
<td>Dedicate and improve, Auxiliary Lane-west sideway per Engineering &amp; Transit Dept.</td>
</tr>
</tbody>
</table>
NOTE: EXACT SIZE AND LOCATION OF STORM DRAINAGE BASINS MAY VARY FROM THOSE SHOWN ABOVE, DEPENDING ON WHICH SUB-AREA OR COMBINATION OF SUB-AREAS MAY ACTUALLY ANNEX TO THE CITY.
(2) to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

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

f. Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area 8, and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.

g. At the time of development of Sub-area 8, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.

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

4. Infrastructure to serve Sub-area B

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

a. Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.
The Transportation Division at present does not envision the need for a traffic signal at this intersection and for operational reasons is not in favor of signalizing this intersection. It established in consultation with the City of Modesto Transportation Division.

g. Installation of the new east-west collector in Sub-area B₂, its alignment and intersection with Coffee Road, shall be as shown in Figure 9. Specific intersection geometries including signalization will be determined by the City of Modesto Transportation Division.

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

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

5. Infrastructure to Serve Sub-area C.

Sub-area C contains the existing Silverwood Mobile Home Park and some small commercial development. It is expected that Sub-area C will ultimately be developed residentially. The existing land uses including the Mobile Home Park, as approved by Stanislaus County, may continue indefinitely, upon annexation to the City. However, mixed community commercial uses may be developed along Coffee Road per Policy 2.A.4.c.

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

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

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

d. Attached policy d, e, and f language to be inserted here.

B. PUBLIC FACILITY FINANCING PLAN POLICIES.

The public facilities and infrastructure specified within the previous Section A of this Specific Plan must be financed through future development. This financing will be as set forth in a Public Facility Financing Plan, to be adopted prior to specific project
4 - j. Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Peelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service “D” on Coffee Road, to the satisfaction of the City’s Director of Engineering and Transportation.

5 - d. Sewer service will be provided out of the proposed sewer line in Coffee Road or Claratina Avenue. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.

5 - e. Water service will be provided out of water lines proposed in Coffee Road or Claratina Avenue. Prior to development of Sub-area C, the City of Modesto Engineering and Transportation Department will determine the most appropriate method for provision of water service.

5 - f. One storm drainage basin of approximately 6 to 7 acre-feet of capacity will be installed in Sub-area B2 to provide storm drainage facilities for Sub-area B2 and Sub-area C. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8 and 8A) and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-Area B2 or C. Storm Drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area C.
required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

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

3. Financing Policies Applicable to Sub-area B_1.

a. All aforementioned overall financing policies will apply to Sub-area B_1.


a. All aforementioned overall financing policies will apply to Sub-area B_2.

b. Prior to the approval of tentative maps in Sub-area B_2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication, acquisition.

5. Financing Policies Applicable to Sub-area C.

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

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

C. ANNEXATION POLICIES

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

1. Overall Annexation Policies.

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

2. Policies for Annexation within Sub-area A.

a. Property owners of the mobilehome park shall be exempt from the
cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

3. Policies for Annexation within Sub-area B:

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

4. Policies for Annexation within Sub-area C:

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

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

D. DEVELOPMENT PROCESSING POLICIES

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

1. Overall Development Policies.

   a. The City of Modesto's Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/Clаратina Specific Plan, as the Plan's land use regulations and development standards.
b. The City's zoning map, as allowed by Section 10-2.303 of the Modesto Municipal Code shall indicate SP-O zoning for the area of the Coffee/Claratina Specific Plan.

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

d. Exception Guidelines. The Planning Commission may grant exceptions to any of the development regulations listed in Chapter 2 of the Specific Plan, by resolution, based on the following considerations:

i. To encourage creative and efficient land uses;

ii. To encourage mixed or multiple use projects; or

iii. To permit variations from the density, height or other standards.

Three areas where exceptions are granted include:

- Low Density Residential zone (R-1)
- Regional Commercial zone (C-3)

These areas are set forth in Title X of the Modesto Municipal Code and are as follows: Low Density Residential zone (R-1) - Article 5, Section 10-2.501 et seq., and Highway Commercial zone (C-3) - Article 12, Section 10-2.1201 et seq.

All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

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

Professional Office zone (P-O) – Article 8, Section 10-2.901 et. seq., General Commercial zone (C-2) – Article 11, Section 10-2.1101 et. seq., Neighborhood Commercial zone (C-I) – Article 10, Section 10-2.1001 et. seq., Medium High Density Residential zone (R-3) – Article 7, Section 10-2.701 et. seq., Medium Density Residential zone (R-2) – Article 6, Section 10-2.601 et. seq., and Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et. seq.

f. All non-residential development proposed within the area along Coffee Road designated for “Mixed Community Commercial uses” as described in the Mixed Community Commercial Policy 2.A.4.e, shall be preceded by approval of a Conditional Use Permit by the Board of Zoning Adjustment.
An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.

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

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

   a. Development within Sub-area B1 will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.
   b. Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.
   c. An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.

   a. Development within Sub-area B2 shall comply with the subdivision development policies set forth above under overall development policies.
   b. Limited commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.
d. Prior to the approval of tentative maps in Sub-area B₂, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.

e. Prior to the Approval of tentative maps in Sub-area B₂, the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.

5. Policies for Development within Sub-area C.

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

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

E. SPECIFIC PLAN AMENDMENT POLICIES

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

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

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

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

4. City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.
Development within the area where Mixed Community Commercial (MCC) is allowed pursuant to Policy 2.A.4.e. shall comply with the C-2, C-1, P-O, R-3, R-2, and R-1 zoning and development standards contained in Title X of the Modesto Municipal Code.
MODESTO CITY COUNCIL
RESOLUTION NO. 99-566

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING THE MODESTO URBAN AREA GENERAL PLAN AND COFFEE/CLARATINA SPECIFIC PLAN TO ALLOW LIMITED COMMERCIAL USES FOR 15-ACRES ALONG COFFEE ROAD. (LANCE ELLIS)

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

WHEREAS, City staff has proposed an amendment to the Modesto Urban Area General Plan and an amendment to the Coffee/Claratina Specific Plan to allow a 15-acre portion of the Coffee/Claratina Comprehensive Planning District to have limited commercial uses along the Coffee Road frontage, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master BIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD 99-79 reviewed the proposed amendment to the General Plan and Coffee/Claratina Specific Plan, and made the determination that the proposed project
will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. The proposed amendment to the Coffee/Claratina Specific Plan is consistent with the General Plan because an amendment to the land use policies of the Coffee/Claratina Comprehensive Planning District which would allow mixed-uses including commercial uses along the Coffee Road frontage of the planning area was adopted, and the traffic generated by this amendment will not cause the General Plan standard of Level of Service D to be exceeded.

2. An Initial Study, prepared pursuant to CEQA Section 21157.1, has identified additional significant environmental effects that were not analyzed in the Master EIR. The additional significant effects are Traffic and Circulation effects to the operation of project area roadways and intersections.

3. Feasible mitigation measures were incorporated to revise the subsequent project before the Initial study/Mitigated Negative Declaration was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.
4. There is no substantial evidence in light of the whole record before the public agency that the projects, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

5. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, the City Council finds that a Mitigated Negative Declaration (Environmental Assessment No. EA/CDD 99-79) should be adopted pursuant to CEQA Section 21157.5 et. seq. for the proposed Coffee/Claratina General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road.

6. That the cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan. This project proposes development of both residential and non-residential uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Master Plan. The traffic analysis has determined that the impacts from this project with mitigation applied will achieve the level of service set forth in the Modesto Urban Area General Plan and Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

7. The mitigation monitoring program set forth in Exhibit E to the Initial Study is hereby adopted.

8. The Initial Study, Environmental Assessment No. EA/CDD 99-79, provides the substantial evidence to support findings 2-7.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________
MICHAEL D. MILICH, City Attorney
EXHIBIT A
EA/EA/CDD 99-79
INITIAL STUDY
CITY OF MODESTO

INITIAL STUDY AND FINDINGS
MITIGATED NEGATIVE DECLARATION

FOR A PROPOSED SUBSEQUENT PROJECT TO A
MASTER EIR

PROPOSED COFFEE/CLARATINA
GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS TO
ALLOW LIMITED COMMERCIAL USES
FOR 15-ACRES ALONG COFFEE ROAD

November 1999
INITIAL STUDY AND FINDINGS
MITIGATED NEGATIVE DECLARATION
FOR A PROPOSED SUBSEQUENT PROJECT TO A MASTER EIR

PROPOSED COFFEE/CLARATINA GENERAL PLAN AND
SPECIFIC PLAN AMENDMENTS TO ALLOW
LIMITED COMMERCIAL USES FOR 15-ACRES ALONG COFFEE ROAD

EA/CDD 99-79

1. Purpose of Initial Study:

This Initial Study provides review of a project under the City’s General Plan Master EIR (SCH# 92052017). The project, a proposed General Plan Amendment to the Modesto Urban Area General Plan and Specific Plan Amendment to the Coffee/Claratina Specific Plan would allow limited commercial uses for 15-acres fronting on Coffee Road. This Initial Study will review the project pursuant to CEQA Sections 21157.1 and 21157.5.

CEQA Section 21157.5 requires a mitigated negative declaration to be prepared for a proposed subsequent project if both of the following occur:

(1) An initial study has identified potentially new or additional significant effects on the environment that were not analyzed in the master environmental impact report.

(2) Feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project, before the negative declaration is released for public review, in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

The Coffee/Claratina Specific Plan adopted for this area implements the land uses which were analyzed in the General Plan Master EIR (MEIR), and are currently contained in the General Plan. The land uses proposed were not analyzed in the Master EIR or the Mitigated Negative Declaration prepared for adoption of the Coffee/Claratina Specific Plan (SCH# 98022079). This initial study will determine if there would be new or potentially significant effects from the project, and if so, whether mitigation or alternatives can be provided to avoid or reduce the effects to a level of insignificance.

This Initial Study includes the Results of a 30-day Public Review from circulation of the Draft Mitigated Negative Declaration from October 1, to October 30, 1999. Five letters of comment were received. The letters and a written response to each one contained in Exhibit “G”.

2. Project title: Coffee/Claratina General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road.

S/COFFEE-CLARATINA-Mit Neg Dec Coff Clara 2
3. **Lead agency name and address:** City of Modesto, P.O. Box 642, Modesto, CA 95353

4. **Contact person and phone number:** Steve Nish, Community Development Department (209) 577-5280.

5. **Project location:** Located in north Modesto, south of Claratina Avenue along the west side of Coffee Road (see Exhibit A, Location Map).

6. **Project sponsor's name and address:** Lance Ellis, 4821 Coffee Road, Modesto, CA 95357

7. **General Plan Designation:** Coffee/Claratina Comprehensive Planning District

8. **Zoning:** Specific Plan Overlay (SP-O), refers to the Coffee/Claratina Specific Plan for detailed zoning information.

9. **Project Description:** This project involves a request to approve amendments to the Modesto Urban Area General Plan and the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres fronting on Coffee Road by designating the area for mixed uses. The proposal is to allow commercial (or other mixed uses) within a 400 foot deep strip extending from Claratina Avenue (future Pelandale Expressway) south to in front of the existing Silverwood Mobile Home Park. A distance of about 1,600 feet.

This proposal is based on the Land Use Diagram of the Specific Plan which states: “Limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the mitigated Negative Declaration adopted for the Specific Plan.”

The traffic study provides an analysis of uses consistent with the assumptions of the traffic analysis prepared for the Specific Plan as adopted on June 2, 1998.

The applicant has requested a "Mixed Use" designation. However, staff proposes a "Mixed Community Commercial" designation (see Exhibit "F") be applied to achieve this request and comply with the specific land use assumptions used by the traffic analysis and ensure appropriate controls are included with the revision.

Attached Exhibit B contains the General Plan text and map pages proposed for revision, and Exhibit C contains the Specific Plan text and map pages proposed for revision to accomplish the requested change.

10. **Surrounding land uses:** East of the site is an existing par 3 golf course and driving range and the developing North Beyer Park Specific Plan area with lands fronting Coffee Road designated for Mixed Use development, to the south, are existing residential areas of the North McHenry East neighborhood, to the west, the existing Silverwood mobile home park and vacant lands designated for residential development in the Coffee/Claratina Specific Plan area, and to the north is the existing “Funworks” amusement park facility and agricultural lands.
11. Other public agencies whose approval is required: None

A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors listed below are a summary of the 18 environmental categories addressed by the General Plan Master EIR. Those environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the discussion on the following pages:

<table>
<thead>
<tr>
<th>X</th>
<th>Traffic</th>
<th>Storm Drainage</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Air Quality</td>
<td>Parks &amp; Open Space</td>
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<tr>
<td></td>
<td>Generation of Noise</td>
<td>Schools</td>
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<tr>
<td></td>
<td>Agricultural Land</td>
<td>Police Services</td>
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<td></td>
<td>Water Supplies</td>
<td>Fire Services</td>
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<td>Sanitary Sewer Services</td>
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<td>Wildlife and Plant Habitat</td>
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<td>Archaeological or Historical Sites</td>
<td>Landslides &amp; Seismic Activity</td>
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<td>Drainage, Flooding and Water Quality</td>
<td>Energy</td>
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While the CEQA Guidelines Appendix I checklist includes 15 separate and distinct areas of environmental review, the City’s MEIR addresses 18 separate areas of possible environmental impact. The MEIR prepared by the City of Modesto analyzes all 18 of these categories and has determined, for the entire General Plan (i) where significant effects are likely to occur and what mitigation measures are appropriate to reduce the level of impact to less than significant, (ii) where environmental impacts are significant and unavoidable, and (iii) where environmental impacts are insignificant. This initial study is based upon the MEIR, the environmental analysis contained therein, and will mirror Chapter IV "Environmental Analysis" of the MEIR. The initial study will reference sections 1 through 18 of Chapter IV of the MEIR and provide a discussion for each of these specific areas.

B. ENVIRONMENTAL DISCUSSION

The following review of each of the 18 MEIR sections will discuss the proposed project and whether or not "the project may result in new or additional significant effects" (CEQA Section 21157.1(b)) beyond those which are specifically discussed in the MEIR. Each section will provide appropriate mitigation for any new effects identified. Mitigation for the proposed General Plan and Specific Plan Amendments will be titled "Proposed Mixed Community Commercial Project." Mitigation measures adopted for previously identified effects in the Specific Plan - "Remaining Specific Plan Area" - have also been included to ensure all potential affects are addressed.

1. TRAFFIC

Chapter IV of the Master EIR, Environmental Analysis, Section 1 Traffic and Circulation Needs, discusses traffic and circulation issues. This section evaluates both Modesto’s current baseline circulation system and the proposed circulation system needed for
development of the entire General Plan. In Figure 1-3, the MEIR shows (i) Claratina Avenue along the project frontage as a Class B expressway with four to six travel lanes, (ii) McHenry Avenue/State Route 108 as an eight-lane principal arterial, and (iii) Coffee Road as a four-lane minor arterial.

Page IV-1-29 through IV-1-34 of the MEIR includes mitigation measures for the General Plan traffic impacts. This project is within the planned urbanizing area. As such, subsection B, starting on page IV-1-31, specifies three mitigation measures that shall apply to all projects within the Planned Urbanizing Area. These mitigation measures include a requirement for a “Focused Site Access Study” on each comprehensive plan when a project conforms to the General Plan land use designations.

A traffic study was prepared on this project to the level of detail of a “Comprehensive Traffic Study.” The MEIR on page IV-1-31 says that a Comprehensive Traffic Study shall contain sufficient analysis and mitigation measures to maintain a Level of Service “D” on all Comprehensive Plan area roadways. For the purpose of this initial study, any roadway or intersection that drops below Level of Service “D” will be considered a significant impact.

Traffic analysis was prepared on the proposed land use change by KD Anderson Transportation Engineers, dated June 8, 1999, and revised/supplemental on September 2, 1999 and September 20, 1999 (attached as Exhibit “D”). While a range of residential and non-residential uses are permitted by the proposed “Mixed Use” designation, the traffic study analyzed the highest traffic generating uses that would be allowed under this designation. This study compared the adopted Specific Plan by analyzing a combination of “Specialty Retail/Strip Commercial” and Community Shopping Center uses to obtain the “worst case scenario” for development traffic impacts. The study analyzed these commercial uses for the 15-acre project area. City staff created a Specific Plan land use designation that reflects these uses as analyzed. That designation is “Mixed Community Commercial.” The traffic study analyzed impacts to roadways and intersections surrounding the project area including: McHenry Avenue, Claratina Avenue, Coffee Road and Mable Avenue.

The study showed that additional significant impacts would occur without new mitigation, at the intersection of the new collector street and Coffee Road. However, the traffic study shows that with the recommended improvements, at full buildout of the project, plus buildout of the General Plan (year 2025 Daily traffic volumes), roadways in the vicinity of the project area would operate as follows:

1. Claratina – Collector to Coffee Road  
2. Coffee – Claratina to Collector  
3. Coffee – Collector to Mable  
4. Coffee – south of Mable  
5. Mable – east of Coffee

Level of Service D
Level of Service D
Level of Service D
Level of Service D
Level of Service A

As such, the approval of this proposed “Mixed-Use” amendment, with implementation of the recommended traffic improvements - addition of an auxiliary lane - will not create any new or additional significant impacts.
IMPACTS

PROPOSED MIXED COMMUNITY COMMERCIAL PROJECT:

The traffic engineer who prepared the traffic analysis indicated that Coffee Road south of Claratina Avenue would be affected by the proposed project in the following manner:

"While the volume of traffic on the segment of Coffee Road between Claratina Avenue and the new collector street may technically cross into the LOS “E” range with or without the proposed commercial change, because this segment is only 600+/- feet long, I believe that the segment LOS in this area is not significant."

REMAINING SPECIFIC PLAN AREA:

Existing Plus West Half Development (B1)

Development of the regional commercial and professional office property and connection of the project collector road to McHenry Avenue could create Level of Service F conditions at the new intersection. Traffic signal warrants would also be met at the McHenry/Claratina, Coffee/Claratina and new project access/McHenry intersections. This is a significant impact.

Five-Year Development Plus Full Project

The traffic study assumes that as part of the next five years of development, the Claratina Avenue/McHenry Avenue and Claratina Avenue/Coffee Road intersection signals will be installed. These signals currently exist in the City’s Capital Facilities Fees program. In addition, the Coffee Road/Mable Avenue signal is assumed to be constructed within this five-year period if development proceeds as expected. This signal is also in the existing Capital Facilities Fees program.

2025 Plus Full Project Buildout

There are no additional impacts due to cumulative development in the year 2025 when adding this project.

MITIGATION

PROPOSED MIXED COMMUNITY COMMERCIAL PROJECT:

The traffic study indicates that impacts from the proposed “mixed-use” project can be mitigated:

"exceeding LOS “D” standard on very short segments in the immediate vicinity of major intersections is not necessarily significant, as the overall capacity of the facility can be influenced by implementation of local capacity enhancements. In this case, the installation of a southbound auxiliary lane on Coffee Road along the
project's frontage would increase the capacity of Coffee Road and deliver LOS “D” or better conditions.”

Staff has taken this recommendation by the traffic engineer and created the following mitigation measure for the identified traffic impacts:

“Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service “D” on Coffee Road, to the satisfaction of the City’s Director of Engineering and Transportation.”

REMAINING SPECIFIC PLAN AREA:

It is expected that the westerly half of the project which contains the regional commercial will develop first. As set forth above, there is a new impact as the construction of a project access to McHenry Avenue would operate at below Level of Service D.

Mitigation Measure #1: The installation of a traffic signal and the widening of the collector road access to McHenry Avenue to allow for two additional left turn lanes going westbound out of the regional commercial area.

After the implementation of this mitigation measure, the intersection will operate at Level of Service D. This is within the threshold of significance as set forth in the General Plan and MEIR.

Further, development of the regional commercial will result in the traffic signal warrants being met at the McHenry/Claratina and Coffee/Claratina intersections.

Mitigation Measure #2: The installation of traffic signals at the McHenry/Claratina and Coffee/Claratina intersections.

After the implementation of this mitigation measure, the intersections will operate at acceptable level of service. This is within the threshold of significance as set forth in the General Plan and MEIR.

Partial development of the regional commercial and professional office area may occur without these signals being in place.

Mitigation Measure #3: Prior to any incremental development of the regional commercial area, a specific intersection study shall be submitted which shows that the amount of development proposed will not create intersection operations below Level of Service D.

No development of the regional commercial area shall be approved which would (i) degrade the new project access intersection with McHenry Avenue to below Level of
Service D, or (ii) degrade the McHenry/Claratina or Coffee/Claratina intersections to an unacceptable Level of Service without a requirement for the construction of the appropriate signal.

Development of 50% of the regional commercial may occur with construction of an appropriate length of the east/west collector road to the back of the area proposed for development.

**Mitigation Measure #4:** Prior to any development greater than 50% of the regional commercial area, the collector roadway will need to be constructed through the entire regional commercial area and then northward to Claratina Avenue.

This will assist in distributing traffic and making certain the new project access intersection to McHenry Avenue is not overloaded.

Prior to development of any residential property in the easterly half of the Specific Plan, the collector road shall be continued through the east half of the property to Coffee Road.

**Note:** Previous Mitigation Measure #5 was deleted during Specific Plan adoption in June 1998, because it was deemed infeasible. The measure was incorrectly included in the public Review document. Since it is not feasible, it has been removed.

This will mitigate any possible future impacts to the operation of signals along Coffee Road. This mitigation measure will reduce the level of impact of Coffee Road traffic operations to a level of less than significant and the Coffee Road/Mable Road intersection will operate at Level of Service C.

No other mitigation measures are required or needed to reduce traffic impacts to a level of less than significant. As development occurs based upon these mitigation measures, and the timing set forth herein, at completion of project development, and in the year 2025 with all cumulative development expected by the General Plan, the project access road/McHenry Avenue, McHenry Avenue/Claratina Avenue, right-in/right-out Claratina Avenue access, Claratina Avenue/Coffee Road access and the Coffee Road/Mable Road intersection will all operate at Level of Service D or better.

The Specific Plan includes the requirements for appropriate roadway improvements along McHenry Avenue, Claratina Avenue and Coffee Road.

As such, there are no new or additional impacts which cannot be mitigated to a level of less than significant and as such this project is consistent with the MEIR based upon the adoption of these mitigation measures, and no new or additional impacts exist.

2. **DEGRADATION OF AIR QUALITY**

Chapter IV Environmental Analysis, Section 2 Degradation of Air Quality discusses the expected air quality impacts related to development of the General Plan. The MEIR on
recognizes that even with adoption of all mitigation measures, there would be a significant increase in ozone precursors and PM-10 due to the development of the General Plan. As such, Modesto adopted a statement of overriding considerations when it approved the General Plan. This proposed mixed use project would be developing at intensities equal to or slightly more than that set forth in the General Plan and as such, will create no new or additional significant effect. As such, this project is covered by that statement of overriding consideration. No additional mitigation measures beyond those contained in the MEIR and no additional statement of overriding consideration is required.

3. **GENERATION OF NOISE**

Chapter IV Environmental Analysis, Section 3 Generation of Noise discusses the expected noise impacts related to development of the General Plan. The MEIR contains specific noise contour lines on Figure 3-2 which show the expected area of noise impact at buildout of the General Plan. Since there is the possibility that some of the Mixed-Use proposal may develop as non-residential uses, the following discussion applies. Portions of this project fall within the 70 LDN, 65 LDN and 60 LDN noise contours. In addition, existing residences along the south side of the proposed Specific Plan area could be subject to construction noise during the development of the Specific Plan area.

The impacts on neighboring residences due to construction is considered a significant impact. To reduce this impact to a level of less than significant, the following mitigation measure is proposed.

**Mitigation Measure #5:** All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

This mitigation measure reduces the impact to a level of less than significant. In addition, the Modesto Noise Ordinance should be enforced to limit the intensity and duration of noise exposure from the project. It is likely that single-family residences will be developed which fall within the 70-foot community noise equivalent level ("CNEL") range for traffic from the expressway. As such, without mitigation, the impact of noise on residences would be considered significant. Further, any exterior noise above 65 CNEL, or interior noise above 45 CNEL, is considered significant. Without mitigation, these standards would be exceeded. To mitigate this impact to a level of less than significant, and following the standards previously set forth in the Pelandale/Snyder FEIR, will be implemented.

**Mitigation Measure #6:** An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.
Based upon the construction of this wall, exterior ground floor noise levels at 100 feet from roadway centerline would be reduced to approximately 63 CNEL. This is a level which is less than significant.

Further, second-story noise levels above the eight-foot masonry wall could be as high as 68 CNEL.

Mitigation Measure #7: To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the Claratina expressway.

These assemblies would reduce interior noise levels to approximately 42 CNEL, a level which is less than significant.

Because the proposed Mixed Use designation could possibly decrease the amount of residential development exposed to noise generators, and based on the foregoing, there are no new or additional significant noise impacts related to the project.

4. **LOSS OF AGRICULTURAL LAND**

Chapter IV Environmental Analysis, Section 4 Loss of Agricultural Land discusses the expected impacts due to the loss of agricultural land from the development of the General Plan. The project site is designated as prime agricultural land. On Page IV-4-13, the General Plan MEIR recognizes that loss of agricultural land is a significant and unavoidable effect under CEQA, even with the adoption of all feasible mitigation measures. As such, overriding consideration findings have been adopted for the General Plan.

Pages IV-4-13 through 15 of the MEIR contain mitigation measures related to agricultural land conversion. The only mitigation measure which will apply to this project is from Table 4-1: Measures to Reduce Conflicts with Agricultural Uses:

Mitigation Measure #8: Inform residents about the possible exposure to agricultural chemicals.

Because the proposed Mixed Use designation would not change the area being converted to urban uses, no other mitigation is required, and the project results in no new or additional significant environmental effects.

5. **INCREASED DEMAND FOR WATER SUPPLIES**

Chapter IV Environmental Analysis, Section 5 Increased Demand for Water Supplies discusses the expected impacts due to the increased demand for water supplies related to the development of the General Plan. The MEIR on page IV-5-7 recognizes that additional water supply to the planned urbanizing area is a significant, unavoidable effect under CEQA and therefore a statement of overriding consideration has been adopted. Further, page IV-5-8 and 9 of the MEIR contain mitigation measures for development within the General Plan. This project is a subsequent project expected by the MEIR and General
Plan and as such will be required to comply with the mitigation measures set forth in the MEIR. Mitigation measures a, b and c contained in Table 5-1 of the MEIR shall apply to development in the Specific Plan area.

Mitigation Measure #9:

a. Install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.

b. Install water conserving landscape materials and irrigation systems in all common landscape areas.

Note: These techniques are required by state law (California Code of adopted these regulations and enforces them through the building permit process.

c. The City shall implement a requirement for the installation of water meters on all new construction.

Because the Mixed-Use proposal would not change the area being served, there are no new or additional impacts from the development of this project.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

Chapter IV Environmental Analysis, Section 6 Increased Demand for Sanitary Sewer Services discusses the expected impacts due to the increased demand for sanitary sewer services related to the development of the General Plan. As stated on page IV-6-7, there are no significant impacts after mitigation related to provision of sanitary sewer service. Page IV-6-7 through IV-6-9 contain mitigation measures which apply to all development within the General Plan. The proposed Specific Plan Amendment does not significantly change any intensities or densities set forth in the General Plan and, as such, sanitary sewer service can be provided to the project subject to the mitigation measures contained in the MEIR. All necessary mitigation measures are addressed in the Specific Plan and no other mitigation is required. As such, there are no new or additional significant impacts related to the provision of sewer services for this project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

Chapter IV Environmental Analysis, Section 7 Loss of Sensitive Wildlife and Plant Habitat discusses the expected impacts due to the loss of sensitive wildlife and plant habitat related to the development of the General Plan. Figure 7-1 contains potential biological resource study areas within the General Plan. This project does not fall within one of these areas. Further, the General Plan states that all impacts to sensitive wildlife and plant habitat can be mitigated. This project is a subsequent project under the General Plan. This project is not within a significant biological resource area. No further mitigation is required and no mitigation measures are offered for development of this project, as there are no new or additional significant biological impacts.
8. **DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES**

Chapter IV Environmental Analysis, Section 8 Disturbance of Archaeological or Historical Sites discusses the expected impacts due to the disturbance of archaeological or historical sites related to the development of the General Plan. Figure 8-1 of the General Plan MEIR shows potential archaeological resource study areas. The proposed project does not fall within one of these potential archaeological resource study areas. As such, there are no mitigation measures which are necessary prior to approval or development of this project, as there are no new or additional significant archaeological or historical impacts.

9. **DRAINAGE, FLOODING AND WATER QUALITY**

Chapter IV Environmental Analysis, Section 9 Drainage, Flooding and Water Quality discusses the expected impacts due to the drainage, flooding and water quality related to the development of the General Plan. Table 9-1 of the General Plan MEIR shows flood potential study areas. This project does not fall within one of those potential study areas. Pages IV-9-17 through 21 set forth mitigation measures related to Drainage, Flooding and Water Quality. These mitigation measures are implemented through the Specific Plan or current City Policy, and no further mitigation is offered or necessary. There are no new or additional significant drainage, flooding or water quality impacts related to this project.

10. **INCREASED DEMAND FOR STORM DRAINAGE**

Chapter IV Environmental Analysis, Section 10 Increased Demand for Storm Drainage discusses the expected impacts due to the increased demand for storm drainage related to the development of the General Plan. The MEIR states that there are no significant and unavoidable effects related to development in the planned urbanizing area. Although the proposed mixed-use development could slightly increase storm drainage runoff from that analyzed in the MEIR. The project shall comply with the mitigation measures set forth therein. These mitigation measures are implemented through the Specific Plan or current City Policy, and no further mitigation is offered or necessary. There are no new or additional significant drainage impacts related to this project.

11. **INCREASED DEMAND FOR PARKS AND OPEN SPACE**

Chapter IV Environmental Analysis, Section 11 Increased Demand for Parks and Open Space discusses the expected impacts due to the increased demand for parks and open space related to the development of the General Plan. The MEIR on the Urban Area General Plan states that there are no significant and unavoidable impacts on parks and open space provision. The Specific Plan shows a seven (7) acre park site within the planning area. This is consistent with the MEIR and General Plan. There is no new or additional impact related to this development, and therefore no mitigation is required.
12. **INCREASED DEMAND FOR SCHOOLS**

Chapter IV Environmental Analysis, Section 12 Increased Demand for Schools discusses the expected impacts due to the increased demand for schools related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to provision of school facilities. Development within the area of the proposed specific plan which is residential in nature will be required to enter into an acceptable school fee agreement prior to recordation of any final maps for residential development. Currently, properties are joining a Schools Mello-Roos, which is in place. This is a requirement of the Specific Plan. No other mitigation is required, as there are no new or additional impacts related to increased demand for schools from this project.

13. **INCREASED DEMAND FOR POLICE SERVICES**

Chapter IV Environmental Analysis, Section 13 Increased Demand for Police Services discusses the expected impacts due to the increased demand for police services related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to development within the General Plan for police services. The Police Department has not indicated their ability to serve would be adversely affected by the proposed Mixed use amendment. Therefore, this project creates no new or additional impact, and no mitigation measures required.

14. **INCREASED DEMAND FOR FIRE SERVICES**

Chapter IV Environmental Analysis, Section 14 Increased Demand for Fire Services discusses the expected impacts due to the increased demand for fire services related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to development within the Urban Area General Plan for fire services. The Fire Department has not indicated their ability to serve would be affected by the proposed Mixed-Use amendment. This project creates no new or additional impact, and no mitigation measures are required.

15. **GENERATION OF SOLID WASTE**

Chapter IV Environmental Analysis, Section 15 Generation of Solid Waste discusses the expected impacts due to the generation of solid waste related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to development within the General Plan area for solid waste services. Prior to approval of individual development requests, the City shall assure compliance with mitigation measures B(1) and (2) on page IV-15-8 of the MEIR.

Mitigation Measure #10:

1. The City should consider implementing local land use incentive and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate

2. Prior to approval of a project within the Planning 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.

There are no new or additional impacts from the generation of solid waste related to this proposed Mixed-Use amendment project.

16. GENERATION OF HAZARDOUS MATERIALS

Chapter IV Environmental Analysis, Section 16 Generation of Hazardous Materials discusses the expected impacts due to the possible generation of hazardous materials related to the development of the General Plan. Figure 16-1 of the General Plan MEIR shows the potential hazardous contamination study areas within the Urban Area General Plan. This project does not fall within one of these potential hazardous contamination study areas. There are no new or additional impacts from the possible release of hazardous materials related to this project. As such, no additional mitigation measures are required.

17. LANDSLIDES AND SEISMIC ACTIVITY

Chapter IV Environmental Analysis, Section 17 Landslides and Seismic Activity discusses the expected impacts due to the landslides and seismic activity related to the development of the General Plan. The possibility of landslides and seismic activities is not a significant and unavoidable impact according to the MEIR. All building design will comply with UBC standards.

Mitigation Measure #11:

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.

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.
3. 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.

There are no new or additional impacts for landslides or seismic activity related to this project. No other mitigation is required.

18. ENERGY

Chapter IV Environmental Analysis, Section 18 Energy discusses the expected impacts due to energy use related to the development of the General Plan. While the proposed amendments would increase the amount of commercial development the energy providers have not indicated their ability to serve would be adversely impacted. The MEIR states that there are no significant effects related to consumption of energy. Mitigation measures are not required.

C. CONCLUSION

PROPOSED MIXED COMMUNITY COMMERCIAL PROJECT

Based upon the foregoing discussion of the proposed Mixed Community Commercial General Plan and Specific Plan Amendments, and the 18 environmental areas analyzed in the MEIR, only one new significant impact was identified – traffic and circulation impacts to area roadways and intersections. Mitigation has been identified that will reduce this impact to less than significant, i.e., the level of the certified MEIR, when it is incorporated into the project.

REMAINING SPECIFIC PLAN AREA

Based upon the foregoing discussion related to the remaining Coffee/Claratina Specific Plan area, as set forth in the 18 environmental areas discussed above, there are no new impacts and therefore no mitigation measures offered with respect to (i) degradation of air quality (ii) increased demand for sanitary sewer services, (iii) loss of sensitive wildlife and plant habitat (iv) disturbance of archaeological or historical sites (v) drainage, flooding and water quality, (vi) increased demand for storm drainage, (vii) increased demand for parks and open space, (viii) increased demand for schools, (ix) increased demand for police services, (ix) increased demand for fire services, (x) generation of hazardous materials, and (xi) energy.

The areas which could have significant impacts, but for which the mitigation measures set forth in the MEIR have been adopted are, (i) loss of agricultural land, (ii) increased demand for water supplies, (iii) generation of solid waste, and (iv) landslides and seismic activity.

For development of the entire General Plan area, significant and unavoidable impacts exist with respect to (i) traffic and circulation needs, (ii) degradation of air quality, (iii) generation of noise, (iv) loss of productive agricultural land, and (v) increased demand
for water supplies. The statement of overriding considerations adopted as part of the
Urban Area General Plan adoption and MEIR certification recognized development of
this project and therefore these statements of overriding consideration apply to the
development of the Coffee/Claratina CPD.

As a possible new impact, the traffic study on the Coffee/Claratina Specific Plan includes
new intersections with McHenry Avenue and Coffee Road which were not part of the
MEIR. As set forth in the environmental discussion, development of the Coffee/Claratina
Specific Plan area will not result in new or additional traffic impacts which are greater
than the level of significance, Level of Service D. Therefore, while there are new im­

pacts with respect to the Coffee/Claratina Specific Plan as it relates to roadways, there are
mitigation measures offered which will reduce this impact to a level of less than signifi­
cance. As such, there are no new or additional significant impacts related to traffic for
this project, the finding required under CEQA Guidelines Section 15178 can be made,
and therefore a mitigated negative declaration is appropriate with respect to traffic.

This Initial Study further shows that there are possible new impacts related to construc­
tion noise for existing residences, and road noise on new residences along the Cof­
fee/Claratina Expressway. As set forth in the environmental discussion, the mitigation
measures proposed will reduce this impact to a level of less than significant. As such,
there are no new or additional significant impacts which cannot be reduced to a level of
less than significant, the findings required under CEQA Guidelines Section 15178 can be
made, and a mitigated negative declaration is appropriate with respect to noise.

MANDATORY FINDINGS OF SIGNIFICANCE

Finally, it is typical that initial studies evaluate the four mandatory findings of signifi­
cance when determining whether or not an environmental impact report should be requi­
red. The specific mandatory findings of significance are as follows:

(A) Does the project have the potential to degrade the quality of the environment, sub­
stantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife
population to drop below self-sustaining levels, threaten to eliminate a plant or
animal community, reduce the number or restrict the range of a rare or endan­
gered plant or animal or eliminate important examples of the major periods of
California history or pre-history?;

(B) Does the project have the potential to achieve short-term, to the disadvantage of
long-term, environmental goals?;

(C) Does the project have impacts that are individually limited, but cumulatively con­
siderable? ("cumulatively considerable" means that the incremental effects of a
project are considerable when viewed in connection with the effects of past pro­
jects, the effects of other current projects and the effects of probable future pro­
jects); and

(D) Does the project have environmental effects which will cause substantial adverse
effects on human beings, either directly or indirectly?
In response, this Initial Study, the MEIR prepared on the City of Modesto Urban Area General Plan, and the previous Mitigated Negative Declaration have clearly evaluated all of these questions and determined that the development of this property is consistent with the goals of the City of Modesto. All of these environmental questions have been answered in the MEIR, but will be briefly addressed again in this document.

As set forth in the MEIR and this Initial Study, this project does not have the potential to further degrade the quality of the environment as set forth in Finding of Significance A. The project is not in a biologically, archaeologically, historically or otherwise significant area.

The project in fact does achieve the long-term goals of the City of Modesto which include the residential and commercial development of this area and the construction of McHenry Avenue, Claratina Avenue and Coffee Road. As such, the project does not “have the potential to achieve short-term, to the disadvantage of long-term, environmental goals”.

With respect to Finding of Significance C, the project does not have impacts which would be cumulatively considerable. The MEIR prepared on the General Plan specifically projects development of the entire General Plan by the year 2025. This project is a small increment of that development. Since the adoption of the MEIR, there are no major projects proposed in the vicinity of this project which would further exacerbate impacts which have not already been reviewed.

Finally, as set forth in both the MEIR and this Initial Study, it is not expected that the project will cause substantial adverse effects on human beings, as set forth in Finding of Significance D.

Based upon all the foregoing, this Initial Study, along with the General Plan, MEIR, and the previous Mitigated Negative Declaration for the Specific Plan, it is determined that there are new or additional impacts associated with this project in the areas of traffic and circulation, it is further determined that these impacts can be reduced to a level of less than significant with mitigation, and therefore, a mitigated negative declaration is appropriate for this project and an EIR is not required. As such, and based upon this Initial Study, it is the intent of the City of Modesto to prepare and adopt a mitigated negative declaration for the proposed Coffee/Claratina General Plan and Specific Plan Amendments.

D. MITIGATION MEASURES

PROPOSED MIXED COMMUNITY COMMERCIAL AREA

The following mitigation measure mitigates new impacts directly related to development of the proposed 15-acre “Mixed Use” area:

Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale...
Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service “D” on Coffee Road, to the satisfaction of the City’s Director of Engineering and Transportation.

REMAINING SPECIFIC PLAN AREA

The following mitigation measures mitigate impacts resulting from overall Specific Plan development:

1. The installation of a traffic signal and the widening of the collector road access to McHenry Avenue to allow for two additional left turn lanes going westbound out of the regional commercial area.

2. The installation of traffic signals at the McHenry/Claratina and Coffee/Claratina intersections.

3. Prior to any incremental development of the regional commercial area, a specific intersection study shall be submitted which shows that the amount of development proposed will not create intersection operations below Level of Service D.

4. Prior to any development greater than 50% of the regional commercial area, the collector roadway will need to be constructed through the entire regional commercial area and then northward to Claratina Avenue.

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

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

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

The following mitigation measures are taken directly from the MEIR, and relate to the project proposed.

8. Inform residents about the possible exposure to agricultural chemicals.

9. a. Install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.

   b. Install water conserving landscape materials and irrigation systems in all common landscape areas.
Note: These techniques are required by state law (California Code of Regulations, Title 20, Sections 1601-1608). The City of Modesto has adopted these regulations and enforces them through the building permit process.

c. The City shall implement a requirement for the installation of water meters on all new construction.

10. a. 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. (In Draft General Plan as Police 3 under Community Services – Solid Waste, Solid Waste Disposal Policies, Planning Urbanizing Area).

b. Prior to approval of a project within the Planning 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.

11. a. 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.

b. 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.

c. 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.

E. RESULTS OF PUBLIC REVIEW

A Public Review document including the Initial Study and Findings, the Draft Mitigated Negative Declaration, and supporting document was circulated for Public Review from October 1 to October 30, 1999. During this period, letters of comment were received, providing agency response to the Draft Mitigated Negative Declaration. These letters are identified as follows:
<table>
<thead>
<tr>
<th>Letter</th>
<th>Agency</th>
<th>Date Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Modesto City Schools</td>
<td>October 8, 1999</td>
</tr>
<tr>
<td>2.</td>
<td>San Joaquin Valley Air Pollution Dist.</td>
<td>October 29, 1999</td>
</tr>
<tr>
<td>3.</td>
<td>Caltrans District 10</td>
<td>October 29, 1999</td>
</tr>
<tr>
<td>4.</td>
<td>Stanislaus County Chief Executive</td>
<td>November 1, 1999</td>
</tr>
<tr>
<td>5.</td>
<td>Modesto Irrigation District</td>
<td>November 1, 1999</td>
</tr>
</tbody>
</table>

Letters received during this public review and City responses are included in Exhibit "G". In no instance did comments provide additional information that would require a revision to the Initial Study.

**F. DETERMINATION (To be completed by the Lead Agency)**

Based on substantial evidence provided in the Initial Study, the City of Modesto finds:

- [X] An Initial Study, prepared pursuant to CEQA Section 21157.1, has identified additional significant environmental effects that were not analyzed in the Master EIR. The additional significant effects are Traffic and Circulation effects to the operation of project area roadways and intersections. The City of Modesto standard for acceptable operation of a roadway facility is level of service “D” or above. The estimated project impacts (level of service) are indicated below.

- [X] Feasible mitigation measures were incorporated to revise the subsequent project before the Negative Declaration and Initial Study was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

**G. MITIGATION MEASURES**

The following Mitigation Measures will be incorporated into the Coffee/Claratina General Plan and Specific Plan Amendment to allow limited Commercial uses along Coffee Road (see attached Exhibit “E”, Mitigation Monitoring Plan):

**TRAFFIC**

The City’s Transportation Division has reviewed the mitigation identified by the traffic analysis by KD Anderson Transportation Engineers contained in Exhibit “D” and has determined the following mitigation measures will address the identified impacts (see Impact (Level of Service) below) and reduce impacts to provide an acceptable level of service:

**PROPOSED MIXED COMMUNITY COMMERCIAL AREA**

“Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the...
Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service “D” on Coffee Road, to the satisfaction of the City’s Director of Engineering and Transportation.

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Mitigation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee Road</td>
<td>LOS E</td>
<td>Dedicate and improve Auxiliary Lane per City Engineering and Transportation Dept.</td>
</tr>
<tr>
<td>between Claratina and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New east-west Collector</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

REMAINING SPECIFIC PLAN AREA

Improvements Required with Project Development (Sub area B1 Only)

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

Additional Improvements with Full Project Development
Coffee/Claratina Intersection

Coffee/Mable Intersection

Coffee/Mable Intersection

Fronting roadways of development:
Pelandale Expressway (Claratina Avenue)
Coffee Road

Future east-west Collector

Year 2025 (Project Buildout)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Mitigation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee/Claratina Intersection</td>
<td>LOS F</td>
<td>Signals needed plus four lane improvements</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>Future Turning Movements</td>
<td>Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>LOS F</td>
<td>Signals needed plus improvements per study</td>
</tr>
<tr>
<td>Fronting roadways of development:</td>
<td>LOS is degraded</td>
<td>Dedicate and improve roadway to City Standards along fronting projects.</td>
</tr>
<tr>
<td>Pelandale Expressway (Claratina Avenue)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coffee Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Future east-west Collector</td>
<td>New Roadway</td>
<td>Dedicate and improve roadway to City Standards plus additional turn lanes</td>
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<td>Pelandale Expressway (Claratina Avenue)</td>
<td></td>
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<td>Coffee Road</td>
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<tr>
<td>Fronting roadways of development:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coffee Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>McHenry Avenue (State Hwy. 108)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
New Traffic Mitigation Measure:

Bus turnouts will be required on the far side of signalized intersections along the project frontage and will be constructed to City standards.

NOISE

The City’s Planning Department has reviewed the following noise mitigation measures and determined that they will address the identified impacts and provide an acceptable CNEL level:

Impact:

There is the possibility that existing residences could be subject to construction noise in excess of 65 CNEL.

Mitigation:

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

Impact:

There is the possibility that future residences adjacent to Claratina Avenue could be subject to exterior noise in excess of 65 CNEL or interior noise in excess of 45 CNEL.

Mitigation:

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

To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the Claratina expressway.
[X] There is no substantial evidence in light of the whole record before the public agency that the projects, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

[X] Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 21157.5 et seq. For the proposed Coffee/Claratina General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road.

[X] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

[X] I further find that the cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto urban Area General Plan. This project proposes development of both residential and non-residential uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Master Plan. The traffic analysis has determined that the impacts from this project with mitigation applied will achieve the level of service set forth in the Modesto Urban Area General Plan and Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

[X] As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Exhibit "E") will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

Signature: Steven R. Nish, Associate Planner
Community Development Department
City of Modesto

Date: 11/10/99
LOCATION MAP

"EXHIBIT "A"
Location Map

COFFEE/CLARATINA SPECIFIC PLAN AREA

AREA OF PROPOSED GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS
EXHIBIT “B”

MODESTO URBAN AREA GENERAL PLAN

PROPOSED TEXT AND MAP REVISIONS
(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,000 dwelling units.

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

(3) Notwithstanding the Land Use intensities presented in Section III-B for Residential, limited commercial uses that include a mixture of commercial, professional office and residential use would be allowed along Coffee Road.

c. Housing Policy Implementation:

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

5. Provision of Public Facilities and Services:

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

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

6. Mitigated Negative Declaration:

General Plan Policy III(D)(1)(g) specifically exempts the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR. CEQA review for this Comprehensive Planning District shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 2115.71 of CEQA.

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

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

b. A total of 800 employees were assumed for this Comprehensive Planning District.
c. The total number of dwelling units or employees may vary depending on the implementation of Policy 4 b.(3) above.

7. Special Considerations Unique to this Comprehensive Planning District:

None.
EXHIBIT "C"

COFFEE/CLARATINA SPECIFIC PLAN

PROPOSED TEXT AND MAP REVISIONS
City of Modesto

COFFEE/CLARATINA
Specific Plan

This document adopted June 2, 1998, by Modesto City Council
Resolution No. 98-204
Specific Plan as of November 16, 1999
Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

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

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

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

1. 130 acres designated "residential" for a maximum of 1,000 dwelling units.
2. 40 acres designated "regional commercial".
3. 15 acres of "Mixed Community Commercial" is allowed along Coffee Road.
4. Implementing adopted City General Plan policies.

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

B. PLAN AREA DESCRIPTION

The Coffee/Claratina CPD is located on the south side of Claratina Avenue (See Figure 1). The site is bound by Coffee Road on the east and McHenry Avenue (State Hwy. 108) on the west, and the Modesto City limits to the south. The project site contains approximately 170 acres.
"Mixed Community Commercial" Uses shall be allowed along Coffee Road as described in Policy 2.A.4.e. I

*Note: Notwithstanding the Land Use Diagram, within Section 12.2.3, joint Commercial Uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.

Land Use Diagram

Figure 4

Coffee/Claratina Specific Plan
City of Nogales

2-2 Chapter 2, Development Policies and Standards
d. Regional Commercial (RC). The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning designation contained in Article 12 of the Modesto Zoning Ordinance. Performance standards deemed necessary by the commission shall be required at that time.

e. Attached Policy e. language to be inserted here.

5. Land Use Regulations

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

6. Improvement Standard Regulations

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

7. Designation of Sub-Areas

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

Following are the sub-areas:

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

All Residential designated areas will comply with "Neighborhood Plan Prototype" policies as presented in Section III-C(2) of the City of Modesto Urban Area General Plan, and regional commercial area will comply with standards set forth in Section III-B(7) of the General Plan.
e. **Mixed Community Commercial (MCC)** The Mixed Community Commercial designation is to allow for mixed uses including commercial uses. It applies to 15 acres fronting along Coffee Road which may be applied to a depth of 400 feet from Claratina Avenue (Pelandale Expressway) south to the southern boundary of the Specific Plan area – or – located near the Pelandale Expressway/Coffee Road intersection. The purpose is to permit a mix of appropriate scale commercial and residential uses along Coffee Road in the Plan area. The uses would be compatible with and provide services and goods to the surrounding neighborhood as well as access community level shoppers. Uses allowed by this designation include a mix of Specialty Retail/Strip Commercial and Community Shopping Center uses, also included would be Professional Offices, Medium-High and Low Density Residential uses.

Land use and development standards shall be as set forth in the City’s C-2, C-1, P-O, R-3, R-2 and R-1 sections of Title X of the Modesto Municipal Code with exemptions as granted by this Specific Plan or the City in order to implement the Plan.

Plans for development in this area shall not cause the level of service (LOS) on adjacent roadways and intersections to exceed the General Plan standard of LOS D.
The plan area is proposed to be annexed to the City of Modesto and served by Urban-Level Public Infrastructure. Access to the plan area would be from McHenry Avenue (State Hwy. 108), Pelandale Expressway (currently Claratina Avenue) and Coffee Road. City water, sewer, police and fire services are proposed to be extended to the plan area. Solid waste collection services also would be extended to the site by a private provider. Other services, including energy, parks and schools, also would be provided by public agencies or special districts.

8. Annexation of Sub-Areas

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

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

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

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

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

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

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

3. Water (See Figure 7)

City water service will be provided to the entire plan area through connection and extensions of the existing water 12" main in Claratina Avenue, west of Coffee Road. The existing 12" water main and a 24" transmission water main which lie in Claratina Avenue are part of a larger looped water system designed to serve the entire Plan Area. Water system should be looped to tie in with existing water lines in Dragoo Park Drive and Drakeshire Drive. All private wells located on any individual parcel slated for development shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Service Standards.
## Improvements Required with Project Development (Sub-area B1)

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

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

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

*Coffee/Claratina Specific Plan
City of Modesto Chapter 3: Public Facilities
June 2, 1998*
STORM DRAINAGE PLAN

NOTE: EXACT SIZE AND LOCATION OF STORM DRAINAGE BASINS MAY VARY FROM THOSE SHOWN ABOVE, DEPENDING ON WHICH SUB-AREA OR COMBINATION OF SUB-AREAS MAY ACTUALLY ANNEX TO THE CITY.

PROPOSED STORM DRAINAGE BASIN, SIZED TO ACCOMMODATE 40 AC. OF COMMERCIAL AND 20 AC. OF RESIDENTIAL USE

PROPOSED STORM DRAINAGE BASIN, SIZED TO ACCOMMODATE 60 AC. OF RESIDENTIAL USE, THAT INCLUDES 15 ACRES OF "LIMITED COMMERCIAL" LAND USE.

EXISTING MOBILE HOME PARK

SCALE IN FEET

STORM DRAINAGE INFRASTRUCTURE

COMMERCIAL (40 AC. NET)

RESIDENTIAL (20 AC. NET)

RESIDENTIAL (60 AC. NET)

MCNEMARY AVENUE

HECHY-AQUADUCT

CLARATINA AVE.

COFFEE RD.

STORM DRAINAGE PLAN

FIGURE 8
FIGURE 9

CIRCULATION PLAN

Vehicular Circulation Diagram

Possible Future
Urban Interchange

Proposed First Priority Bike Path

Signalized Intersections

Proposed Bike Path

Existing Mobile Home Park

Proposed Collector Streets

Existing Commercial Uses

Right Turn in v

Limited Commercial Lanes

Auxiliary Lane

Corlloyd Road

McHenry Avenue

Clarina Avenue

Coffee Avenue

June 2, 1993
Chapter 3: Public Facilities
City of Modesto
Coffee/Clarina Specific Plan

3.2
to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

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

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

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

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

4. Infrastructure to serve Sub-area B2. as defined by Policy 2.A.4.e.

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

a. Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.
g. Installation of the new east-west collector in Sub-area B2, its alignment and intersection with Coffee Road, shall be as shown in Figure 9. Specific intersection geometrics including signalization will be determined by the City of Modesto Transportation Division. Signalization will not be allowed at this intersection.

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

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

5. Infrastructure to Serve Sub-area C.

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

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

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

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

d. Attached policy d, e, and f language to be inserted here

B. PUBLIC FACILITY FINANCING PLAN POLICIES.

The public facilities and infrastructure specified within the previous Section A of this Specific Plan must be financed through future development. This financing will be as set forth in a Public Facility Financing Plan, to be adopted prior to specific project
4 - j. Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service “D” on Coffee Road, to the satisfaction of the City’s Director of Engineering and Transportation.

5 - d. Sewer service will be provided out of the proposed sewer line in Coffee Road or Claratina Avenue. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.

5 - e. Water service will be provided out of water lines proposed in Coffee Road or Claratina Avenue. Prior to development of Sub-area C, the City of Modesto Engineering and Transportation Department will determine the most appropriate method for provision of water service.

5 - f. One storm drainage basin of approximately 6 to 7 acre-feet of capacity will be installed in Sub-area B2 to provide storm drainage facilities for Sub-area B2 and Sub-area C. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8 and 8A) and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-Area B2 or C. Storm Drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area C.
required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

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


   a. All aforementioned overall financing policies will apply to Sub-area B1.


   a. All aforementioned overall financing policies will apply to Sub-area B2.

   b. Prior to the approval of tentative maps in Sub-area B2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication, acquisition.

5. Financing Policies Applicable to Sub-area C.

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

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

C. ANNEXATION POLICIES

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

1. Overall Annexation Policies.

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

2. Policies for Annexation within Sub-area A.

   a. Property owners of the mobilehome park shall be exempt from the
east of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

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

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

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

D. DEVELOPMENT PROCESSING POLICIES

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

1. Overall Development Policies.
   a. The City of Modesto's Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/ClaraSpecific Plan, as the Plan's land use regulations and development standards.
b. The City's zoning map, as allowed by Section 10-2.303 of the Modesto Municipal Code shall indicate SP-O zoning for the area of the Coffee/Claratina Specific Plan.

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

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

Three areas where exceptions are allowed include:

- Low Density Residential zone (R-1)
- Regional Commercial (C-3)

These zones are set forth in Title X of the Modesto Municipal Code and are as follows: Low Density Residential zone (R-1) - Article 5, Section 10-2.501 et seq., and Highway Commercial zone (C-3) - Article 12, Section 10-2.1201 et seq.

All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

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

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

Coffee/Claratina Specific Plan 4-11 Chapter 4. Specific Plan Implementation
e. zoning code references continued...

Professional Office zone (P-O) – Article 8, Section 10-2.901 et. seq., General Commercial zone (C-2) – Article 11, Section 10-2.1101 et. seq., Neighborhood Commercial zone (C-1) – Article 10, Section 10-2.1001 et. seq., Medium High Density Residential zone (R-3) – Article 7, Section 10-2.701 et. seq., Medium Density Residential zone (R-2) – Article 6, Section 10-2.601 et. seq., and Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et. seq.

f. All non-residential development proposed within the area along Coffee Road designated for “Mixed Community Commercial uses” as described in the Mixed Community Commercial Policy 2.A.4.e, shall be preceded by approval of a Conditional Use Permit by the Board of Zoning Adjustment.
An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.

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

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

   a. Development within Sub-area B1 will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.
   b. Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.
   c. An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.

   a. Development within Sub-area B2 shall comply with the subdivision development policies set forth above under overall development policies.
   b. Commercial uses may be established fronting on Coffee Road, as long as those uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.
d. Prior to the approval of tentative maps in Sub-area B₂, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.

e. Prior to the approval of tentative maps in Sub-area B₂, the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.

5. Policies for Development within Sub-area C.

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

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

E. SPECIFIC PLAN AMENDMENT POLICIES

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

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

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

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

4. City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.
Development within the area where Mixed Community Commercial (MCC) is allowed pursuant to Policy 2.A.4.e. shall comply with the C-2, C-1, P-O, R-3, R-2, and R-1 zoning and development standards contained in Title X of the Modesto Municipal Code.
EXHIBIT "D"
TRAFFIC ANALYSIS
KDANDERSON TRANSPORTATION ENGINEERS
September 20, 1999

Mr. Brian Smith
CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT
P.O. Box 642
Modesto, CA 95353  FAX (209) 491-5798

RE:  COFFEE - CLARATINA SPECIFIC PLAN: COMMERCIAL REVISION

Dear Mr. Smith:

In June 1999 kdANDERSON Transportation Engineers analyzed the potential traffic impacts associated with modifications to the Coffee - Claratina Specific Plan. The proposed modification would change the land use designation on 15 acres from single family residential to C-3 commercial.

Our report considered both short term and long term conditions and concluded that modification of the Specific Plan as proposed does not result in any substantial changes to the traffic conditions forecast for the study area under either Year 2025 or "Existing Plus Specific Plan" conditions. The proposed land use change resulted in more site trip generation than was assumed under the original Coffee - Claratina Specific Plan, as shown in Table 2. As a result, with implementation of the proposed land use change, daily traffic volumes projected on surrounding streets for the General Plan horizon (year 2025) are slightly higher in the immediate vicinity of the project but are relatively unchanged beyond the specific plan boundaries, as noted in Table 3.

Subsequent to the preparation of our report, City staff have asked if the general trip generation rates for C-3 uses employed in our report are applicable to the types of uses that might be developed on this site. Typically, the smaller the retail center the higher the trip generation rate. However, as no plan is available for development of this site, it is difficult to suggest exactly what the trip generation may be.

I reviewed the General Plan for information regarding new commercial areas in Comprehensive Planning Districts. None of the CPD’s had any commercial designation other than Regional Commercial (RC). Five CPD’s included areas with Regional Commercial (RC) designations that could be isolated to determine assumed employee
density. The densities in these five areas are summarized in Table 1. As shown, four areas used the 20.0 per acre density, one was slightly less and one was slightly higher. We used 20.0 employees per acre in our analysis.

### TABLE 1 COMPARISON OF CPD EMPLOYEE DENSITIES

<table>
<thead>
<tr>
<th>Comprehensive Planning District</th>
<th>Regional Commercial</th>
<th>Employee Density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acres</td>
<td>Employees</td>
</tr>
<tr>
<td>Coffee - Claratina</td>
<td>40</td>
<td>800</td>
</tr>
<tr>
<td>Hetch Hetchy</td>
<td>120</td>
<td>3,100</td>
</tr>
<tr>
<td>Highway 99</td>
<td>570</td>
<td>11,000</td>
</tr>
<tr>
<td>Kiernan / Carver</td>
<td>30</td>
<td>600</td>
</tr>
<tr>
<td>Pelandale / McHenry</td>
<td>30</td>
<td>600</td>
</tr>
</tbody>
</table>

At our meeting today you and I discussed this issue further. You provided information generated by SANDAG which suggested generalized trip generation rates per acre for various commercial / retail uses. That document (attached) included rates for Community Shopping Centers and for Specialty Retail / Strip Commercial uses. After discount for "pass-by" trips, these two uses were found to generate 525 and 300 "new" trips per acre, respectively.

To help address the General Plan level impacts of the proposed re-designation, we have identified the traffic impacts associated with these alternative trip generation rates. For this comparison we have calculated the number of employees per acre for Community Shopping Center (32 employees per acre) and for Specialty Retail / Strip Commercial (18.6) for use in comparing resulting daily traffic volumes on adjacent roads.
As shown in Table 2, our original estimate for the change in the Specific Plan's daily trip generation was 3,826 daily trips. The assumption that the 15 acres would be occupied by "Specialty Retail / Strip Commercial" uses results in a slightly lower increase (i.e., 3,422 daily trips). The assumption that a "Community Shopping Center" was to develop would result in higher trip generation. At our meeting we concluded that the site would likely develop with a mix of Specialty Retail / Strip Commercial and Community Shopping Center uses and that the overall trip generation increase would be similar to that already assumed in our June report and that the resulting impacts would be similar.

As shown in Table 3, we have also estimated the effect of the alternative trip generation rates on the daily traffic volumes and LOS on adjacent streets. To estimate year 2025 daily volumes we identified the incremental change in traffic volume that resulted from the initial commercial change, multiplied this increment by the relative difference in site trip generation resulting from the other trip generation rates and superimposed this new increase onto our June forecasts.

Our June report indicated that the proposed project does not result in any significant change to the Levels of Service forecast for roadways in this area under the General Plan (year 2025). While the volume of traffic on the segment of Coffee Road between Claratini Avenue and the new collector street may technically cross into the LOS "E" range with or without the proposed commercial change, because this segment is only 600+ feet long, I believe that the segment LOS in this area is not significant. However, I understand that City staff determined that exceeding LOS "D" in this area is significant and that mitigation will be required.

As noted earlier, exceeding LOS "D" standard on very short segments in the immediate vicinity of major intersections is not necessarily significant, as the overall capacity of the facility can be influenced by implementation of local capacity enhancements. In this case, the installation of a southbound auxiliary lane on Coffee Road along the project's frontage would increase the capacity of Coffee Road and deliver LOS "D" or better conditions.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Employees</th>
<th>Acres</th>
<th>Employees</th>
<th>Model's Trip rate</th>
<th>Daily Trips</th>
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<tr>
<td><strong>ORIGINAL PROJECT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>20</td>
<td>40</td>
<td>800</td>
<td>16.1</td>
<td>12,880</td>
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<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td>1,000</td>
<td>9.55</td>
<td>9,550</td>
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<td><strong>TOTAL PLAN AREA TRIP GENERATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>22,430</td>
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<tr>
<td><strong>WITH PROPOSED COMMERCIAL REVISION (@ 20.0 EMPLOYEES PER ACRE)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Commercial</td>
<td>20</td>
<td>55</td>
<td>1,100</td>
<td>16.1</td>
<td>17,710</td>
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<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td>888 Homes</td>
<td>9.55</td>
<td>8,480</td>
</tr>
<tr>
<td><strong>TOTAL PLAN AREA TRIP GENERATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>26,256</td>
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<tr>
<td><strong>NET DIFFERENCE</strong></td>
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<td></td>
<td></td>
<td></td>
<td>+ 3,826</td>
</tr>
<tr>
<td><strong>WITH &quot;SPECIALTY RETAIL / STRIP COMMERCIAL&quot; ON 15 ACRES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>18.6 to 20.0</td>
<td>55</td>
<td>1,079</td>
<td>16.1</td>
<td>17,372</td>
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<tr>
<td>Residential</td>
<td></td>
<td></td>
<td>888 Homes</td>
<td>9.55</td>
<td>8,480</td>
</tr>
<tr>
<td><strong>TOTAL PLAN AREA TRIP GENERATION</strong></td>
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<td></td>
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<td>25,852</td>
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<tr>
<td><strong>NET DIFFERENCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+ 3,422</td>
</tr>
<tr>
<td><strong>WITH &quot;COMMUNITY SHOPPING CENTER&quot; ON 15 ACRES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>20-32.6</td>
<td>55</td>
<td>1,289</td>
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<td>888 Homes</td>
<td>9.55</td>
<td>8,480</td>
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<tr>
<td><strong>TOTAL PLAN AREA TRIP GENERATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>29,232</td>
</tr>
<tr>
<td><strong>NET DIFFERENCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+ 6,803</td>
</tr>
</tbody>
</table>
### TABLE 1 - COFFEE-CLARATINA SPECIFIC PLAN YEAR 2025 DAILY TRAFFIC VOLUMES

<table>
<thead>
<tr>
<th>Roadway LOS &quot;D&quot; Threshold</th>
<th>Limits</th>
<th>WITH ORIGINAL SPECIFIC PLAN</th>
<th>WITH COMMERCIAL REVISION</th>
<th>AS PRESENTED IN JUNE REPORT</th>
<th>100% SPECIALTY RETAIL</th>
<th>100% COMMUNITY SHOPPING CENTER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>VOLUME</td>
<td>LOS</td>
<td>VOLUME</td>
<td>LOS</td>
<td>VOLUME</td>
</tr>
<tr>
<td>McHenry Ave (8 LANE ARTERIAL: 67,500)</td>
<td>North of Claratina Ave</td>
<td>69,300</td>
<td>E</td>
<td>69,500</td>
<td>E</td>
<td>69,475</td>
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<tr>
<td></td>
<td>South of Claratina</td>
<td>69,300</td>
<td>E</td>
<td>69,400</td>
<td>E</td>
<td>69,390</td>
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<tr>
<td>Claratina Ave (4 LANE EXPRESSWAY: 57,000)</td>
<td>West of McHenry</td>
<td>37,500</td>
<td>B</td>
<td>37,800</td>
<td>B</td>
<td>37,970</td>
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<tr>
<td></td>
<td>McHenry to Collector</td>
<td>40,300</td>
<td>C</td>
<td>40,700</td>
<td>C</td>
<td>40,660</td>
</tr>
<tr>
<td></td>
<td>Collector to Coffee Rd</td>
<td>44,800</td>
<td>D</td>
<td>44,900</td>
<td>D</td>
<td>44,890</td>
</tr>
<tr>
<td></td>
<td>East of Coffee Rd</td>
<td>39,800</td>
<td>C</td>
<td>40,500</td>
<td>C</td>
<td>40,320</td>
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<tr>
<td>Coffee Road (4 LANE ARTERIAL: 33,500 ADT)</td>
<td>North of Claratina</td>
<td>32,500</td>
<td>D</td>
<td>33,300</td>
<td>D</td>
<td>33,215</td>
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<tr>
<td></td>
<td>Claratina to Collector</td>
<td>34,100</td>
<td>D-E³</td>
<td>36,200</td>
<td>E</td>
<td>35,975</td>
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<tr>
<td></td>
<td>Collector to Mable</td>
<td>29,900</td>
<td>C</td>
<td>30,700</td>
<td>D</td>
<td>30,600</td>
</tr>
<tr>
<td></td>
<td>South of Mable</td>
<td>29,900</td>
<td>C</td>
<td>30,600</td>
<td>D</td>
<td>30,525</td>
</tr>
<tr>
<td>Mable Ave</td>
<td>East of Coffee Rd</td>
<td>4,250</td>
<td>A</td>
<td>4,250</td>
<td>A</td>
<td>4,250</td>
</tr>
</tbody>
</table>

1. Current General Plan designates 8 lane arterial, but 6 lane facility is included in CFF. 6 lane arterial would operate at LOS "F" under all conditions.

2. A mix of Specialty-Strip / Community Shopping Center could be built without exceeding LOS "D".

3. Can be mitigated to LOS "D" by installing southbound auxiliary lane.
Mr. Brian Smith  
CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT  
September 20, 1999  
Page 6  

Please feel free to call if you have any questions or need additional information.

Sincerely,  

kdANDERSON Transportation Engineers

[Signature]

Kenneth D. Anderson, P.E.  
Principal
September 2, 1999

Mr. Steve Nish
CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT
P.O. Box 642
Modesto, CA 95353  FAX (209) 491-5798

RE: COFFEE - CLARATINA SPECIFIC PLAN: COMMERCIAL REVISION

Dear Mr. Nish:

In June 1999 kdANDERSON Transportation Engineers analyzed the potential traffic impacts associated with modifications to the Coffee - Claratina Specific Plan. The proposed modification would change the land use designation on 15 acres from single family residential to C-3 commercial.

Our report considered both short term and long term conditions and concluded that modification of the Specific Plan as proposed does not result in any substantial changes to the traffic conditions forecast for the study area under either Year 2025 or "Existing Plus Specific Plan" conditions. The proposed land use change resulted in more site trip generation than was assumed under the original Coffee - Claratina Specific Plan, as shown in Table 2. As a result, with implementation of the proposed land use change, daily traffic volumes projected on surrounding streets for the General Plan horizon (year 2025) are slightly higher in the immediate vicinity of the project but are relatively unchanged beyond the specific plan boundaries, as noted in Table 3.

Subsequent to the preparation of our report, City staff have asked if the general trip generation rates for C-3 uses employed in our report are applicable to a "neighborhood" or "convenience" type retail center that might be developed on this site. Typically, the smaller the retail center the higher the trip generation rate. However, as no plan is available for development of this site, it is difficult to suggest exactly what the trip generation may be.
I reviewed the General Plan for information regarding new commercial areas in Comprehensive Planning Districts. None of the CPD's had any commercial designation other than Regional Commercial (RC). Five CPD's included areas with Regional Commercial (RC) designations that could be isolated to determine assumed employee density. The densities in these five areas are summarized in Table 1. As shown, four areas used the 20.0 per acre density, one was slightly less and one was slightly higher. We used 20.0 employees per acre in our analysis.

<table>
<thead>
<tr>
<th>Comprehensive Planning District</th>
<th>Regional Commercial Acres</th>
<th>Employees</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee - Claratina</td>
<td>40</td>
<td>800</td>
<td>20.00 / ac</td>
</tr>
<tr>
<td>Hetch Hetchy</td>
<td>120</td>
<td>3,100</td>
<td>25.83 / ac</td>
</tr>
<tr>
<td>Highway 99</td>
<td>570</td>
<td>11,000</td>
<td>19.29 / ac</td>
</tr>
<tr>
<td>Kiernan / Carver</td>
<td>30</td>
<td>600</td>
<td>20.00 / ac</td>
</tr>
<tr>
<td>Pelandale / McHenry</td>
<td>30</td>
<td>600</td>
<td>20.00 / ac</td>
</tr>
</tbody>
</table>

While we still believe that the 20.0 employee per acre density is acceptable for General Plan level consideration, to help address the General Plan level impacts of the proposed re-designation, we have identified the traffic impacts associated with a higher generating project. For this comparison we have assumed that the number of employees per acre would double from 20.0 per acre to 40.0 per acre on the 15 acres in question. This assumption would increase the total Specific Plan area trip generation by another 4,764 daily trips beyond the increase addressed by our study.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Employees Per Acre</th>
<th>Acres</th>
<th>Employees</th>
<th>Model's Trip rate</th>
<th>Daily Trips</th>
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</thead>
<tbody>
<tr>
<td><strong>ORIGINAL PROJECT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Commercial</td>
<td>20</td>
<td>40</td>
<td>800</td>
<td>16.1</td>
<td>12,880</td>
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<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td>1,000</td>
<td>9.55</td>
<td>9,550</td>
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<tr>
<td><strong>TOTAL PLAN AREA TRIP GENERATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>22,430</td>
</tr>
<tr>
<td><strong>WITH PROPOSED COMMERCIAL REVISION</strong></td>
<td></td>
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<tr>
<td>Commercial</td>
<td>20</td>
<td>55</td>
<td>1,100</td>
<td>16.1</td>
<td>17,710</td>
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<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td>888 Homes</td>
<td>9.55</td>
<td>8,480</td>
</tr>
<tr>
<td><strong>TOTAL PLAN AREA TRIP GENERATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>26,256</td>
</tr>
<tr>
<td><strong>NET DIFFERENCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+ 3,826</td>
</tr>
<tr>
<td><strong>WITH &quot;WORST CASE&quot; RETAIL TRIP GENERATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>20-40</td>
<td>55</td>
<td>1,400</td>
<td>16.1</td>
<td>22,540</td>
</tr>
<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td>888 Homes</td>
<td>9.55</td>
<td>8,480</td>
</tr>
<tr>
<td><strong>TOTAL PLAN AREA TRIP GENERATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>31,020</td>
</tr>
<tr>
<td><strong>NET DIFFERENCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,590</td>
</tr>
</tbody>
</table>
Our June report indicated that the proposed project does not result in any significant change to the Levels of Service forecast for roadways in this area under the General Plan (year 2025). While the volume of traffic on the segment of Coffee Road between Claratina Avenue and the new collector street may technically cross into the LOS "E" range, because this segment is only 600± feet long, the segment LOS in this area is not significant. Neither does the proposed change does not change year 2025 intersection Levels of Service presented in the Coffee - Claratina Specific Plan traffic study.

As shown in Table 3, we have estimated the effect of a potentially higher trip generation rate on this site. To estimate year 2025 daily volumes we identified the incremental change in traffic volume that resulted from the initial commercial change, multiplied this increment by the relative difference in site trip generation resulting from the higher trip generation rate and superimposed this new increase onto our June forecasts.

As shown, if the higher trip generation rates are achieved on the 15 acre site, the volume of traffic on most area streets will not change appreciably, but the volumes on Coffee Road may increase to the point that the City's LOS "D" threshold is exceeded on segments in the immediate vicinity of the project's access and the Claratina / Coffee intersection. As was noted above, however, exceeding LOS "D" standard on very short segments in the immediate vicinity of major intersections is not necessarily significant, as the overall capacity of the facility can be influenced by implementation of local capacity enhancements. Thus, we can conclude that even with the higher trip generation the proposed commercial revision does not significantly change the Level of Service anticipated in the General Plan.

Due to time constraints we have not had the opportunity to assess the impacts of "worst case" trip generation on intersection operations. As the General Plan does not directly employ year 2025 intersection Level of Service as the basis for consistency, I trust that this omission will not be critical.
<table>
<thead>
<tr>
<th>Roadway Limits</th>
<th>Limits</th>
<th>Original Specific Plan</th>
<th>Commercial Revision</th>
<th>Worst Case Trip Generation</th>
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<tbody>
<tr>
<td>McHenry Ave North of Claratina Ave</td>
<td>69,300 E</td>
<td>69,500 E</td>
<td>69,750 E</td>
<td></td>
</tr>
<tr>
<td>South of Claratina</td>
<td>69,300 E</td>
<td>69,400 E</td>
<td>69,520 E</td>
<td></td>
</tr>
<tr>
<td>Claratina Ave West of McHenry</td>
<td>37,500 B</td>
<td>37,800 B</td>
<td>38,150 B</td>
<td></td>
</tr>
<tr>
<td>McHenry to Collector</td>
<td>40,300 C</td>
<td>40,700 C</td>
<td>41,180 C</td>
<td></td>
</tr>
<tr>
<td>Collector to Coffee Rd</td>
<td>44,800 D</td>
<td>44,900 D</td>
<td>45,020 D</td>
<td></td>
</tr>
<tr>
<td>East of Coffee Rd</td>
<td>39,800 C</td>
<td>40,500 C</td>
<td>41,350 C</td>
<td></td>
</tr>
<tr>
<td>Coffee Road North of Claratina</td>
<td>32,500 D</td>
<td>33,300 D</td>
<td>34,270 E</td>
<td></td>
</tr>
<tr>
<td>Claratina to Collector</td>
<td>34,100 D-E</td>
<td>36,200 E</td>
<td>38,750 F</td>
<td></td>
</tr>
<tr>
<td>Collector to Mable</td>
<td>29,900 C</td>
<td>30,700 D</td>
<td>31,670 D</td>
<td></td>
</tr>
<tr>
<td>South of Mable</td>
<td>29,900 C</td>
<td>30,600 D</td>
<td>31,450 D</td>
<td></td>
</tr>
<tr>
<td>Mable Ave East of Coffee Rd</td>
<td>4,250 A</td>
<td>4,250 A</td>
<td>4,250 A</td>
<td></td>
</tr>
</tbody>
</table>
Please feel free to call if you have any questions or need additional information.

Sincerely,

kdANDERSON Transportation Engineers

Kenneth D. Anderson, P.E.
Principal
TRAFFIC IMPACT ANALYSIS

FOR THE

COFFEE/CLARATINA SPECIFIC PLAN
COMMERCIAL REVISION

Modesto, California

Prepared For:

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June 8, 1999
Job No. 4675-14
C:\WPS1\RPT\COFFCLRCO.RPT

KDA Anderson
Transportation Engineers
# TRAFFIC IMPACT ANALYSIS FOR THE COMMERCIAL REVISION TO THE COFFEE/CLARATINA SPECIFIC PLAN

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<td>Mitigation for Five Year Cumulative Plus Proposed Project Condition</td>
<td>34</td>
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<tr>
<td>Mitigation for Long Term Cumulative Plus Project Condition</td>
<td>34</td>
</tr>
<tr>
<td>APPENDIX</td>
<td>35</td>
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</tbody>
</table>

June 8, 1999
TRAFFIC IMPACT ANALYSIS
FOR THE
COFFEE/CLARATINA SPECIFIC PLAN
COMMERCIAL REVISION

INTRODUCTION

This report documents kdANDERSON Transportation Engineers' analysis of the potential traffic impacts associated with development of commercial uses in the western portion of the Coffee / Claratina Specific Plan. The proposed project will develop commercial uses on approximately 15 acres located in a 400' wide strip along the west side of Coffee Road within the 170 acre Specific Plan area. This analysis is intended to quantify the traffic impacts of this land use change and to address circulation and roadway requirements in the vicinity of the project site within the context of City of Modesto's requirements for development traffic studies. This report supplements the original traffic study completed for the Specific Plan in 1997.

Per City requirements, the analysis addresses existing and future traffic conditions with and without the proposed project. The analysis addresses project impacts to existing traffic conditions during the p.m. peak hour, as well as impacts under two future traffic scenarios. These scenarios include 1) a "short term" future condition (5 years); and 2) a Year 2025 planning horizon which is consistent with the City of Modesto General Plan Update and which assumes build out of the site.

Toward this end, existing traffic conditions have been evaluated through observation of current weekday PM peak hour traffic volumes and through review of 24 hour traffic count information provided by the City of Modesto. Current roadway capacities and operating Levels of Service have been calculated.

Probable project trip generation has been estimated by applying appropriate trip generation rates to the project's land use inventory. Utilizing an expected trip distribution, project trips were assigned to the study area street system based on recognizable least time travel paths. Finally, Levels of Service were recalculated to determine the anticipated impacts of the proposed development on traffic conditions in the area.

Intersection and street improvements required to provide satisfactory traffic operating conditions (Level of Service "D" or better) have been identified per City of Modesto guidelines considering the following traffic scenarios:

1. Existing Traffic conditions;
2. Existing Traffic Plus the proposed Commercial revision in the Coffee/Claratina Specific Plan;
3. Five Year traffic conditions plus approved Coffee/Claratina SP Area;
4. Five Year traffic conditions plus proposed Commercial revision plus the balance of the approved Coffee/Claratina SP Area;
5. Year 2025 traffic with build out of the original Coffee/Claratina SP; and
6. Year 2025 traffic with build out of the Coffee/Claratina SP plus the proposed Commercial revision.

Project Description

The Coffee/Claratina Specific Plan area occupies about 170 acres located in the area south of Claratina Avenue between McHenry Avenue and Coffee Road. The Specific Plan area is bounded on the south by existing single family residential neighborhoods and mobile home parks, as indicated in Figure 1.

Land Use Assumptions. The approved Specific Plan is primarily residential in nature, although RC development (i.e., regional commercial uses) is included on 40 acres adjacent to McHenry Avenue. Of this total, 28 acres is currently undeveloped and 12 acres is currently occupied by the Modesto Mobile Home Park. In addition, the language of the Specific Plan conditional allows mixed use development along the west side of Coffee Road. The proposed project would increase the commercial area by 15 acres and reduce the residential area by a similar amount.

Under the Comprehensive Plan adopted with the City of Modesto General Plan, a maximum of 1,000 residences could be developed within the plan area assuming full occupancy at the maximum allowable density of 7½ du's per acre. However, the Specific Plan suggested that a school and park could be developed within the plan area, and implementation of these uses would reduce the total number of residences that may occur. In addition, since the actual densities achieved in most recent north Modesto projects are lower than the permitted densities, fewer units may be developed than were assumed in the original study. Thus, while development of commercial uses on the proposed project site would also reduce the number of potential dwelling units by 112 to 888, it is likely that the total number of units actually developed in the Specific Plan area will be lower.
Development Phasing. In order to provide a basis for the five year evaluation, an assumed Specific Plan development level has been identified. It was assumed that all of the currently vacant properties will develop within five years. Single family residential development in the center of the Specific Plan has been assumed to develop (670 du's) and 28 acres of regional commercial uses has been assumed to be developed along McHenry Avenue. The new East-West collector street will be extended from McHenry Avenue to Coffee Road. For the "5 year Plus Project" condition, 15 acres of commercial uses replaced 112 single family dwellings.

Under Year 2025 conditions, the balance of the plan area has been assumed to be developed, including conversion of 12 acres of mobile home park near McHenry Avenue to regional commercial uses.

As indicated earlier, a portion of the plan area is currently developed. The Modesto Mobile Home Park occupies about 12 acres in the area near the McHenry Avenue/Coralwood Drive intersection. The Specific Plan suggests that this area may ultimately be converted to regional commercial uses. The Silverwood Mobile Home Park occupies about 21.7 acres in the area west of Coffee Road and north of Grand Prix Drive. This area is to remain residential, and while no immediate plan exist to redevelop this area, the long range analysis assumes that this area could be developed to a maximum of 7½ dwelling units per acre.

The area of the proposed commercial revision also has existing uses. The southern portion of the area is used for recreational vehicle storage. Small commercial buildings totalling about 6,800 square feet also exist. These buildings are used for a combination of retail and office uses.

Access. Access to the project area is via several routes. In addition to the new East-West Collector Street, properties bordering the center of the Specific Plan area have already been developed with provisions for future extensions into the Specific Plan area. Dragoo Park Drive and Drakeshire Drive are north-south streets that currently terminate at the Specific Plan boundary. In addition, the plan for the Claratina Expressway includes provisions for a new collector street access mid-way between McHenry Avenue and Coffee Road. This connection will be limited to right turns in and out only. Additional access to the Regional Commercial uses along McHenry Avenue may be possible if permitted by Caltrans, but no specific development proposal has been created for this area.
Access to the area of the proposed commercial revision already occurs via several driveways onto Coffee Road. Field reconnaissance reveals that there are six existing driveways in the area from the limits of the commercial area north to Pelandale Avenue.

New access will need to reflect the development of the new collector streets as well as the presence of the Mable Avenue intersection on Coffee Road. Because the project area could be redeveloped with relatively intense commercial uses, we have assumed that City of Modesto standards for access would have to be met. On a minor arterial street such as Coffee Road, the City standard minimum distance from driveway collector street intersections is 300-350 feet. Thus, as the distance between the Pelandale Avenue Expressway and the new collector street is less than 600 feet (curb return to curb return), access in this area is not permitted under current standards. Measured between curb returns, the distance between the new collector and Mable Avenue is also less than 600 feet, and access may not be allowed in this area as well.

While site access issues will be resolved when actual development proposals are created, for the purpose of evaluating off-site impacts we have conservatively assumed that all access to the project will be via the new collector street or via an extension of Mable Avenue. If Coffee Road access is granted by the City, it would not appreciably change the conclusion herein.

Construction of circulation improvements is anticipated with development of the Specific Plan area. Frontage improvements will be made along McHenry Avenue and Coffee Road as incremental project development occurs. Initial Specific Plan development will include the new East-West Street. Right of way dedication for the future Claratina Expressway is also included as development occurs.

EXISTING SETTING

This report section describes current traffic conditions on the portions of the area circulation system as presented in the original Coffee-Claratina Specific Plan traffic study. McHenry Avenue, Coffee Road, Bangs Avenue and Sylvan Avenue are major travel corridors serving the City of Modesto. These roads will provide regional access to the Coffee/Claratina Specific Plan area. Coralwood Drive, Union Avenue and Dragoo Park Drive are collector streets which connect existing neighborhoods with the regional circulation network and which may provide secondary access to the Specific Plan area. Drakeshire Drive and Grand Prix Drive are existing local streets.
The quality of traffic flow on urban streets is typically governed by operation of major intersections. Intersection operations at locations along each of these facilities in the vicinity of the commercial site have been identified for analysis. Intersections selected for evaluation include:

1. McHenry Avenue/Claratina Avenue
2. New Collector/Claratina Avenue
3. Coffee Road/Claratina Avenue
4. Coffee Road/Future East-West Street
5. Dragoo Park Drive/Coralwood Drive
6. Coffee Road/Mable Avenue
7. Drakeshire Drive/Grand Prix Drive
8. Coffee Road/Grand Prix Drive
9. Coffee Road/Sylvan Meadows Drive

Study Area Streets

The text which follows describes streets and intersections serving the study area.

**McHenry Avenue (State Route 108)** is a north-south principal arterial providing circulation through central Modesto. In the immediate vicinity of the Specific Plan area, McHenry Avenue is a four lane urban street. South of Coralwood Drive, the roadway gains a third through lane in each direction. This section continues south through the Sylvan Avenue intersection.

Traffic count information (1997) provided by Caltrans indicates a daily volume of 38,500 Annual Average Daily Traffic (ADT) on McHenry Avenue south of Sylvan Avenue. North of Sylvan Avenue the daily traffic volume decreases to 33,000 ADT, with a daily volume of 17,500 ADT report south of Kiernan Avenue.

Ultimately, the Modesto General Plan indicates that McHenry Avenue through the study area will need to be widened to an eight lane road. However, this work was not included in the recent Capital Facilities Fee update.

**Coffee Road** is a north-south minor arterial extending from an intersection with Scenic Drive near downtown Modesto northerly through the study area to SR 108 in Riverbank. In the immediate vicinity of the site, Coffee Road is a two lane rural road, although the roadway has been widened at intersections to the north and south. South of the Mable
Avenue, the roadway provides four travel lanes and left turn channelization at major intersections. Coffee Road has also been widened along the west half the area immediately north of Claratina Avenue as part of the recently constructed Funcenter project.

Traffic count information provided by the City of Modesto indicates a volume 16,947 ADT (1997) on the roadway north of Sylvan Avenue and 21,048 ADT (1997) to the south. Stanislaus County traffic counts suggest that Coffee Road carries 7,284 ADT (1995) north of Claratina Avenue.

Sylvan Avenue is an East-West principal arterial street which extends from SR 99 (as Standiford Avenue) easterly through the study area to an intersection with Claus Road. In the study area, Sylvan Road is a four lane facility with auxiliary left turn lanes at major intersections.

Traffic count information (1997) provided by the City of Modesto indicates a volume 25,738 ADT on the roadway west of Coffee Road, with the volume dropping at locations further east. East of Coffee Road, a volume of 20,698 has been reported, while 18,466 ADT was recorded in the area beyond Beyer High School west of Oakdale Road.

Claratina Avenue currently links Coffee Road and McHenry Avenue (SR 108) in north Modesto. This two lane roadway is also the alignment for the future Pelandale-Claratina Expressway that is addressed in the Modesto General Plan. Recent Stanislaus County traffic counts indicate that Claratina Road carries about 2,500 (1995) ADT.

Mable Avenue is a collector street linking Coffee Road and Oakdale Road. This two lane roadway has been improved to its ultimate width on the south side of the street, and north side frontage improvements will accompany build out of the North Beyer Specific Plan area. Mable Avenue carries about 2,718 ADT (1997).

Dragoo Park Drive is a local collector street that extends northerly from Sylvan Avenue through existing neighborhoods to the Specific Plan area. On-street parking is permitted and residential driveways are common along most of Dragoo Park Drive. Recent traffic counts completed by the consultant indicate that this two lane residential street currently carries about 3,450 vehicles per day in the area immediately north of Sylvan Drive (1997), with about 2,500 vehicles per day estimated in the area between Union Avenue and Coralwood Drive.
Coralwood Drive is a local collector street that extends east from McHenry Avenue near the southern boundary of the Specific Plan area. This two lane street provides access to the Modesto Mobile Home Park and Coralwood Mobile Home Community as well as to other existing single family residential neighborhoods. On-street parking is permitted, and residential driveways are common along most of Coralwood Drive. Recent traffic counts indicate that Coralwood Drive carries 2,334 vehicles per day east of McHenry Avenue (1997), with a similar volume occurring in the area immediately west of Dragoo Park Drive.

Union Avenue is a collector street that extends from Tully Road across McHenry Avenue to Dragoo Park Drive. On-street parking is permitted, and residential driveways exist along most of Union Avenue. Recent traffic counts indicate that Coralwood Drive carries 3,573 vehicles per day east of McHenry Avenue (1997), with a volume of about 2,500 vehicles per day estimated for the area immediately west of Dragoo Park Drive.

Grand Prix Drive and Sylvan Meadows Drive are two-lane local collector streets that extends westerly from Coffee Road into existing residential neighborhoods. Both streets extend to Drakeshire Drive, a north-south local street that has been constructed to the south Specific Plan boundary. New traffic counts indicate that Grand Prix Drive carries 1,756 vehicles per day in the area immediately west of Coffee Road (1997), while Drakeshire Drive carries 497 vehicles per day south of Grand Prix Drive (1997). All of these streets have on-street parking and fronting residential driveways.

Alternative Transportation Modes

The City of Modesto provides two public transportation alternatives. The first is the Modesto Area Express (MAX) which services the general public. The second is Dial-A-Ride which services the elderly and handicapped with services offered to the general public during the evenings and Sundays.

The Modesto Area Express operates between the hours of 6:15 am to 6:30 pm Monday through Friday and 8:15 am to 6:15 pm on Saturdays. Patrons may catch MAX buses at most corners along their routes by waving the bus down. Many of the bus stops are marked with a bench and/or a sign and it is preferable to use these marked stops whenever possible.

MAX route #27 passes the Specific Plan area on McHenry Avenue. A designated stop exists at the Coralwood Drive intersection.
MAX route #10 also passes directly by the Coffee / Claratina Specific Plan area. This route follows Coffee Road north to Mable Avenue, thence east on Mable Avenue to Oakdale Road. The route continues south on Oakdale Road.

Existing Traffic Volumes

Daily traffic counts and PM peak hour intersection turning movements have been used to evaluate existing traffic conditions. Daily traffic volume data on McHenry Avenue was obtained from Caltrans, while 24 hour traffic counts were made on City streets as a part of the original Coffee-Claratina Specific Plan traffic study. In addition, weekday PM peak hour counts were conducted at the study intersections by the consultant during August 1997. These intersection turning movement counts were conducted from 4:00 - 6:00 pm to isolate the peak one hour traffic intervals. Figure 2 displays existing peak hour and daily traffic volume data used for this analysis.

Levels of Service - Methodology

To assess the quality of existing traffic conditions and to provide a basis for evaluating project impacts, Levels of Service were calculated at study area intersections. "Level of Service" is a qualitative measure of traffic operating conditions whereby a letter grade "A" through "F", corresponding to progressively worsening operating conditions, is assigned to an intersection or roadway segment. Table 1 presents general characteristics associated with each LOS grade.

As the operation of major intersections primarily govern the quality of traffic flow conditions in the immediate vicinity of the site, intersection Level of Service analysis has been used for this study to determine the significance of resulting traffic conditions with redevelopment of the site.

Signalized Intersections. Procedures used for calculating Levels of Service at signalized intersections are as presented in the Highway Capacity Manual, 1994 edition. In addition to traffic volume, these procedures make use of geometric information and traffic signal timing data. The City of Modesto has established LOS "D" as an operational threshold for signalized intersections beyond which mitigations are required.
## TABLE 1
**LEVEL OF SERVICE DEFINITIONS**

<table>
<thead>
<tr>
<th>LEVEL OF SERVICE</th>
<th>SIGNALIZED INTERSECTION</th>
<th>UNSIGNALIZED INTERSECTION</th>
<th>ROADWAY (DAILY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;A&quot;</td>
<td>Uncongested operations, all queues clear in a single-signal cycle. Delay &lt; 5.0 sec</td>
<td>Little or no delay. Delay &lt; 5 sec/veh</td>
<td>Completely free flow.</td>
</tr>
<tr>
<td>&quot;B&quot;</td>
<td>Uncongested operations, all queues clear in a single cycle. Delay &gt; 5.0 sec and ≤ 15.0 sec</td>
<td>Short traffic delays. Delay &gt; 5 sec/veh and ≤ 10 sec/veh</td>
<td>Free flow, presence of other vehicles noticeable.</td>
</tr>
<tr>
<td>&quot;C&quot;</td>
<td>Light congestion, occasional backups on critical approaches. Delay &gt; 15.0 sec and ≤ 25.0 sec</td>
<td>Average traffic delays. Delay &gt; 10 sec/veh and ≤ 20 sec/veh</td>
<td>Ability to maneuver and select operating speed affected.</td>
</tr>
<tr>
<td>&quot;D&quot;</td>
<td>Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay &gt; 25.0 sec and ≤ 40.0 sec</td>
<td>Long traffic delays. Delay &gt; 20 sec/veh and ≤ 30 sec/veh</td>
<td>Unstable flow, speeds and ability to maneuver restricted.</td>
</tr>
<tr>
<td>&quot;E&quot;</td>
<td>Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay &gt; 40.0 sec and ≤ 60.0 sec</td>
<td>Very long traffic delays, failure, extreme congestion. Delay &gt; 30 sec/veh and ≤ 45 sec/veh</td>
<td>At or near capacity, flow quite unstable.</td>
</tr>
<tr>
<td>&quot;F&quot;</td>
<td>Total breakdown, stop-and-go operation. Delay &gt; 60.0 sec</td>
<td>Intersection blocked by external causes. Delay &gt; 45 sec/veh</td>
<td>Forced flow, breakdown.</td>
</tr>
</tbody>
</table>

Unsignalized Intersections. For unsignalized intersections, gap acceptance and corresponding delays are used for Level of Service analysis. Procedures used for calculating unsignalized intersection Level of Service are also presented in the Highway Capacity Manual. Levels of Service at the unsignalized intersections, which are controlled by side street stop signs, are indicative of the magnitude of the delay incurred by motorists which must yield the right of way at an intersection.

Because these calculations ignore the condition of through traffic flow (which is assumed to flow freely) a supplemental traffic signal warrant analysis is performed to confirm the significance of calculated delays. While the unsignalized Level of Service may indicate long delays (i.e., LOS "E"), traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied. Meeting signal warrants signifies that intersection improvements may be warranted, but does not indicate that installation of a signal is the only way to mitigate conditions. It is often possible to improve operations with additional lanes or improved geometrics to reduce delays. The signal warrant criteria employed for this study is as presented in the Caltrans Traffic Manual. City of Modesto standards indicate that LOS "C" or better should be obtained with installation of a traffic signal when signalization of a stop sign controlled intersection is appropriate.

Figure 2 also provides an inventory of the geometric data used in this analysis for evaluating study intersections, including a description of the number of approach lanes and intersection control.

Existing Levels of Service

Table 2 summarizes the results of Level of Service calculations completed for each study intersection. Level of Service calculations are provided under separate cover.

Unsignalized intersections. Where side street traffic is controlled by stop signs, the Level of Service experienced at unsignalized intersections is typically dependent on the volume of traffic on the major street. Thus, the Level of Service for motorists waiting to turn left onto Coffee Road may be poor (i.e., LOS "E").
### TABLE 2
EXISTING INTERSECTION LEVELS OF SERVICE

<table>
<thead>
<tr>
<th>INTERSECTION</th>
<th>TRAFFIC CONTROL</th>
<th>LOS</th>
<th>DELAY (Sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1. McHenry Ave / Claratina Ave</strong></td>
<td>EB/WB Stop</td>
<td>E</td>
<td>31.5 sec</td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td>F</td>
<td>&gt; 999 sec</td>
</tr>
<tr>
<td>Westbound left</td>
<td></td>
<td>F</td>
<td>319.4 sec</td>
</tr>
<tr>
<td>Westbound right</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3. Coffee Rd / Claratina Ave</strong></td>
<td>All-Way Stop</td>
<td>B</td>
<td>5.7 sec</td>
</tr>
<tr>
<td><strong>5. Dragoo Park Dr / Coralwood Dr</strong></td>
<td>EB Stop</td>
<td>A</td>
<td>2.3 sec</td>
</tr>
<tr>
<td>Northbound left</td>
<td></td>
<td>A</td>
<td>3.1 sec</td>
</tr>
<tr>
<td>Eastbound left</td>
<td></td>
<td>A</td>
<td>3.1 sec</td>
</tr>
<tr>
<td>Eastbound right</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6. Coffee Rd / Mable Avenue</strong></td>
<td>EB/WB Stop</td>
<td>A</td>
<td>3.4 sec</td>
</tr>
<tr>
<td>Northbound left</td>
<td></td>
<td>A</td>
<td>4.5 sec</td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td>B</td>
<td>9.8 sec</td>
</tr>
<tr>
<td>Eastbound left+thru+right</td>
<td></td>
<td>D</td>
<td>20.6 sec</td>
</tr>
<tr>
<td>Westbound left</td>
<td></td>
<td>B</td>
<td>5.4 sec</td>
</tr>
<tr>
<td>Westbound thru+right</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>7. Drakeshire Dr / Grand Prix Dr</strong></td>
<td>WB Stop</td>
<td>A</td>
<td>2.2 sec</td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td>A</td>
<td>3.2 sec</td>
</tr>
<tr>
<td>Westbound left</td>
<td></td>
<td>A</td>
<td>3.2 sec</td>
</tr>
<tr>
<td>Westbound right</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>8. Coffee Rd / Grand Prix Drive</strong></td>
<td>EB/WB Stop</td>
<td>A</td>
<td>4.1 sec</td>
</tr>
<tr>
<td>Northbound left</td>
<td></td>
<td>A</td>
<td>4.3 sec</td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td>C</td>
<td>11.6 sec</td>
</tr>
<tr>
<td>Eastbound left+thru+right</td>
<td></td>
<td>C</td>
<td>14.0 sec</td>
</tr>
<tr>
<td>Westbound left+thru+right</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>9. Coffee Rd / Sylvan Meadows Dr</strong></td>
<td>EB/WB Stop</td>
<td>A</td>
<td>4.5 sec</td>
</tr>
<tr>
<td>Northbound left</td>
<td></td>
<td>A</td>
<td>4.7 sec</td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td>B</td>
<td>8.2 sec</td>
</tr>
<tr>
<td>Eastbound left+thru+right</td>
<td></td>
<td>E</td>
<td>41.4 sec</td>
</tr>
<tr>
<td>Westbound left+thru+right</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
To determine whether current traffic operations at unsignalized intersections represent a significant problem, existing traffic volumes were compared to Caltrans traffic signal warrants. This comparison indicated that traffic signals are not warranted at any of the unsignalized locations.

**Existing Daily Volumes on Neighborhood Streets**

The volume of traffic occurring on the existing collector street system south of the Coffee/Claratina Specific Plan area is a concern to area residents. To provide a basis for evaluation of project impacts, new daily traffic counts were made at several locations. Where daily counts were not conducted, peak hour intersection counts were used to interpolate estimated daily volumes.

Table 3 presents current daily traffic volume on these streets.

**TABLE 3**

**DAILY TRAFFIC VOLUMES ON LOCAL COLLECTOR STREETS**

<table>
<thead>
<tr>
<th>STREET</th>
<th>LOCATION</th>
<th>DAILY VOLUME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union Avenue</td>
<td>East of McHenry Ave</td>
<td>3,573</td>
</tr>
<tr>
<td></td>
<td>West of Dragoo Park Drive</td>
<td>2,500(e)</td>
</tr>
<tr>
<td>Coralwood Drive</td>
<td>East of McHenry Ave</td>
<td>2,334</td>
</tr>
<tr>
<td></td>
<td>West of Dragoo Park Drive</td>
<td>2,300(e)</td>
</tr>
<tr>
<td>Dragoo Park Drive</td>
<td>North of Sylvan Avenue</td>
<td>3,447</td>
</tr>
<tr>
<td></td>
<td>South of Coralwood Drive</td>
<td>2,300(e)</td>
</tr>
<tr>
<td>Drakeshire Drive</td>
<td>South of Grand Prix Drive</td>
<td>497</td>
</tr>
<tr>
<td></td>
<td>North of Grand Prix Drive</td>
<td>1,000(e)</td>
</tr>
<tr>
<td>Grand Prix Drive</td>
<td>West of Coffee Road</td>
<td>1,756</td>
</tr>
<tr>
<td></td>
<td>East of Drakeshire Drive</td>
<td>1,000(e)</td>
</tr>
</tbody>
</table>

Source: Traffic Monitoring Services, June 1997
(e) = Daily volume estimated from peak hour count
CUMULATIVE BACKGROUND TRAFFIC CONDITIONS

Per City of Modesto guidelines, potential traffic impacts associated with development of the Coffee Road commercial area in the Coffee/Claratina Specific Plan area have been evaluated with respect to existing conditions as well as to two future planning horizons, representative of "short term" and "long term" traffic conditions. The "short term" condition corresponds to traffic conditions expected in five years assuming continuation of background traffic growth and/or development of other approved projects in the immediate study area. The "long term" cumulative traffic base utilizes traffic projections developed with the City of Modesto's General Plan Traffic Model. This traffic base is representative of Year 2025 traffic conditions.

The methodologies used to develop traffic projections for each of these scenarios was presented in the original Coffee-Claratina Specific Plan traffic study. For this analysis traffic conditions with assumed completion of the original Specific Plan have been used as the base conditions against which the proposed project is to be evaluated.

Short Term Cumulative Conditions (5 Year Planning Horizon)

Significant changes to the area circulation system can be anticipated over the next few years. While the volume of traffic expected on major regional streets can be expected to continue to increase, the creation of new routes may alter existing travel patterns. In addition, the development of other north Modesto area projects will result in additional traffic. Assumptions regarding background development, assumed circulation system improvements and growth in background growth on existing routes were made through discussions with City of Modesto staff when the original Coffee-Claratina traffic study was prepared and are summarized in the text which follows.

Assumed Development. Many other development proposals are pending or have already been approved in the north Modesto area. In the vicinity of the Coffee/Claratina Specific Plan, the Pelandale/Snyder Specific Plan and Carver Bangs Specific Plan have been approved to the west and the North Beyer Specific Plan has been approved to the east. This analysis assumes that 100% of the Pelandale-Snyder and Carver-Bangs plan areas will be developed within the next 5 years. Because the North Beyer Plan includes non-residential development that is not expected to be occupied in the near future, only the residential portions of that plan area have been assumed to be occupied in the next five years.
Historic Growth rates. Daily traffic count records from 1982 to 1994 were provided by the City of Modesto for Coffee Road. Review of these counts indicated that on average, Coffee Road traffic has been growing at about 3.4% annually. Because the surround area is fully developed, no change in the volume on other existing local streets is expected unless the Coffee/Claratina plan area is developed. Review of Caltrans traffic counts indicates that the volume of traffic on McHenry Avenue has been growing at a rate of about 2% annually in this area.

Regional Circulation Improvements. Within the study area, Pelandale-Claratina Expressway is expected to be the most significant regional circulation improvement that could be expected over the next five years. Due to the approval and assumed completion of adjoining developments, City staff have concluded that is reasonable to expect that a two lane facility will exist from SR 99 to Oakdale Road within the next five years. As indicated in the discussion of project impacts, development of the expressway does not significantly alter the extent of project impacts.

5 Year Plus Original Coffee-Claratina Specific Plan Conditions

Traffic volume forecasts assuming development of the original Specific Plan over a five year period are presented in Figure 3. As shown in figure 3, the Claratina Avenue/McHenry Avenue, Claratina Avenue/Coffee Road and Coffee Road/Mabel Avenue intersections were assumed to be signalized.

Table 4 summarizes projected intersection operations under the five year planning horizon. As indicated, development of the Specific Plan and other projects will increase traffic volume on area roads, however, while delays for waiting motorists will increase, project development will not result in any locations meeting warrants for signalization.

Traffic Volumes on Local Collector Streets. Review of the traffic volume forecasts contained in Table 5 indicates that the volume of traffic on Dragoo Park Drive could increase by about 1,100 to 1,880 vehicles per day as a result of the original Specific Plan. However, the resulting traffic volumes along Dragoo Park Drive would still be considered acceptable for collector streets.
KEY

- XX PM PEAK HOUR TRAFFIC
- XX DAILY TRAFFIC
- RI STOP SIGN
- SIGNALIZED INTERSECTION

CLARATINA AVE./Hwy 108

500

CLARATINA/ACCESS

CLARATINA/COFFEE

COFFEE/ACCESS

CORAL WOOD/DRAGOON

MABLE/COFFEE

GRAND PRIX/DRAKESHIRE

GRAND PRIX/COFFEE

MEADOWS/COFFEE

KD Anderson
Transportation Engineers

5 YEAR WITH ORIGINAL COFFEE-CLARATINA SPECIFIC PLAN TRAFFIC VOLUMES

Figure 3
## TABLE 4
YEAR 2003 INTERSECTION LEVELS OF SERVICE
WITH ORIGINAL COFFEE-CLARATINA SPECIFIC PLAN

<table>
<thead>
<tr>
<th>INTERSECTION</th>
<th>EXISTING CONDITIONS</th>
<th>YEAR 2003 + ORIGINAL SPECIFIC PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TRAFFIC CONTROL</td>
<td>LOS</td>
</tr>
<tr>
<td>1. McHenry Ave/Claratina Ave</td>
<td>EB / WB Stop</td>
<td>F</td>
</tr>
<tr>
<td>2. Claratina Ave/Collector Street</td>
<td>n/a</td>
<td>NB Stop</td>
</tr>
<tr>
<td>3. Coffee Rd/Claratina Ave</td>
<td>All-Way Stop</td>
<td>B</td>
</tr>
<tr>
<td>4. Dragoo Park Dr/Coralwood Dr</td>
<td>EB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>5. Coffee Rd/Mable Avenue</td>
<td>EB/WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>6. Drakeshire Dr/Grand Prix Dr</td>
<td>WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>7. Coffee Rd/Grand Prix Drive</td>
<td>EB/WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>8. Coffee Rd/Sylvan Meadows Dr</td>
<td>EB/WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>E</td>
</tr>
</tbody>
</table>
### TABLE 5
YEAR 2003 DAILY TRAFFIC VOLUMES ON LOCAL COLLECTOR STREETS

<table>
<thead>
<tr>
<th>LOCATIONS STREET</th>
<th>LOCATION</th>
<th>YEAR 2003 DAILY TRAFFIC VOLUME</th>
<th>EXISTING (1997)</th>
<th>WITH ORIGINAL COFFEE-CLARATINA SPECIFIC PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union Avenue</td>
<td>East of McHenry Ave</td>
<td>3,575</td>
<td>3,750</td>
<td>3,750</td>
</tr>
<tr>
<td></td>
<td>West of Dragoo Park Drive</td>
<td>2,500</td>
<td></td>
<td>2,650</td>
</tr>
<tr>
<td>Coralwood Drive</td>
<td>East of McHenry Ave</td>
<td>2,350</td>
<td></td>
<td>2,520</td>
</tr>
<tr>
<td></td>
<td>West of Dragoo Park Drive</td>
<td>2,300</td>
<td></td>
<td>2,470</td>
</tr>
<tr>
<td>Dragoo Park Drive</td>
<td>North of Sylvan Avenue</td>
<td>3,450</td>
<td></td>
<td>4,540</td>
</tr>
<tr>
<td></td>
<td>South of Coralwood Drive</td>
<td>2,300</td>
<td></td>
<td>4,210</td>
</tr>
<tr>
<td></td>
<td>North of Coralwood Drive</td>
<td>200</td>
<td></td>
<td>2,080</td>
</tr>
<tr>
<td>Drakeshire Drive</td>
<td>South of Grand Prix Drive</td>
<td>500</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>North of Grand Prix Drive</td>
<td>1,000</td>
<td>1,440</td>
<td></td>
</tr>
<tr>
<td></td>
<td>North of Haverhill Drive</td>
<td>200</td>
<td></td>
<td>500</td>
</tr>
<tr>
<td>Grand Prix Drive</td>
<td>West of Coffee Road</td>
<td>1,700</td>
<td></td>
<td>1,890</td>
</tr>
<tr>
<td></td>
<td>East of Drakeshire Drive</td>
<td>1,000</td>
<td></td>
<td>1,190</td>
</tr>
<tr>
<td>East-West Collector</td>
<td>East of McHenry Ave</td>
<td>-</td>
<td></td>
<td>12,240</td>
</tr>
<tr>
<td></td>
<td>West of Coffee Road</td>
<td>-</td>
<td></td>
<td>1,800</td>
</tr>
</tbody>
</table>

**Long Term Cumulative Traffic Volumes (Year 2025) - With Original Coffee-Claratina Specific Plan**

The Long Term cumulative traffic base utilizes daily traffic projections developed with the City of Modesto General Plan Traffic Model. This model is generally assumed to be representative of Year 2025 traffic conditions. Year 2025 conditions with build out of the original Coffee-Claratina Specific Plan are displayed in Figure 4.
KEY

XX FM PEAK HOUR TRAFFIC

--XX DAILY TRAFFIC

1 RI STOP SIGN

H SIGNALIZED INTERSECTION

Transportation Engineers

YEAR 2025 WITH ORIGINAL COFFEE-CLARATINA SPECIFIC PLAN TRAFFIC VOLUMES

Figure 4
It should be noted that the future traffic growth implied by Year 2025 traffic model projections is significant when compared to current volumes. Traffic volumes on north-south streets such as McHenry Avenue and Coffee Road are forecast to increase substantially, with McHenry Avenue traffic volume reaching 69,300 ADT north of Pelandale Avenue. Forecast traffic volumes on Coffee Road are expected to reach 34,000 south of the expressway. The Pelandale/Claratina expressway is projected to carry about 40,300 to 44,800 ADT along the project's frontage.

P.m. peak hour intersection turning movements were developed for Year 2025 conditions, although City General Plan policies suggest that only roadway segment Levels of Service are applicable measures of long term traffic impact. The General Plan indicates that major roadway improvements will be needed to support these traffic volumes at acceptable Levels of Service. As indicated previously in the General Plan, McHenry Avenue is expected to be widened to an eight lane facility. The new expressway is expected to be a six lane facility. The volume of traffic on Coffee Road will be accommodated by a four-lane section.

Under these conditions it will become very difficult to fully access the circulation system from unsignalized intersections. It is reasonable to expect that access to unsignalized collector streets will be limited to right turns in and out only. Traffic signals are included in the CFF for the Coffee Road intersections with Mable Avenue and Sylvan Meadows Drive.

As shown in Table 6, if all area streets are widened as anticipated by the General Plan, then LOS "D" or better conditions can be achieved.

### TABLE 6

**YEAR 2025 WITH ORIGINAL SPECIFIC PLAN INTERSECTION LEVELS OF SERVICE**

<table>
<thead>
<tr>
<th>INTERSECTION</th>
<th>TRAFFIC CONTROL</th>
<th>LOS</th>
<th>DELAY (Sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. McHenry Ave / Claratina</td>
<td>Signal</td>
<td>D</td>
<td>37.2 sec (v/c = 1.01)</td>
</tr>
<tr>
<td>3. Coffee Rd / Claratina Ave</td>
<td>Signal</td>
<td>D</td>
<td>31.7 sec (v/c = 0.92)</td>
</tr>
<tr>
<td>3. Coffee Rd / Collector St</td>
<td>Signal</td>
<td>B</td>
<td>10.1 sec (v/c = 0.61)</td>
</tr>
<tr>
<td>5. Coffee Rd / Mable Ave</td>
<td>Signal</td>
<td>D</td>
<td>25.2 sec (v/c = 0.92)</td>
</tr>
</tbody>
</table>
PROJECT IMPACTS

The text which follows describes the incremental impact of changing the Coffee-Claratina Specific Plan to include commercial development along Coffee Road within the context of the Existing, 5 year and Year 2025 background conditions described earlier. To present a "worst case" evaluation, the potential impacts of full development of the 15 acre area have been assumed in each scenario.

Trip Generation

The number of automobile trips projected to be generated by development of the Coffee/Claratina Specific Plan and by the proposed commercial revision has been estimated through application of trip generation rates contained in the Institute of Transportation Engineers (ITE) publication, Trip Generation (Fifth Edition) and/or employed in the Citywide Traffic model.

Table 7 compares the daily trip generation for the entire Specific Plan area as originally approved and as modified by the proposed commercial revision. As shown, if the 15 acres is developed commercially, the plan area could generate another 3,826 daily trips.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>EMPLOYEES PER ACRE</th>
<th>ACRES</th>
<th>EMPLOYEES</th>
<th>MODEL'S TRIP RATE</th>
<th>DAILY TRIPS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Original Project</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>20</td>
<td>40</td>
<td>800</td>
<td>16.1</td>
<td>12,880</td>
</tr>
<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL PLAN AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>22,430</td>
</tr>
<tr>
<td><strong>With Proposed Commercial Revision</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>20</td>
<td>55</td>
<td>1,100</td>
<td>16.1</td>
<td>17,710</td>
</tr>
<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,480</td>
</tr>
<tr>
<td>TOTAL PLAN AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>26,256</td>
</tr>
<tr>
<td>NET DIFFERENCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,826</td>
</tr>
</tbody>
</table>
Table 8 presents a.m. and p.m. peak hour trip generation estimates for the Specific Plan area. As shown, if the proposed revision proceeds, the number of trips generated by the plan area during the a.m. peak hour would not change appreciably. However, the number of trips generated during the p.m. peak hour could increase by 317 trips.

### TABLE 8
COFFEE-CLARATINA SPECIFIC PLAN
PEAK HOUR TRIP GENERATION ESTIMATE

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>AM PEAK HOUR</th>
<th>PM PEAK HOUR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IN</td>
<td>OUT</td>
</tr>
<tr>
<td><em>Original Specific Plan</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>193</td>
<td>77</td>
</tr>
<tr>
<td>Single family Residential</td>
<td>185</td>
<td>555</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>378</td>
<td>632</td>
</tr>
<tr>
<td><em>Proposed Commercial Revision</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>265</td>
<td>105</td>
</tr>
<tr>
<td>Single family Residential</td>
<td>164</td>
<td>493</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>429</td>
<td>598</td>
</tr>
<tr>
<td><strong>NET DIFFERENCE</strong></td>
<td>51</td>
<td>-34</td>
</tr>
</tbody>
</table>

ITE trip data for commercial uses also indicates that the trip generation of many commercial activities is not all "new" traffic and that mixed use sites generate multi-purpose trips. Studies have shown that much of the traffic which is counted at commercial driveways (the source of site specific trip generation rates) are "pass-by" trips. Pass-by trips are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. Since all of the trips forecast using the traffic model are "new" trips, an increase in the traffic count at commercial driveways may be applicable.
ITE pass-by data for shopping centers similar in size to the proposed facility has been used to estimate the pass-by trip component for the site, which we believe to be about 25%. For this analysis, this traffic increment has been added to the turning movements occurring at the two project access points onto Coffee Road.

**Trip Distribution**

Having determined the number of trips that can be anticipated to be generated by development of the Commercial area, it is necessary to identify the directional distribution of project generated traffic and assign traffic to the area street system. Under "Existing Plus Project" conditions, the trips distribution was based on review of existing travel patterns, and the trip assignment was performed by manually superimposing project traffic onto background traffic conditions. For 5 year conditions, the trips distribution was identified using the SAAG Year 2005 model and "select link" analysis. For Year 2025 conditions, the project trip assignment was developed by the Citywide traffic model.

The short term distribution pattern presented in the original Coffee-Claratina Specific Plan traffic study is presented in Table 9.

**TABLE 9**

**SHORT TERM TRIP DISTRIBUTION**

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Via McHenry Avenue</td>
<td>8%</td>
</tr>
<tr>
<td>North Via Coffee Road</td>
<td>9%</td>
</tr>
<tr>
<td>West via Bangs Avenue</td>
<td>0%</td>
</tr>
<tr>
<td>West Via Pelandale Avenue</td>
<td>8%</td>
</tr>
<tr>
<td>West via Sylvan Avenue</td>
<td>11%</td>
</tr>
<tr>
<td>East Via Pelandale Avenue</td>
<td>4%</td>
</tr>
<tr>
<td>East via Sylvan Avenue</td>
<td>15%</td>
</tr>
<tr>
<td>South via Coffee Road</td>
<td>5%</td>
</tr>
<tr>
<td>South via Dragoo Park Drive</td>
<td>2%</td>
</tr>
<tr>
<td>South via McHenry Avenue</td>
<td>30%</td>
</tr>
<tr>
<td>Internal to Neighborhoods</td>
<td>8%</td>
</tr>
</tbody>
</table>
Existing Plus Project Conditions

Using the directional distribution presented in Table 9, p.m. peak hour traffic generated by the 15 acre project was assigned to the adjacent street system. Resulting "Existing Plus Project" traffic volumes are presented in Figure 5.

Intersections. The impact of initial project development on the area street system can be assessed by review of the resulting Level of Service calculations presented in Table 10. As shown, this level of development does not change the Level of Service at any intersection that is signalized. Review of Caltrans warrants indicates no new traffic signals would be warranted as a result of the project.

Traffic Volume on Local Collector Streets. While the new East-West Street is expected to be the primary access to the Specific Plan area, until the balance of the Specific Plan area is developed, the 15 acre commercial site would not have access to the adjoining residential areas and would not increase the traffic on the existing collector streets serving the study area.

5 Year Plus Project Conditions

Because the proposed commercial revision will replace assumed residential development, the development of 5 year traffic volume forecasts occurred in two steps. First, the trips generated by 112 residences in the Specific Plan area were deleted from the Five Year base traffic scenario. Secondly, project generated trips were superimposed onto the net condition to represent conditions with development of the second phase of the balance of the Coffee-Claratina Specific Plan. Resulting peak hour and daily traffic volumes are presented in Figure 6.

Table 11 summarizes projected intersection operations under the five year planning horizon under the original Specific Plan and with the proposed commercial revision. As indicated, while development of the project will increase traffic volume on area roads, the effects of project trips will not be significant at existing signalized intersections.

Project impacts at unsignalized intersections vary. Development of the project will not result in Levels of Service beyond City standard. While delays for waiting motorists will increase, project development will not result in any locations meeting warrants for signalization.
KEY

PM PEAK HOUR TRAFFIC

DAILY TRAFFIC

STOP SIGN

SIGNALIZED

INTERSECTION

EXISTING PLUS 15 AC C-3 TRAFFIC VOLUMES

Figure 5
<table>
<thead>
<tr>
<th>INTERSECTION</th>
<th>EXISTING CONDITIONS</th>
<th>PLUS COMMERCIAL REVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TRAFFIC CONTROL</td>
<td>LOS</td>
</tr>
<tr>
<td>1. McHenry Ave/Claratina Ave</td>
<td>EB/WB Stop</td>
<td>F</td>
</tr>
<tr>
<td>2. Claratina Ave/Collector Street</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northbound right</td>
<td></td>
</tr>
<tr>
<td>3. Coffee Rd/Claratina Ave</td>
<td>All-Way Stop</td>
<td>B</td>
</tr>
<tr>
<td>4. Claratina/Project Access</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastbound right</td>
<td></td>
</tr>
<tr>
<td>5. Dragoo Park Dr/Coralwood Dr</td>
<td>EB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Northbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastbound right</td>
<td></td>
</tr>
<tr>
<td>6. Coffee Rd/Mable Avenue</td>
<td>EB/WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Northbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Southbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastbound left+thru+right</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>Westbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Westbound thru+right</td>
<td>B</td>
</tr>
<tr>
<td>7. Drakeshire Dr/Grand Prix Dr</td>
<td>WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Southbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Westbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Westbound right</td>
<td></td>
</tr>
<tr>
<td>8. Coffee Rd/Grand Prix Drive</td>
<td>EB/WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Northbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Southbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastbound left+thru+right</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Westbound left+thru+right</td>
<td>C</td>
</tr>
<tr>
<td>9. Coffee Rd/Sylvan Meadows Dr</td>
<td>EB/WB Stop</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Northbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Southbound left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastbound left+thru+right</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>Westbound left+thru+right</td>
<td>E</td>
</tr>
<tr>
<td>INTERSECTION</td>
<td>TRAFFIC CONTROL</td>
<td>LOS</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------</td>
<td>-----</td>
</tr>
<tr>
<td>1. McHenry Ave/Claratina Ave</td>
<td>Signal</td>
<td>D</td>
</tr>
<tr>
<td>2. Claratina Ave / Collector St</td>
<td>NB Stop</td>
<td>B</td>
</tr>
<tr>
<td>Northbound right</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Coffee Rd / Claratina Ave</td>
<td>Signal</td>
<td>C</td>
</tr>
<tr>
<td>5. Dragoo Park Dr/Coralwood Dr</td>
<td>EB Stop</td>
<td>A</td>
</tr>
<tr>
<td>Northbound left</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastbound left</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Eastbound right</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>6. Coffee Rd / Mable Ave</td>
<td>Signal</td>
<td>C</td>
</tr>
<tr>
<td>7. Drakshire Dr/Grand Prix Dr</td>
<td>WB Stop</td>
<td>A</td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Westbound left</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Westbound right</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>8. Coffee Rd / Grand Prix Drive</td>
<td>EB/WB Stop</td>
<td>B</td>
</tr>
<tr>
<td>Northbound left</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Eastbound left+thru+right</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>Westbound left+thru+right</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>9. Coffee/Sylvan Meadows Dr</td>
<td>EB/WB Stop</td>
<td>B</td>
</tr>
<tr>
<td>Northbound left</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southbound left</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Eastbound left+thru+right</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>Westbound left+thru+right</td>
<td></td>
<td>F</td>
</tr>
</tbody>
</table>

Traffic Volumes on Local Collector Streets. The volume of daily traffic added to adjoining collector streets is not markedly different with the proposed commercial revision. While some existing residents of the neighborhood south of the Specific Plan area may use Drakeshire Drive and Dragoo Park Drive to reach the project, because the commercial development will be closely associated with its Coffee Road access, the vast majority of the project trips will use this road for access.
Year 2025 Traffic Volumes with Commercial Revision to the Coffee - Claratina Specific Plan

The methodology employed to develop Year 2025 Plus project traffic volumes makes use of new runs using the City of Modesto General Plan traffic model. The Traffic Analysis Zones (TAZ's) which include the project were refined to reflect assumed project access. Proposed land uses were then included in the traffic model's land use inventory, and the traffic model was re-run.

Resulting Year 2025 daily traffic volumes and estimated p.m. peak hour intersection turning movements are presented in Figure 7. Turning movements were again developed directly from the traffic model forecasts by applying approved peak hour percentage and directional split. Applicable commercial "Pass-By" trips were then added at the project access.

Intersections. P.m. peak hour traffic conditions were assessed assuming the intersection geometrics previously presented in Figure 4. Table 12 summarizes projected conditions at major intersection operations under the Year 2025 planning horizon.

As indicated, the major intersections in the immediate vicinity of the Specific Plan will operate within City standards (i.e., LOS "D" or better). As shown, both of the new access intersection will eventually warrant signalization, and both would operate satisfactorily.

TABLE 12
YEAR 2025 WITH COMMERCIAL REVISION INTERSECTION LEVELS OF SERVICE

<table>
<thead>
<tr>
<th>INTERSECTION</th>
<th>TRAFFIC CONTROL</th>
<th>WITH ORIGINAL SPECIFIC PLAN</th>
<th>W/COMMERCIAL REVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOS</td>
<td>DELAY (Sec)</td>
</tr>
<tr>
<td>1. McHenry Ave / Claratina</td>
<td>Signal</td>
<td>D</td>
<td>37.2 sec (v/c = 1.01)</td>
</tr>
<tr>
<td>3. Coffee Rd / Claratina Ave</td>
<td>Signal</td>
<td>D</td>
<td>31.7 sec (v/c = 0.92)</td>
</tr>
<tr>
<td>4. Coffee Rd / Collector Street</td>
<td>Signal</td>
<td>B</td>
<td>10.1 sec (v/c = 0.61)</td>
</tr>
<tr>
<td>5. Coffee Rd / Mable Avenue</td>
<td>Signal</td>
<td>D</td>
<td>25.2 sec (v/c=0.92)</td>
</tr>
</tbody>
</table>
KEY

XX  PM PEAK HOUR TRAFFIC

XX  DAILY TRAFFIC

RI  STOP SIGN

STANDARDIZED INTERSECTION

PM PEAK HOUR TRAFFIC

DAILY TRAFFIC

STOP SIGN

SIGNALIZED INTERSECTION

Figure 7
### TABLE 13
YEAR 2025 WITH COMMERCIAL REVISION
DAILY TRAFFIC VOLUMES COMPARISON

<table>
<thead>
<tr>
<th>ROADWAY</th>
<th>LIMITS</th>
<th>DAILY VOLUME W/ORIGINAL SPECIFIC PLAN</th>
<th>DAILY VOLUME W/COMMERCIAL REVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>McHenry Ave</td>
<td>North of Claratina Ave</td>
<td>69,300</td>
<td>69,500</td>
</tr>
<tr>
<td></td>
<td>South of Claratina Ave</td>
<td>69,300</td>
<td>69,400</td>
</tr>
<tr>
<td>Claratina Avenue</td>
<td>West of McHenry Ave</td>
<td>37,500</td>
<td>37,800</td>
</tr>
<tr>
<td></td>
<td>McHenry to Collector</td>
<td>40,300</td>
<td>40,700</td>
</tr>
<tr>
<td></td>
<td>Collector to Coffee Rd</td>
<td>44,800</td>
<td>44,900</td>
</tr>
<tr>
<td></td>
<td>East of Coffee Rd</td>
<td>39,800</td>
<td>40,500</td>
</tr>
<tr>
<td>Coffee Road</td>
<td>North of Claratina Ave</td>
<td>32,500</td>
<td>33,300</td>
</tr>
<tr>
<td></td>
<td>Claratina to Collector</td>
<td>34,100</td>
<td>36,200</td>
</tr>
<tr>
<td></td>
<td>Collector to Mable Ave</td>
<td>29,900</td>
<td>30,700</td>
</tr>
<tr>
<td></td>
<td>South of Mable Ave</td>
<td>29,900</td>
<td>30,600</td>
</tr>
<tr>
<td>Mable Avenue</td>
<td>East of Coffee Rd</td>
<td>4,250</td>
<td>4,250</td>
</tr>
</tbody>
</table>
MITIGATION MEASURES/RECOMMENDATIONS

The purpose of this section is to describe mitigation measures which will alleviate unsatisfactory operating conditions. For the City of Modesto, "unacceptable" conditions are identified as those which Level of Service (LOS) "E", or "F" is experienced at a signalized intersection location during peak traffic hours. In addition, unsignalized intersection locations which are projected to warrant installation of a future traffic signal are intended to function at LOS "C" or better with implementation of a signal.

According to the City of Modesto's guidelines, a proposed project is required to recommend mitigation measures when a signalized intersection's Level of Service drops below LOS "D" with the addition of project traffic. If the level of service under existing conditions is LOS "D", "E", or "F", the goal is to provide LOS "D" or better operating conditions under "5 year plus Project" conditions with the future V/C ratio equal to or less than the existing V/C ratio plus 0.05.

At unsignalized intersections, the method for determining unsatisfactory operations is based on MUTCD peak hour warrants for signalization. Therefore, although motorist on a minor side street approach may experience delays characterized by LOS "E" or "F", in the absence of a history of accidents or complaints, traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied.

Mitigation for Existing Conditions

No improvement needs have been identified for existing conditions, as traffic signal warrants do not appear to be met at any unsignalized intersections.

Mitigation for Five Year Cumulative Base Condition - Existing Specific Plan

Overall traffic operations at most study area intersections are projected to continue to be satisfactory as other development occurs. Only two improvements has been identified for the five year base condition.

As the initial portion of the Pelandale/Claratina Expressway is constructed, traffic signals will be needed at the Coffee Road/Claratina Avenue and McHenry Avenue/Claratina Avenue intersections. The City's CFF program includes these traffic signals, which will need to become a priority as actual traffic volumes approach warrants.
The Coffee Road/Mable Avenue traffic signal will be warranted within five years if area development proceeds as anticipated. This project is also included in the existing CFF program.

Mitigation for Five Year Cumulative Plus Proposed Project Condition

Additional improvements needed in conjunction with development of the project consist of the following:

Install ultimate half section improvements along the frontage of Coffee Road on those parcels which develop.

Dedicate Right of Way for Claratina Expressway (six lanes, 135' at mid-section, 159' at the intersections) and Coffee Road.

If the McHenry Avenue/Access traffic signal was not previously installed, it will become necessary during Phase 2.

Bus Turnouts should be installed at the far side of signalized intersections along the project frontage.

Mitigation for Long Term Cumulative Plus Project Condition

As Modesto continues to grow, additional roadway improvements will become necessary.

The Pelandale/Claratina Expressway will eventually need to be widened to six lanes. McHenry Avenue will eventually need to be widened to eight lanes. The cost of these regionally beneficial improvements will be spread to benefiting parties through the City's CFF program.

A traffic signal will eventually be warranted at the Coffee Road/New East-West Street intersection. This intersection should be added to the CFF program.
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The Coffee Road/Mable Avenue traffic signal will be warranted within five years if area development proceeds as anticipated. This project is also included in the existing CFF program.

**Mitigation for Five Year Cumulative Plus Proposed Project Condition**

Additional improvements needed in conjunction with development of the project consist of the following:

Install ultimate half section improvements along the frontage of Coffee Road on those parcels which develop.

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If the McHenry Avenue/Access traffic signal was not previously installed, it will become necessary during Phase 2.

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**Mitigation for Long Term Cumulative Plus Project Condition**

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A traffic signal will eventually be warranted at the Coffee Road/New East-West Street intersection. This intersection should be added to the CFF program.
APPENDIX

Intersection Level of Service Calculations
EXHIBIT “E”

COFFEE/CLARATINA SPECIFIC PLAN

MITIGATION MONITORING PLAN
MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE COFFEE/CLARATINA SPECIFIC PLAN
(Pursuant to Mitigated Negative Declaration ED/CDD 99-79)

1.0 INTRODUCTION

This mitigation and monitoring program has been prepared by the City of Modesto for
the Coffee/Claratina Specific Plan including the proposed General Plan and Specific Plan
Amendment to comply with Public Resources Code Section 21081.6. Section 21081.6
requires public agencies to adopt a mitigation reporting or monitoring program when
adopting a mitigated Negative Declaration. Monitoring programs are designed to ensure
that all mitigation measures described in the Negative Declaration are carried out.

2.0 SCOPE

The program described below applies to all mitigation measures described in the Initial
Study Mitigated Negative Declaration, dated November 1, 1999, prepared for the project.
The components of project mitigation were determined by the City of Modesto’s
Community Development and Engineering and Transportation Department staff based on
Traffic Impact Analysis for the Coffee/Claratina Specific Plan, dated June 8, 1999 and
supplemented on September 2 and September 20, 1999, prepared by kdAnderson
Transportation Engineers.

3.0 MITIGATION

TRAFFIC MITIGATION

The following mitigation is also incorporated into the Coffee/Claratina Specific Plan in
Chapter 3, Section C as “Recommended Improvements:”

MIXED COMMUNITY COMMERCIAL AREA

Concurrent with development of the strip commercial portion of Sub-Area B2, the
Coffee Road street improvements, including an auxiliary lane shall be dedicated
and constructed between the east-west collector intersection and the Pelandale
Expressway. The auxiliary lane design and configuration shall be developed to
achieve and maintain a Level of Service “D” on Coffee Road, to the satisfaction
of the City’s Director of Engineering and Transportation. (Policy J,P.4-6 of
Specific Plan)

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Mitigation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee Road between Claratina Ave. and new east-west Collector</td>
<td>LOS E</td>
<td>Dedicate and Improve Auxiliary Lane per Engineering and Transportation Dept.</td>
</tr>
</tbody>
</table>

S:\COFFEE-CLARATINA-Mt Neg Dec Coff Clara
### REMAINING SPECIFIC PLAN AREA

**Improvements Required with Project Development (B1 Only)**

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

**Additional Improvements with Full Project Development**

<table>
<thead>
<tr>
<th>Facility</th>
<th>Impact (Level of Service)</th>
<th>Mitigation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee/Claratina Intersection</td>
<td>LOS F</td>
<td>Signals needed plus four lane improvements</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>Future Turning Movements</td>
<td>Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes</td>
</tr>
<tr>
<td>Coffee/Mable Intersection</td>
<td>LOS F</td>
<td>Signals needed plus improvements per study</td>
</tr>
<tr>
<td></td>
<td>LOS is degraded</td>
<td>Dedicate and improve</td>
</tr>
</tbody>
</table>
Fronting roadways of development:
   Pelandale Expressway (Claratina Avenue)
   Coffee Road

Future east-west Collector

New Roadway

Year 2025 (Project Buildout)

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

Bus Turnouts:

Bus turnouts will be required on the far side of signalized intersections along the project frontage and will be constructed to City standards.

Implementation for all Traffic Mitigation Measures:

At the submittal of development requests, the City shall assure implementation of these mitigation measures at a level and timing consistent with the Specific Plan and Mitigated Negative Declaration.
Responsible Agency for all Traffic Mitigation Measures:

City of Modesto Community Development Department

NOISE MITIGATION

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

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

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

Implementation for all Noise Mitigation Measures:

At the submittal of development requests, the City shall assure implementation of these mitigation measures at a level and timing consistent with the Specific Plan and Mitigated Negative Declaration.

Responsible Agency for all Noise Mitigation Measures:

City of Modesto Community Development Department

GENERAL PLAN MITIGATION

The following mitigation measures come directly from the MEIR, and relate to the project proposed.

1. Inform residents about the possible exposure to agricultural chemicals.

2. a. Install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.

   b. Install water conserving landscape materials and irrigation systems in all common landscape areas.

Note: These techniques are required by state law (California Code of Regulations, Title 20, Sections 1601-1608). The City of Modesto has adopted these regulations and enforces them through the building permit process.

d. The City shall implement a requirement for the installation of water meters on all new construction.
3. a. 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. (In Draft General Plan as Police 3 under Community Services – Solid Waste, Solid Waste Disposal Policies, Planning Urbanizing Area).

b. Prior to approval of a project within the Planning 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.

4. a. 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.

b. 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.

c. 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.

Implementation for all General Plan MEIR Mitigation Measures:

At the appropriate time in the process, generally at Tentative Map, Development Plan or Building Permit, the City shall verify compliance with these measures.

Responsible Agency for all General Plan MEIR Mitigation Measures:

City of Modesto Community Development Department
EXHIBIT “F”

MIXED COMMUNITY COMMERCIAL USE
MIXED COMMUNITY COMMERCIAL (MCC)

Purpose: To permit a mix of appropriate scale commercial and residential uses along the Coffee Road frontage of the Coffee/Claratina Specific Plan. The uses would be compatible with and provide services and goods to the surrounding neighborhood as well as access community level shoppers. Uses included by this designation would be a mix of Specialty Retail/Strip Commercial and Community Shopping Center uses, also included would be Professional Office, medium high and low density Residential uses.

Locational Criteria: This designation would be applied to a depth of 400 feet along the west side of Coffee Road from the Claratina Avenue/Coffee Road intersection south to in front of the existing Silverwood Mobile Home Park, a distance of approximately 1,700 feet.

Performance Criteria: Plans for development in this area will not cause the level of service (LOS) on the adjacent roadways and intersections to exceed the General Plan standard of LOS D.

Zoning Equivalent: Uses permitted in this designation shall be as found in the C-1, C-2, P-O, R-3, R-2, and R-1 sections of Title X of the Modesto Municipal Code.
EXHIBIT G

RESPONSE TO COMMENTS

RECEIVED AS A RESULT OF PUBLIC REVIEW
October 6, 1999

City of Modesto - CDD/Development Services Department
Current Planning division - City Hall/Fourth Floor
P.O. Box 642
Modesto, CA 95353

RE: DRAFT MITIGATED NEGATIVE DECLARATION FOR PROPOSED GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS TO ALLOW LIMITED COMMERCIAL USES ALONG COFFEE ROAD

Dear Mr. Stack:

Modesto City Schools has no objection to the above referenced conversion to limited commercial uses along Coffee Road. In our opinion, the conversion will have no adverse impacts on schools. However, if this amendment is approved, the applicant will be required to pay commercial developer impact fees which are in effect at building permit issuance.

Sincerely,

Deborah S. Bailey, Director
Planning and Research

DB/ld

cc: Ron Lebs, Sylvan Union School District
Response to Letter Received (October 8, 1999)
Modesto City Schools

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes are necessary. No new environmental issues were raised by these comments.
October 26, 1999

Steven R. Nish
Community Development Department
801 11th Street
Modesto, CA 95353

Subject: Proposed General Plan and Specific Plan Amendments to Allow Limited Commercial uses Along Coffee Road

Dear Mr. Nish:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley is nonattainment for ozone and fine particulate matter (PM-10). This project will contribute to the overall decline in air quality due to increased vehicle trips, operation of landscape maintenance equipment, and space and water heating if gas-fired appliances are used. This project will generate significant air emissions, and will cumulatively reduce the air quality in the San Joaquin Valley. Thus, the project will make it more difficult to meet mandated emission reductions and air quality standards.

It appears that the emissions from this project may exceed the District's Thresholds of Significance for adverse air quality impacts. An analysis of the air quality impacts associated with this project should be undertaken unless the impacts were previously analyzed.

The District is currently recommending the use of URBEMIS 7G to calculate project pollutant emissions. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology or model inputs. Questions regarding URBEMIS 7G should be directed to Mr. Dave Mitchell, in our Central office.

David L. Crow
Executive Director/Air Pollution Control Officer
The construction phase of this project will be subject to certain aspects of District Regulation VIII. Regulation VIII is a series of rules designed to reduce PM-10 emissions generated by human activity, and is required. A synopsis highlighting many of the requirements of this regulation has been enclosed and should be made available to the applicant.

There are a number of mitigation measures that can be incorporated into the design and development of this project to reduce the project's overall level of emissions. While these measures are recommended by the District, including these measures alone will not negate the need to prepare an air quality analysis.

1. Trees should be carefully selected and located to shade the building(s) during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the building(s) during the cold winter months.

2. Provide bicycle parking facilities for patrons and employees. Employee bicycle parking should be enclosed or in a covered secure area.

3. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.

4. Provide direct pedestrian access to the main entrance of the project from existing or potential public transit stops and the sidewalk. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.

5. Pedestrian walkways should be created to connect all buildings throughout the project. The walkways should create a safe and inviting walking environment for customers wishing to walk from one building to another. Such walkways encourage customers to shop at additional stores in the plaza without driving to each building.

6. Exits onto adjoining streets should be carefully designed to reduce time required to re-enter traffic from the project site.

7. As many energy conserving features as possible should be included in the design/construction of the new buildings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.

8. Any gas-fired appliances should be low nitrogen oxide (NOx) emitting gas-fired appliances complying with California NOx Emission Rule #1121.
The applicant is encouraged to refer to the District's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) and Air Quality Guidelines for General Plans for further information on reducing emissions associated with this project. In Air Quality Guidelines for General Plans, the sections on integrated planning, congestion management, fugitive dust/PM10, energy, transit infrastructure, land use/transportation/air quality, and site design are especially relevant.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements or suggested mitigation measures that are associated with this project. If you have any questions or require further information, please call me at 230-5802.

Sincerely,

Thomas E. Jordan
Senior Environmental Planner

Enclosure
Rule 8040  Landfills

2.0  Applicability: All operational landfill sites, landfill closure activities, and activities conducted at closed landfill sites which disturb surface soils covering an area of more than one acre.

5.1  Construction of a landfill site.  Requirements of District Rule 8020 and the California Code of Regulations (CCR) Sections 17616 and 19222 apply.

5.2  Adjacent public paved roads, shoulders & accesses.  Limit or promptly remove any accumulation of mud or dirt at the end of work day or once every 24 hours.

5.2.1  Interior roads of the landfill site.  Landfill roads connected to off-site adjacent paved public roads must be paved for a sufficient distance to allow mud and dirt accumulation to drop off. Sufficient cleaning of interior roads to limit carry out onto the off-site public roads. The use of blower devices for removal of accumulations is prohibited. Use of dry rotary brushes is prohibited, except when preceded or accompanied by sufficient wetting.

5.4  Storage of construction vehicles, equipment, and materials.  Rule 8070 applies.

6.1  Report of Disposal Site Information (RDSI).  Keep a copy of RDSI at the landfill site or other site approved by District, for inspection by authorized District employees upon request.

Rule 8060  Paved and Unpaved Road

2.0  Applicability: Any paved, or unpaved public or private road, street, highway, freeway, alley, way, access drive, access easement, or driveway constructed or modified after December 10, 1993. Road construction and repair activities are subject to the requirements set forth in Rule 8020.

4.0  Exemptions: Easements and roads providing access for not more than ten residences; paved roads less than three miles in length, and unpaved roads less than ½ mile in length; agricultural access roads; roads which have been approved, or for which construction bids have been awarded, prior to December 10, 1993; gated roads owned by a public agency, special district, or public utility; road maintenance and resurfacing activities.

5.1.1  New construction, modifications, or approvals of paved roads with projected average daily vehicle trips of 500 vehicles or more.  Comply with American Association of State Highway and Transportation Officials (AASHTO) guidelines for the width of shoulders and median shoulders. Additional requirements, exemptions or alternative compliance measures may apply.

5.2  Construction and use of new unpaved roads or road segments (except where natural moisture is sufficient to limit VDE).  At least 50% of the length of the new unpaved road surface is controlled by application of chemical dust suppressant/stabilizer, or the entire unpaved surface is controlled by application of water at least one time per week as necessary, or at least 25% of the length of the new unpaved road is paved to provide a permanent stable surface.

6.1  Government Agencies having jurisdiction over publicly maintained paved roads open to public access.  Require preparation and submittal of a written report to the SJVUAPCD documenting compliance with the provisions of this Rule. Initial report prepared for the year 1994 and biennially thereafter. Additional requirements apply.

Rule 8070  Parking, Shipping, Receiving, Transfer, Fueling and Service Areas

2.0  Applicability: All unpaved vehicle and/or equipment parking areas, fueling and service areas; and shipping, receiving, and transfer areas which are of one acre or larger in size.

3.0  Exemptions: Activities described above which are conducted on sites less than one acre in size; agricultural activities, including storage, maintenance, and parking of agricultural equipment associated with those activities; timber harvesting activities; and exposed surfaces of lake and river beds.

4.1  On days the area is used (except where natural moisture is sufficient to limit VDE).  Application of either water at least once daily, a chemical dust suppressant/stabilizer in accordance with manufacturer’s recommendations for road applications, or gravel to the entire surface.

4.2  Public paved roads, shoulders, and access ways adjacent to the site.  Promptly remove any accumulation of mud or dirt at the end of work day or once every 24 hours.

For additional information, please contact the compliance division of your nearest District regional office:

Northern Region
4230 Kiernan Avenue, Suite 130
Modesto CA 94356-9321
(209) 545-7000

Central Region
1999 Tuolumne Street, Suite 200
Fresno CA 93721-1638
(209) 497-1040

Southern Region
2700 M Street, Suite 275
Bakersfield, CA 93301-2370
(805) 892-5200
### Rule 8010 Administrative Requirements

<table>
<thead>
<tr>
<th>Section</th>
<th>Applicability</th>
<th>Requirements/Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>Applicability: This regulation applies to specified outdoor man-made sources of fugitive dust for the purpose of attaining health-based standards for fine particulate matter (PM-10). [For the purpose of this regulation, visible dust emissions (VDE) is defined as: visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 40%, for a period or periods aggregating more than three minutes in any one hour, except as set forth in Rule 8030, 5.1.]</td>
<td>Exemptions: (All Regulation VIII Rules) Actions required by law to protect the environment; current District permitted activities with PM-10 control measures greater than or equal to this regulation; public health &amp; safety emergency operations lasting less than 30 days; vegetative reduction required by a Federal, State or local agency for fire prevention; and activities conducted above the elevation of 3000 feet (but no including reporting requirements specified in Rule 8060), or during freezing conditions.</td>
</tr>
<tr>
<td>4.0</td>
<td>Exemptions: (All Regulation VIII Rules) Actions required by law to protect the environment; current District permitted activities with PM-10 control measures greater than or equal to this regulation; public health &amp; safety emergency operations lasting less than 30 days; vegetative reduction required by a Federal, State or local agency for fire prevention; and activities conducted above the elevation of 3000 feet (but no including reporting requirements specified in Rule 8060), or during freezing conditions.</td>
<td>Exemptions: (All Regulation VIII Rules) Actions required by law to protect the environment; current District permitted activities with PM-10 control measures greater than or equal to this regulation; public health &amp; safety emergency operations lasting less than 30 days; vegetative reduction required by a Federal, State or local agency for fire prevention; and activities conducted above the elevation of 3000 feet (but no including reporting requirements specified in Rule 8060), or during freezing conditions.</td>
</tr>
<tr>
<td>5.1</td>
<td>Chemical Stabilizing Agents.</td>
<td>Must meet ARB/EPA acceptability and air/water quality standards.</td>
</tr>
<tr>
<td>5.4</td>
<td>Dust Palliative and Asphalt Paving.</td>
<td>Shall comply with other applicable District Rules (i.e. Rule 4641)</td>
</tr>
<tr>
<td>5.5</td>
<td>Mud and Dirt Trackout.</td>
<td>Requirements in this regulation do not exempt owners/operators from other agencies' required permits for dirt and mud cleanup.</td>
</tr>
</tbody>
</table>

### Rule 8020 Construction, Demolition, Excavation, Extraction

<table>
<thead>
<tr>
<th>Section</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>Applicability: Any construction, demolition, excavation, extraction, water mining related disturbances of soil, and the initial construction of landfills prior to commencement of landfill operations.</td>
<td>Exemptions: Land preparation for agriculture; activities approved prior to October 21, 1993; blasting activities; maintenance or remodeling activities of less than 10,000 square feet or 50% of building area (but not including ancillary construction such as expanding parking lots) renovation of ground water recharge basins; and solar drying &amp; harvesting of sedimentary calcium carbonate precipitates. Compliance with Section 5.1 of this rule is not required where soil moisture or natural crusting is sufficient to limit VDE.</td>
</tr>
<tr>
<td>5.1</td>
<td>Land clearing, grubbing, scraping, excavation, land leveling, grading, cut &amp; fill, and demolition activities.</td>
<td>Effective dust suppression utilizing water, presoaking, or wetting agent.</td>
</tr>
<tr>
<td>5.2</td>
<td>Operation of wrecking balls or wrecking equipment.</td>
<td>All exterior surfaces of a building up to six stories in height shall be wetted during demolition. Materials resulting from racing or demolition shall be wetted during off-site removal.</td>
</tr>
<tr>
<td>5.3</td>
<td>All disturbed areas of a construction site, including storage piles, not used for seven or more days.</td>
<td>Effective stabilization to limit VDE (40%) by utilizing water, a chemical stabilizer/suppressant, or planting vegetative ground cover.</td>
</tr>
<tr>
<td>5.4</td>
<td>On-site unpaved roads and off-site unpaved access roads.</td>
<td>Effective control of fugitive dust to limit VDE (40%) by utilizing water or a chemical stabilizer/suppressant.</td>
</tr>
<tr>
<td>5.5</td>
<td>Public paved roads, shoulders, and access ways adjacent to the site.</td>
<td>Limit or promptly remove any accumulation of mud or dirt at the end of work day or once every 24 hours. Recommend use of paved aprons, gravel strips, or wheel washers. The use of blower devices for the removal of accumulations is prohibited. The use of dry rotary brushes is prohibited except where preceded or accompanied by wetting to limit dust emissions.</td>
</tr>
</tbody>
</table>

### Rule 8030 Storage, Handling and Transport of Bulk Materials

<table>
<thead>
<tr>
<th>Section</th>
<th>Applicability</th>
<th>Requirements/Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>Applicability: Outdoor handling/storage of bulk material emitting visible dust. Additional requirements may apply if compliance with this Rule requires the installation or modification of equipment under existing District permit.</td>
<td>Exemptions: Conditions where moisture content of the material is sufficient to limit VDE: agricultural harvesting and open area drying of agricultural crop materials; timber harvesting and storage of logs; dust free materials; materials less than 250 cubic yards at a single site; and materials subject to damage by wetting.</td>
</tr>
<tr>
<td>5.1</td>
<td>Transport of bulk materials in an outdoor area for a distance of twelve feet or greater with the use of a chute or conveyor device.</td>
<td>Chute/conveyor must be fully enclosed, or spray equipment wets materials to limit VDE (20 opacity) as defined in District Rule 4101-Visible Emissions, or materials conveyed are washed, separated, or screened to remove PM-10.</td>
</tr>
<tr>
<td>5.2</td>
<td>Materials transported by vehicle, except equipment on site adding to or removing from storage piles.</td>
<td>Requirements of Rule 8020, 5.4 (track-out requirements) apply. Wet material to limit VDE (40%), or provide at least six inches of freeboard space from the top of the transport container, or cover the container.</td>
</tr>
<tr>
<td>5.3</td>
<td>Outdoor storage of materials greater than 250 cubic yards.</td>
<td>Cover materials or stabilize VDE (40%) utilizing water, a chemical stabilizer/suppressant, vegetative cover within seven days after the addition or removal of materials.</td>
</tr>
</tbody>
</table>
Response to Letter (Received October 29, 1999)
San Joaquin Valley Air Pollution Control District

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes are necessary. No new environmental issues were raised by these comments.

2 - A. The letter provided one comment that indicated:

"An analysis of the air quality impacts associated with this project should be undertaken unless the impacts were previously analyzed."

Staff believes that the analysis contained in the General Plan Master EIR (SCH# 92052017) did previously analyze these potential impacts.
Ms. Mosie Boyd  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA  95814

Dear Ms. Boyd:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration for the proposed General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road in Modesto. This project is located on the south side of Claratina Avenue between McHenry Avenue and Coffee Road in Modesto.

Transportation Planning has circulated the above referenced document through our normal interdepartmental review process. Our Traffic Operations Branch offers the following comments:

- Traffic would like to review all work at or near State Route 108 as soon as possible. Caltrans recommends that the City of Modesto and Caltrans coordinate the planning and design for this major collector street intersection and modification(s) to nearby streets.

- Item 1, Traffic. Additional mitigation measures will need to be identified on specific project by project basis.

- Traffic Impact Fees should be collected on a "fair share" basis for future improvements at the Pelandale/SR 99 interchange.

- Our letter dated March 25, 1998 remains valid and all comments still apply. (See attached)
Ms. Mosie Boyd  
October 26, 1999  
Page 2

Caltrans is interested in reviewing all documents on this project as they become available. If you have questions or wish to discuss this project further please contact me at (209) 948-3975 or Chris Sayre of my staff at (209) 948-7142, or e-mail csayre@dot.ca.gov.

Sincerely,

CARLOS P. YAMZON, Chief  
Office of Travel Forecasting and Metropolitan Planning

Attachment

cc: Steve Nish  
City of Modesto  
Community Development Department  
P.O. Box 642  
Modesto, CA 95353
March 25, 1998

Mr. Steven Nish
City of Modesto
Community Development Department
P.O. Box 642
Modesto, CA 95353

Dear Mr. Nish:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration addressing the impacts of a proposed Coffee / Claratina Specific Plan, General Plan Amendment and Annexation. This project is located on the south side of Claratina Avenue between McHenry Avenue and Coffee Road in Modesto.

TRANSPORTATION Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Branch offer the following comments:

• An encroachment permit will be required for this project. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resources, biological resource, and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either 1.) appropriate studies done by qualified professional staff, or 2.) the rationale for CEQA determination that those issues are not of concern in the State right of way. This will expedite our review of the encroachment permit.

• A Permit Engineering Evaluation Report (PEER) will be required for new signals at public road connections. (See attached PEER process).

Our Travel Forecasting Branch offer the following comments:

• There was inconsistency between the Initial Study and Findings Mitigated Negative Declaration and the Coffee / Claratina Specific Plan. The traffic Level of Service (LOS) provided was different in both documents. In the Initial Study and Findings, the Coffee / Claratina intersection had LOS D and the Coffee / Mable intersection has LOS C. The
Coffee / Claratina Specific Plan indicated Coffee / Claratina had an LOS of F and Coffee / Mable had an LOS of F. Please clarify.

- The Initial Study and Findings and Mitigated Negative Declaration labeled McHenry / Claratina as an Urban Interchange. Why is an urban interchange being considered for this location?

All new access for proposed development should be limited to existing local side streets, not directly accessing State Route 108 / McHenry Avenue. Additional frontage access can create more problems on S.R. 108, particularly if it is close to the S.R. 108 / Claratina intersection.

Also, we recommend some specific discussion of funding mechanism for needed improvements at the intersection of S.R. 108 and Claratina Avenue, and mainline improvements as well. Future scenarios show McHenry at four lanes in each direction, plus dual left turn lanes.

Caltrans is interested in reviewing all documents on this project as they become available and is looking forward to future meetings with all affected parties as the project develops. If you have questions or wish to discuss this project further please contact me at (209) 948-3975 or Debbie Iloy of my staff at (209) 948-3929.

Sincerely,

CARLOS P. YAMZON, Acting Chief
Transportation Planning Branch “B”

Attachment
ENCROACHMENT PERMIT PROCESS
INVolVING A
PERMIT ENGINEERING EVALUATION REPORT (PEER)

A PEER is required by Caltrans for encroachment permit work done by others costing between $300,000 to $1,000,000 or involving proposed new signals, left-turn pockets, channelization, public road connections, ramp modifications or major drainage work. The PEER is prepared to document an engineering analysis of the proposed work. The PEER describes the project and its cost. It analyzes the project's impacts on the highway operations and maintenance as well as geometric and functional adequacy. A PEER shall be prepared early in the encroachment permit process or during project initiation to determine if the proposed project will be acceptable and within Caltrans' policy. In addition, it will identify any non-standard features that will require a design exception to be approved by Caltrans Headquarters.

In the case of a proposed traffic signal at an existing intersection, the applicant shall submit signal warrants for the intersection. The signal warrants must be based on a minimum of eleven (11) hour traffic counts covering morning and afternoon or evening peak hours. For preparation of signal warrants see Chapter 9 of the Traffic Manual. These counts may be used for the volume warrants (Warrants #1 and #2 of the Traffic Manual). However, pedestrians must be counted manually or by the use of visual equipment. Additionally, turning volumes shall be counted during peak hours in order to determine the number of lanes required for each approach, the queue length and the level of service at which the proposed configuration will operate.

In the case of a proposed new project or intersection, peak hour volumes must be projected and the intersection Level of Service for unsignalized conditions calculated. If the minor street would operate at a D level of service or worse, peak hour delay warrant (Warrant #10) or peak hour volume warrant (Warrant #11) are examined to see if a better operation can be achieved with a signalized intersection. It is the intent of the PEER to identify only those improvements required to mitigate the project impacts and Caltrans policy or fulfill the conditions of approval established by the local jurisdiction.

In the case of other types of improvements, (ie: major drainage work) the appropriate engineering studies must be required. In most cases a Traffic Impact Study (TIS) by the proponent provides most of the information to prepare a PEER. In the absence of a TIS, the proponent shall provide adequate project information to allow Caltrans staff to determine traffic generation and their impacts to the highway. The analysis will be prepared under the direction of a qualified registered Civil or Traffic Engineer and include capacity, safety and operational studies on the highway segment or intersection. The PEER is prepared by Caltrans staff and approved by Caltrans Management. Once approved, the project and all of its elements can be estimated with regard to right of way requirements and construction costs.
Response to Letter (Received October 29, 1999)
CalTrans District 10

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes are necessary. No new environmental issues were raised by these comments.

The letter provided four comments on the Mitigated Negative Declaration. Responses are as follows:

3 - A. No applications for development pursuant to the proposed project have been received by the City. Any applications for development affecting the major/collector street intersection would be referred directly to CalTrans District 10, when received, through our standard coordination process. The proposed Specific Plan Amendment includes language that requires a Conditional Use Permit from the Board of Zoning Adjustment prior to any development proceeding (see new policy “f.” page 4-11).

3 - B. The Mitigated Negative Declaration includes mitigation measures from Specific Plan adoption as well as measures for this proposed project (installation of auxiliary lane on Coffee Road). Site-specific “mitigation”, such as the location of curb cuts and parcel access, will be provided upon review of subsequent project applications in coordination with CalTrans.

3 - C. Traffic Impact Fees are collected on new development through the City’s Capital Facilities Fees program, as well as other development-related mechanisms to address improvements at the Pelandale/SR 99 interchange.

3 - D. Attached is the City’s response to comments received in your March 25, 1998 CalTrans letter. It addresses the points raised in your letter.
Mr. Steven Nish  
City of Modesto  
Community Development Department  
P.O. Box 642  
Modesto, CA  95353

Dear Mr. Nish:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration addressing the impacts of a proposed Coffee / Claratina Specific Plan, General Plan Amendment and Annexation. This project is located on the south side of Claratina Avenue between McHenry Avenue and Coffee Road in Modesto.

Transportation Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Branch offer the following comments:

1. An encroachment permit will be required for this project. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resources, biological resource, and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either 1.) appropriate studies done by qualified professional staff, or 2.) the rationale for CEQA determination that those issues are not of concern in the State right of way. This will expedite our review of the encroachment permit.

2. A Permit Engineering Evaluation Report (PEER) will be required for new signals at public road connections. (See attached PEER process).

Our Travel Forecasting Branch offer the following comments:

3. There was inconsistency between the Initial Study and Findings Mitigated Negative Declaration and the Coffee / Claratina Specific Plan. The traffic Level of Service (LOS) provided was different in both documents. In the Initial Study and Findings, the Coffee / Claratina intersection had LOS D and the Coffee / Mable intersection has LOS C. The
Coffee / Claratina Specific Plan indicated Coffee / Claratina had an LOS of F and Coffee / Mable had an LOS of F. Please clarify.

- The Initial Study and Findings and Mitigated Negative Declaration labeled McHenry / Claratina as an Urban Interchange. Why is an urban interchange being considered for this location?

All new access for proposed development should be limited to existing local side streets, not directly accessing State Route 108 / McHenry Avenue. Additional frontage access can create more problems on S.R. 108, particularly if it is close to the S.R. 108 / Claratina intersection.

Also, we recommend some specific discussion of funding mechanism for needed improvements at the intersection of S.R. 108 and Claratina Avenue, and mainline improvements as well. Future scenarios show McHenry at four lanes in each direction, plus dual left turn lanes.

Caltrans is interested in reviewing all documents on this project as they become available and is looking forward to future meetings with all affected parties as the project develops. If you have questions or wish to discuss this project further please contact me at (209) 948-3975 or Debbie Hoy of my staff at (209) 948-3929.

Sincerely,

CARLOS P. YAMZON, Acting Chief
Transportation Planning Branch “B”

Attachment
Response to Letter (March 25, 1998)

CalTrans

H-1 Chapter 4 of the Specific Plan; Section A Public Facility Infrastructure Policies in Subsection 1 Paragraph e states specifically that encroachment permits will be required for McHenry Avenue. As part of this encroachment permit process, CalTrans is concerned that appropriate cultural resources, biological resource and hazardous waste studies are prepared. The City of Modesto Master EIR has evaluated cultural resources and biological resources and determined that no further study is required in this area. With respect to hazardous waste studies, there are no known hazardous wastes at the site, but the Specific Plan has been amended to state that a hazardous waste study may be required as part of the encroachment permit process.

H-2 The Specific Plan has been modified to state that a Permit Engineering Evaluation Report ("PEER") may be required for the new east-west collector road/McHenry Avenue intersection.

H-3 CalTrans raises a concern stating that the traffic Level of Service ("LOS") were stated differently in the Initial Study and Findings and the Specific Plan. The level of service set forth in the Initial Study and Findings are the mitigated level of service and the levels of service set forth in the Specific Plan are the pre-mitigation levels of service. As such, with the installation of the facilities proposed in the Specific Plan, the actual level of service at the Coffee/Claratina intersection is Level of Service D and the Coffee/Mable intersection is Level of Service C.

H-4 CalTrans comments on the possibility of an urban interchange occurring at the McHenry/Claratina intersection. This possibility is currently being considered by the City of Modesto. As such, and as this interchange is under consideration, it has been shown as a possibility in the Specific Plan. Prior to the installation of an urban interchange at this location, the City of Modesto and CalTrans will need to work out all appropriate geometrics, right-of-way issues and acquire all necessary permits.

H-5 The Specific Plan does not preclude additional direct access to McHenry Avenue, although it is assumed that a majority, if not all, of the project access will occur off of the east/west collector roadway. Any development proposal which may request an additional access to McHenry Avenue will need to be reviewed by both the City of Modesto Transportation Department and CalTrans.

H-6 Funding mechanisms for the State Route 108/Claratina Avenue intersection will be discussed in the Coffee/Claratina Financing Plan which will be prepared as a separate document.

Proposed Changes in the Negative Declaration Resulting from this Letter:

No changes necessary. No new environmental issues were raised by these comments.
ENCROACHMENT PERMIT PROCESS
IN Volving A
PERMIT ENGINEERING EVALUATION REPORT (PEER)

A PEER is required by Caltrans for encroachment permit work done by others costing between $300,000 to $1,000,000 or involving proposed new signals, left-turn pockets, channelization, public road connections, ramp modifications or major drainage work. The PEER is prepared to document an engineering analysis of the proposed work. The PEER describes the project and its cost. It analyzes the project's impacts on the highway operations and maintenance as well as geometric and functional adequacy. A PEER shall be prepared early in the encroachment permit process or during project initiation to determine if the proposed project will be acceptable and within Caltrans' policy. In addition, it will identify any non-standard features that will require a design exception to be approved by Caltrans Headquarters.

In the case of a proposed traffic signal at an existing intersection, the applicant shall submit signal warrants for the intersection. The signal warrants must be based on a minimum of eleven (11) hour traffic counts covering morning and afternoon or evening peak hours. For preparation of signal warrants see Chapter 9 of the Traffic Manual. Hose counts may be used for the volume warrants (Warrants #1 and #2 of the Traffic Manual). However, pedestrians must be counted manually or by the use of visual equipment. Additionally, turning volumes shall be counted during peak hours in order to determine the number of lanes required for each approach, the queue length and the level of service at which the proposed configuration will operate.

In the case of a proposed new project or intersection, peak hour volumes must be projected and the intersection Level of Service for unsignalized conditions calculated. If the minor street would operate at a D level of service or worse, peak hour delay warrant (Warrant #10) or peak hour volume warrant (Warrant #11) are examined to see if a better operation can be achieved with a signalized intersection. It is the intent of the PEER to identify only those improvements required to mitigate the project impacts and Caltrans policy or fulfill the conditions of approval established by the local jurisdiction.

In the case of other types of improvements, (ie: major drainage work) the appropriate engineering studies must be required. In most cases a Traffic Impact Study (TIS) by the proponent provides most of the information to prepare a PEER. In the absence of a TIS, the proponent shall provide adequate project information to allow Caltrans staff to determine traffic generation and their impacts to the highway. The analysis will be prepared under the direction of a qualified registered Civil or Traffic Engineer and include capacity, safety and operational studies on the highway segment or intersection. The PEER is prepared by Caltrans staff and approved by Caltrans Management. Once approved, the project and all of its elements can be estimated with regard to right of way requirements and construction costs.
October 26, 1999

Steve Nish  
City of Modesto  
CDD/Development Services Dept.  
P.O. Box 642  
Modesto, CA 95353

SUBJECT: ENVIRONMENTAL REFERRALS – DRAFT MITIGATED NEGATIVE DECLARATION FOR PROPOSED GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS TO ALLOW LIMITED COMMERCIAL USES ALONG COFFEE ROAD

Dear Steve Nish:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz  
Deputy Executive Officer  
Environmental Review Committee

RJ:mm

cc: ERC Members
Response to Letter Received (November 1, 1999)
Stanislaus County Chief Executive Office

Proposed Changes in the Negative Declaration Resulting From this Letter

No changes necessary. No new environmental issues were raised by these comments.
October 29, 1999

City of Modesto
Community Development Department
George Osner, CDD/Development Service Manager
P.O. Box 642
Modesto, CA 95353-0642

Regarding: City of Modesto - Coffee/Claratina General Plan and Specific Plan Amendments Coffee Rd. S/o Claratina

ELECTRICAL:

The District has existing facilities along Coffee Road and Claratina Avenue.

(X) In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District’s Electric Engineering Department. Appropriate easement for electric facilities shall be granted as required.

(X) Costs for relocation and/or undergrounding the District’s facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.

(X) A 10’ PUE is required along all existing and proposed street frontages.

(X) Electric service to the individual developments will be determined at the time of each specific development. Customer should contact the District’s Electric Engineering Department to arrange for electric service.

IRRIGATION

Irrigation System

(X) All existing irrigation canals, ditches, pipelines and drains are to be protected. Irrigation easements are to be established over existing facilities to insure future access to irrigation water by upstream and downstream properties.

(X) No encroachment into irrigation easement areas is allowed without prior approval of the MID.

(X) Any portion of an existing irrigation pipeline within developed areas must be reinforced to MID standards. Relocated facilities shall be designed to maintain flow in the amount of flow and hydraulic head as well as...
access to any downstream or upstream owners that remain on the system.

(X) All relocated pipelines within developed areas are to be constructed of reinforced concrete pipe.

Sign-Off

(X) Prior to a specific project approval, an irrigation sign-off must occur on the respective parcel. Irrigation facilities must be the respective parcel. Irrigation facilities must be reconstructed or abandoned as required by MID.

Fencing:

(X) A 6-foot tall solid masonry fence is required when property is adjacent to any MID canal.

Storm Drainage:

(X) Any storm drainage requiring the use of MID facilities must be submitted to MID for review and approval. Future use of MID facilities may be subject to a District user fee.

Note:

Any costs to repair or replace existing MID irrigation facilities incurred due to construction shall be paid by developer.

DOMESTIC WATER:

(X) No comments at this time.

Date: 10-29-99

Beverly Hatcher
Risk and Property Analyst
Response to Letter Received (November 1, 1999)
Modesto Irrigation District

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.
MODESTO CITY COUNCIL
RESOLUTION NO. 99-567

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR UNIFORMED SECURITY GUARD SERVICES

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Uniformed Security Guard Services, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 21, 1999 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING LINEN SERVICES AT ELEVEN FIRE DEPARTMENT LOCATIONS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing linen services at eleven Fire Department locations, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 14, 1999 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99–569

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City of Modesto possesses thirty-four (34) bicycles which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a list of those items to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the thirty-four (34)
bicycles which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of November, 1999, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Smith, was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
        JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-570

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City of Modesto possesses eleven (11) vehicles from the Fleet Services Division of the Operations and Maintenance Department which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a detailed list of those items to be sold is on file in the Office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the eleven (11)
vehicles which are set forth on the list on file in the City Clerk’s office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE STRAIGHT LEASE WITH OPTION TO PURCHASE OF ONE XEROX PRINTER AND CONTROLLER

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the straight lease with option to purchase of one Xerox printer and controller are hereby waived.

BE IT FURTHER RESOLVED that straight lease with option to purchase of one Xerox printer and controller for a not to exceed price of $362,164.71 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahn, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-572

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIX-YEAR STRAIGHT LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND XEROX CORPORATION FOR FURNISHING ONE XEROX DP92C HIGHLIGHT COLOR PRINTER WITH CONTROLLER, WITH THE OPTION TO PURCHASE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the straight lease agreement between the City of Modesto and Xerox Corporation for furnishing one Xerox DP92C highlight color printer with controller, with the option to purchase 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 November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-573

A RESOLUTION APPROVING CHANGES IN
DIRECT CITY ASSISTANCE TO AMFM, INC., FOR
THE ANNUAL CELEBRATION OF LIGHTS
HOLIDAY PARADE AND TREE LIGHTING
EVENT, AND RESCINDING RESOLUTION NO. 96-
685.

WHEREAS, AMFM, INC., which operates B-93 FM radio station in Modesto,
has requested Direct City Assistance for the annual Celebration of Lights Holiday Parade and
Tree Lighting event, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by
Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance,"
and

WHEREAS, City staff supports and endorses the Celebration of Lights Holiday
Parade and Tree Lighting as an annual community event, and

WHEREAS, the Human Services Committee met on November 15, 1999, and
supported changes in Direct City Assistance to AMFM, INC., and

WHEREAS, the Council deems it appropriate to grant approval of said changes in
Direct City Assistance to AMFM, INC., for the annual Celebration of Lights Holiday Parade and
Tree Lighting event in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it does hereby approve changes in Direct City Assistance to AMFM, INC., for the annual
Celebration of Lights Holiday Parade and Tree Lighting event, subject to the following conditions:

1. City personnel will erect the City's portable reviewing stage with canopy in front of the Court House on "I" Street on the day of the parade. Said portable stage shall be removed by City personnel following the parade.

2. The City will provide use of a portable Public Address system for the parade reviewing stand.

3. AMFM, INC., is granted permission to set up three remote radio booths along the parade route at 15th and I Streets, 10th and I Streets, and 10th and J Streets.

4. The parade route on 10th Street will be closed between J and K Streets.

5. The City of Modesto will provide Equestrian Police Officers and Motorcycle Officers to maintain traffic control along the parade route.

6. The City will provide barricades and place barricades on corners and at other appropriate locations as designated by the Police Department during the parade activities.

7. The City’s Operations and Maintenance Department will supply street sweepers for the parade.

8. The level of City support as described in 5, 6 and 7 above shall be determined by appropriate City of Modesto staff.

9. AMFM, INC., will supply portable toilets adjacent to the Centre Plaza.

10. AMFM, INC., is permitted to conduct a mini Holiday Street Faire on 10th Street between J and K Streets from 4:00 p.m. to 8:00 p.m. on the day of the parade.
11. AMFM, INC., 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 AMFM, INC., parade.

12. Annually, AMFM, INC., shall furnish to the City Clerk of City a current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect AMFM, INC., and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the AMFM, INC., Holiday Parade. Said insurance certificate shall be submitted to the Risk Manager one week prior to the date of the Celebration of Lights Holiday Parade, and said certificate shall meet with his approval and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish AMFM, INC., with a copy of this resolution. AMFM, INC., 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. 96-685 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

11/18/99
MODESTO CITY COUNCIL
RESOLUTION NO. 99-574

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND URS GREINER WOODWARD CLYDE TO PROVIDE A PROJECT STUDY REPORT AND A SEISMIC ANALYSIS OF THE 7TH STREET BRIDGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and URS Greiner Woodward Clyde to provide a Project Study Report and a Seismic Analysis of the 7th Street Bridge be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL FUNDS AND APPROPRIATE GAS TAX RESERVES TO FULLY FUND THE PROJECT

WHEREAS, during a review of the preliminary recommendations based on the consultant’s study to evaluate all viable alternatives for rehabilitating the 7th Street Bridge, the Federal Highway Administration (FHWA) asked for additional information to further evaluate environmental and traffic issues. At the same time, CalTrans requested additional information in the form of a Seismic Analysis.

WHEREAS, staff and URS Greiner Woodrads Clyde have negotiated a contract in the amount of $128,089 to provide the additional information requested by FHWA and CalTrans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

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<tr>
<th>Expense</th>
<th>#0700-800-8000-8003</th>
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</tr>
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<tbody>
<tr>
<td></td>
<td>#070-430-C926-6050</td>
<td>$37,502</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 23rd day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 99-576

A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION (MCEA) TO AMEND THE MEMORANDUM OF UNDERSTANDING (MOU)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Letter of Agreement between the City of Modesto and Modesto City Employees Association (MCEA) to amend the Memorandum of Understanding (MOU) is as follows and is hereby approved:

- To establish a process to review performance expectations (standards)
- To rewrite Article 4(d)(4-5) to eliminate the possibility of Step reductions for “Meets” level performance as negotiated in 1984
- To adhere to the provisions of the Performance Management Guidelines (PMG) Document which call for a collaborative effort between supervisor and employee to establish performance standards
- That the City and MECA have met, conferred and agreed to adoption of the PMG Document
- That the setting of performance standards is not the mandatory subject of meet and confer
- That the agreement resolves the entire grievance to the satisfaction of the City and MCEA

and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said letter of agreement by the designated city officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-577

A RESOLUTION APPROVING THE FINAL MAP OF THE
KENSINGTON PARK UNIT 1 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, FLORSHEIM PROPERTIES, a California corporation, is
possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of
22.08 acres, known as KENSINGTON PARK UNIT NO. 1 SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 9th day of February 1998, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said KENSINGTON PARK UNIT NO. 1 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for 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 after subdivider has furnished
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-578

A RESOLUTION APPROVING THE FINAL MAP OF THE FERNWOOD PHASE ONE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ROBERT A. BECK AND VIRGINIA H. BECK, TRUSTEES OF THE BECK FAMILY TRUST UNDER INSTRUMENT DATED MARCH 5, 1990, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.001 acres, known as FERNWOOD PHASE ONE SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of January 1999, 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 FERNWOOD PHASE ONE 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 dedications for 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 after subdivider has furnished
securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure
the obligations set forth in Section 66499.3 of the Government Code of the State of California.
Said securities shall be in forms acceptable to the City Attorney and in the amounts required
by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be
authorized to execute and attest, respectively, an agreement with subdivider as required by
Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF GOLF OPERATIONS MANAGEMENT SOFTWARE AND A FOUR-YEAR SYSTEM SUPPORT/UPGRADE AGREEMENT FROM FAIRWAY SYSTEMS INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of golf operations management software and a four-year system support/upgrade agreement from Fairway Systems Inc. are hereby waived.

BE IT FURTHER RESOLVED that purchase of golf operations management software and a four-year system support/upgrade agreement for a not to exceed price of $117,863 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING REVENUE FOR FIRST QUARTER OF THE FY 1999-00 ANNUAL BUDGET

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1999-2000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations and revenue for the 1999-2000 budget have been adjusted as shown in Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
<table>
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<tr>
<th>Fund</th>
<th>Agency</th>
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<th>Budget</th>
<th>Adjustment</th>
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**New Funding System Project**

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- Services, Professionals & Other |
- Services, City Forces |
- Custodial and Institutional Supplies |
- Real Property Maintenance & Repair Supplies |
- Property insurance |
- LTF Transit funds - operating |
First Quarter Report
Fiscal Year 1999--2000
Fund

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1404

Revenue

0223

Budget

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22.000
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30.000
41.229
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(30.000)
(18.229)
18.229

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8003
6356

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168,000

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(1.042)
(1.170)
(60)
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(2.870)
(5.785)
(133)
(333)
(333)
(283)
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100.000

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3.053
2.744

4.8n
5.209
2.744
10,000

4

Revised
Budget

Oiscription

Airport Tractor/Miscellaneous Expenditures
65.625 Repair & Maintenac;:e ~ Outside Setvices
19.271 New TractoroAirport (partial)
14.000 Business Ucense Mill Tax
185,000 Airport Car Rental
64,000 Lease of land
36,000 City Building Rental
6,000 Miscellaneous Revenue
(18.0oo) Interest Earnings
198.000 Transfer In from the General Fund
41 ,229 Airport Fund Contingency Reserve
198.000 Transfer out to the Airport Fund
(30.000) General Fund Contingency Reserve
(18,229) Reet Replacement Fund Contingency Reserve
16.229 New Tractor-Airport (partial)

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4,400
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2.667
667
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176,983
50,752
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1,042
1.170
60
267
800
2.870
5.785
133
333

333
263
(106.455)
93.142
42.060
20.553
4.161
8,334
542
3.989
18.187
3.414
914
5,487
5.819
3,354
(11,663)

Phase I Budget Strategles..engineering &
Transportationl
Community Development
Salaries and Wages Adjustment
Worker's Compensation
Employee Leave Reimbursement
Conference Expenses
Business Expenses
Training Expenses
Photocopy-Rent. Service. Supply
Equipment Pool Rental
Services, Professionat & Other
Delivery Services
Office Supplies
Books and Periodicals
Memberships and Dues
General Fund Contingency Reserve
General Fund Contingency Reserve
Salaries and Wages Adjustment
Salaries and Wages Adjustment
Worker's Compensation
Employee Leave Reimbursement
Conference Expenses
Business Expenses
Training Expenses
Photocopy-Rent. Service. Supply
Equipment Pool Rental
SelVices. Professionat & Other
Delivery Services
Office Supplies
Books and Periodicals
Memberships and Dues
Salaries and Wages Adjustment
Salaries and Wages Adjustment
Salaries and Wages Adjustment
Salaries and Wages Adjustment
Parttime
Parttlme
Worker's Compensation
Worker's Compensation
Worker's Compensation
Worker's Compensation
Employee Leave Reimbursement
Employee Leave Reimbursement
Employee Leave Reimbursement
Employee Leave Reimbursement
Benefits Adjustment


First Quarter Report  
Fiscal Year 1999-2000

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Table contains detailed financial information for different funds and organizations, including revenue, budget, adjustment, and revised budget amounts, with descriptions of various expenses and adjustments.
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Replace Renewal & Replacement to Operating Account

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Wastewater Fund Contingency Reserve

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<td>Budget</td>
<td>Adjustment</td>
<td>Revised Budget</td>
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<td>581,530</td>
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0510  510    9510  3138  -   889,758  880,756  State Funding
0520  510    9510  3138  -   36,268   36,268   State Funding
0700  510    9510  3138  -   11,134,433 11,134,433  State Funding
0700  510    9510  3504  3,778,375 15,518,122 19,294,497  Federal Funding
1300  700    7000  9010  -   65,000    65,000    Transfer in from Fund 9100
1300  700    7000  9610  -   14,481    14,481    Transfer in from Fund 6100
1300  700    7000  9615  -   6,759     6,759     Transfer in from Fund 6150
1300  700    7000  9616  -   937       937       Transfer in from Fund 6160
1300  700    7000  9621  -   16,329    16,329    Transfer in from Fund 6210
1300  700    7000  9628  -   4,317     4,317     Transfer in from Fund 6280
1300  700    7000  9713  -   12,459    12,459    Transfer in from Fund 7130
1410  430    430    4057  298,000  750,000    1,048,000  Development Contribution
1410  430    430    4057  298,000  750,000    1,048,000  Development Contribution
1430  700    7000  9052  -   62,000    62,000    Transfer in from Fund 9220
1700  510    3504  3504  -   750,000   750,000   Federal Funding
1700  510    3504  9052  -   105,000   105,000   Transfer in from Fund 9530
6320  510    9510  3813  555,000  1,534,629 1,895,629  Federal FAA Funding
6510  510    9510  3504  5,740,600 3,370,751 9,111,351  Federal Transit Funding
1300  700    7000  7010  -   65,000    65,000    Transfer out to Fund 1300
1300  700    7000  7810  -   14,481    14,481    Transfer out to Fund 3100
1300  700    7000  7815  -   6,759     6,759     Transfer out to Fund 3150
1300  700    7000  7818  -   937       937       Transfer out to Fund 3180
1300  700    7000  7821  -   16,329    16,329    Transfer out to Fund 3210
1300  700    7000  7628  -   4,317     4,317     Transfer out to Fund 3280
1300  700    7000  7713  -   12,459    12,459    Transfer out to Fund 3713
1430  700    7000  7052  -   62,000    62,000    Transfer out to Fund 1300
1700  700    7000  7052  -   105,000   105,000   Transfer out to Fund 1300
6120  510    9510  8101  -   13,000   13,000    Interest
6120  800    8000  8003  (13,000) 13,000    Reserve
6710  340    K115   6000  150,000 (50,000) 100,000  Centre Plaza Business Plan
6710  800    8000  8003  -   50,000    50,000    Reserve
6220  510    9510  8101  -   32,000   32,000    Interest
6220  800    8000  8003  -   32,000   32,000    Reserve
6230  800    8000  8003  -   200,000  200,000  Reserve
6230  510    9510  8101  -   200,000  200,000  Interest
A RESOLUTION WAIVING BUILDING INSPECTION FEES FOR HABITAT FOR HUMANITY.

WHEREAS, on November 23, 1999, the Council considered waiving Building Inspection Fees for one unit, located at 1328 Don West Court, for Habitat for Humanity, as requested by Councilmember Fisher,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, after consideration of the request to waive Building Inspection Fees for one unit, located at 1328 Don West Court, for Habitat for Humanity, the Council hereby waives said Building Inspection Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

12/22/99
A RESOLUTION APPOINTING MIKE REGO 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 HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Mike Rego is hereby appointed to the Board of Zoning Adjustment with a term expiration of December 31, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING JOHN ERWIN AND JACKIE DEABLER TO THE
EQUAL OPPORTUNITY & DISABILITIES COMMISSION

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

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

SECTION 1. John Erwin and Jackie Deabler are hereby appointed to the Equal
Opportunity & Disabilities Commission each with a term expiration of December 31,
2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed members of the Equal Opportunity & Disabilities
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 23rd day of November, 1999, by Councilmember Dobbs,
who moved its adoption, which motion being duly seconded by Councilmember
Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-583

A RESOLUTION APPOINTING EDWARD GAMINO AND SHARRON PAUKERT 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 HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Edward Gamino and Sharron Paukert are hereby appointed to the Local Cable Programming Committee. Mr. Gamino’s term will expire December 31, 2002 and Ms. Paukert’s term will expire December 31, 2004.

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 23rd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _________________________
JEAN ZAHN, City Clerk
A RESOLUTION ACCEPTING THE BID OF MOZINGO CONSTRUCTION COMPANY FOR THE PROJECT TITLED NINTH STREET OUTFALL

WHEREAS, the bids received for Ninth Street Outfall project were opened at 11:00 a.m. on October 12, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $632,187 from Mozingo Construction Company be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mozingo 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHRI City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO FULLY FUND THE NINTH STREET OUTFALL PROJECT

WHEREAS, this project will replace the existing undersized, deteriorated storm drain outfall for the Ninth Street storm drain with a new 96” diameter line; and

WHEREAS, the funds for this project are partially budgeted due to increases in construction costs since the project was originally budgeted. The remainder of the funding is available in the Storm Drain Contingency Reserve.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Appropriations
#6280-800-8000-8003  $(134,000)
#6280-480-H081-6040  $ 134,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   JEAN ZAHR
           JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 99-586

A RESOLUTION APPROVING AN EASEMENT AGREEMENT TO ALLOW FOR THE NINTH STREET OUTFALL TO BE CONSTRUCTED AND MAINTAINED ON TUOLUMNE RIVER REGIONAL PARK PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement agreement allowing the Ninth Street Outfall to be constructed and maintained on Tuolumne River Regional Park property be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement agreement by the designated 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 December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-587

A RESOLUTION AMENDING RESOLUTION NO. 99-521
ENTITLED “AUTHORIZING THE SALE OF USED
FURNISHINGS AT A PUBLIC AUCTION TO BE
CONDUCTED BY ROGER ERNST AND ASSOCIATES AT
824 W. KIERNAN AVENUE” TO OFFER SURPLUS USED
FURNISHINGS TO NON-PROFIT AGENCIES APPROVED
BY HUD AND ALLOW FOR THE DISPOSAL OF ANY
REMAINING USED FURNITURE.

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, on October 26, 1999, the City Council adopted Resolution No.
99-521 entitled “A Resolution Authorizing the Sale of Used Furnishings at a Public Auction to
be Conducted by Roger Ernst and Associates at 824 W. Kiernan Avenue”, and

WHEREAS, the City possesses used furnishings, as listed in Attachment “B”,
attached hereto and incorporated herein by reference, resulting from the City’s move to Tenth
Street Place, and said items having been placed into surplus, and

WHEREAS, Roger Ernst and Associates has had an opportunity to view the
used furniture and has declared that this used furniture should not be sold through an auction,
as the furniture has no value, and

WHEREAS, as a result, City staff has recommended that said property be
offered to non-profit agencies approved by HUD (see Attachment “A”) and that City staff be
allowed to dispose of any remaining used furniture listed in Attachment “B”,

12/16/99

-1-
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the used furnishings, as listed in Attachment “B”, attached hereto and incorporated herein by reference, have become surplus property to the City’s needs, and the Council does hereby authorize said property to be offered to non-profit agencies approved by HUD (see Attachment “A”), and the Council hereby approves the disposal of any remaining used furniture listed on Attachment “B”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
ATTACHMENT "A"

HUD APPROVED NON-PROFIT AGENCIES
OFFERED SURPLUS FURNITURE

California Open Medical Outreach
Center for Human Services
Central Valley Opportunity Center
Community Housing and Shelter Services
Haven Women's Center of Stanislaus - Victim's Advocate Program
Catholic Charities
Center for Senior Employment
Children's Crisis Center
The Bridge
Modesto Independent Living Center
Modesto Riverbank Stanislaus County Food Bank
Parent Resource Center
Project Sentinel - Fair Housing Services Program
Second Baptist Church Food Bank
STANCO - Modesto Transitional Housing Program
Nirvana Drug and Alcohol Treatment Transitional Housing and Treatment Program
Parents Institute for Quality Education
Salvation Army
Sierra Vista Children's Center
Stanislaus County Senior Meals Program
Stanislaus Literacy Center
Harvest of Hope
Stanislaus County PAL Block House Program
DLA - Pre-construction Training
Healthy Start Program
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Total: 1673
A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS AS PRIMARY LOW BIDDER AND PRIMARY CONTRACTOR, AND AMERINE SYSTEMS INC. SECOND LOW BIDDER AND SECONDARY CONTRACT FOR FURNISHING PUMP REPAIR SERVICES FOR FISCAL YEAR 1999-2000

WHEREAS, the bids received for Pump Repair Services for Fiscal Year 1999-2000, were opened at 11:00 a.m. on June 9, 1999, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Howk Systems as primary low bidder and primary contractor and Amerine Systems Inc. as second low bidder and secondary contractor for a total amount of $2000,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems and Amerine Systems Inc. be accepted and the preparation of a formal purchase order by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-589

A RESOLUTION AUTHORIZING AN INCREASE IN

WHEREAS, on September 14, 1999, by Resolution No. 99-455, the City Council
project, and

WHEREAS, since commencement of the project, the Wastewater Collections
Superintendent has identified 25 additional locations which should be included in the project,
which have no other viable drainage options,

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 be performed by Ross Carroll, Inc.,
to include 25 additional rockwell locations as identified by the Wastewater Collections
Superintendent, for the Rockwell Replacement/Addition 1999/2000 project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-590

A RESOLUTION AUTHORIZING THE DIRECTOR
OF ENGINEERING AND TRANSPORTATION TO
EXECUTE A CHANGE ORDER IN THE AMOUNT
OF $125,000.00 FOR ADDITIONAL WORK BY
ROSS CARROLL, INC., FOR THE ROCKWELL
REPLACEMENT/ADDITION 1999/2000 PROJECT.

WHEREAS, on September 14, 1999, by Resolution No. 99-455, the City Council
project, and

WHEREAS, since commencement of the project, the Wastewater Collections
Superintendent has identified 25 additional locations which should be included in the project,
and

WHEREAS, said 25 locations have no other viable drainage options, and

WHEREAS, the additional work will result in an increase of $125,000.00 above
the original contract price, and

WHEREAS, the amount of extra work exceeds the Director’s current change
order authority for the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the Director of Engineering and Transportation to execute a change
order for $125,000.00 for additional work by Ross Carroll, Inc., for the Rockwell
Replacement/Addition 1999/2000 project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $125,000 TO FULLY FUND THE ROCKWELL REPLACEMENT/ADDITION 1999/2000 PROJECT

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

FROM: 6280-480-K034 6040; $125,000

TO: 6280-480-L096 6040; $125,000

Transfer needed to fully fund work added to the Rockwell Replacement/Addition project being done by Ross Carroll Inc. There is no significant impact to the work being done on rockwell maintenance as a result of this transfer. The Deferred Rockwell Maintenance project (K034) is a 98-99 project. In FY 99-00, there are sufficient funds available in the Annual Rockwell Rejuvenation project (L094) to handle anticipated work in this area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-592

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEE HAVEN APIARIES INC. FOR PLACEMENT OF BEE HIVES AT THE RANCH ON THE SAN JOAQUIN RIVER FLOOD PLAIN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bee Haven Apiaries Inc. for placement of bee hives at the ranch on the San Joaquin River flood plain 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 December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-593

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALI M. SAAD AND NAGI Y. ABDULLA FOR ACQUISITION OF PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ali M. Saad and Nagi Y. Abdulla for the acquisition of property located at 1122 Needham Street, the Quikserv Market, for the Kansas/Needham overcrossing project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-594

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL AND TAMMY CUHNA FOR LEASE OF FORMER WELL SITE AT TENTH AND NEEDHAM STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Michael and Tammy Cuhna for the former well site located at Tenth and Needham Streets 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN/City Clerk
A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CONFEDERATE AIR FORCE FOR USE OF OFFICE SPACE IN THE AIRPORT’S OLD ADMINISTRATION BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and the Confederate Air Force for use of office space in the Airport’s old administration building 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEALS GROUP FOR A FEASIBILITY STUDY FOR A REGIONAL SPORTS COMPLEX

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beals Group for a feasibility study for a regional sports complex 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 December, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-597

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION AND RELATED DOCUMENTS FOR $25,715 IN GRANT FUNDING FROM THE BEALS GROUP TO PARTIALLY OFFSET THE COST OF A FEASIBILITY STUDY RELATING TO A REGIONAL SPORTS COMPLEX.

WHEREAS, with the recent increase in youth and adult sports organizations in the area, a feasibility study is needed to effectively evaluate the need for sports facilities in the area, and

WHEREAS, anticipated growth in the region will rapidly accelerate the gap between the supply and demand for sports facilities, and

WHEREAS, the City and County have entered into a Memorandum of Understanding and desire to conduct a process of evaluation relating to a regional approach to sports facilities, and

WHEREAS, the City has contributed $60,000, and the County has agreed to contribute $50,000 toward the cost of said feasibility study, and

WHEREAS, staff is recommending that an agreement be entered into with Beals Group to conduct the study, and

WHEREAS, Beals Group has agreed to complete the agreed-upon study for a sum not to exceed $135,715, with $110,000 to be paid by the City and County, and

WHEREAS, the balance of $25,715 needed to complete the study will come from a self-funded grant from the Beals Group, as part of its program awarding grants that
benefit youth,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is authorized to execute a grant application and related documents on behalf of the City of Modesto for $25,715 in grant funding from the Beals Group to partially offset the cost of a feasibility study relating to a regional sports complex.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___ day of ___ December __, 1999, by Councilmember ___ Smith, who moved its adoption, which motion being duly seconded by Councilmember ___ Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-598

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $400 TO FULLY FUND A UNANTICIPATED STAFF CHARGES FOR SPORTS COMPLEX

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

FROM: 135-310-J303; $400
TO: 1350-310-K102; $400

Funds are needed to cover unanticipated staff charges for the sports complex. Savings occurred in the Eisenhut Park Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: \underline{Jean Zahr}, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO ESTIMATE $50,000 IN ADDITIONAL REVENUE FROM STANISLAUS COUNTY

WHEREAS, with the recent increases in youth and adult sports organizations in the area, staff and officials from the City of Modesto and Stanislaus County have hypothesized that it would be valuable to create a shared network of facilities that would include one or more regional sports complexes; and

WHEREAS, in order to effectively evaluate the county’s need for sports facilities, a feasibility study is needed and additional funding is needed to complete the study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

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<td>#135-310-J303-6060</td>
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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 99-600

A RESOLUTION APPROVING A PROPERTY ACQUISITION LOAN TO HOMES 2000 TO ASSIST WITH THE PURCHASE OF LOW INCOME HOUSING LOCATED AT 2129 CHRYSLER DRIVE, UNIT #1, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED LOAN DOCUMENTS.

WHEREAS, in May of 1999, the City Council approved the City’s Fiscal Year 1999-2000 Annual Action Plan for Community Development Block Grant programs, and

WHEREAS, one of the approved activities provides for $75,000.00 in CDBG funds for a non-profit Housing Acquisition Program, and

WHEREAS, the purpose of the Housing Acquisition Program is to assist non-profit organizations to purchase existing housing units to provide low-income housing, and

WHEREAS, said non-profit organizations will place low-income families in the property as tenants, provide supportive services that will lead the families to self-sufficiency within ten years, and subsequently help the families purchase the housing as a permanent residence, and

WHEREAS, each proposed property acquisition will be considered for review and approval by the City Council, and

WHEREAS, Homes 2000 wishes to purchase property located at 2129 Chrysler Drive, Unit #1, in Prescott Estates, for $18,000.00, and

WHEREAS, upon approval of the requested loan, Homes 2000 will receive a
loan for the purchase amount of the property and a smaller loan for associated closing costs, and

WHEREAS, loan terms consist of a 5% fixed simple interest loan, with interest deferred for the first five years, and the principal with interest amortized over the subsequent 15 years, and will also provide for affordability covenants for a period of twenty years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a property acquisition loan to Homes 2000 to assist with the purchase of property located at 2129 Chrysler Drive, Unit #1.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized and directed to execute all required loan documents to complete the loan transaction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF STEEL RIVER INC. FOR THE PROJECT TITLED "PELANDALE EXPRESSWAY IRRIGATION RELOCATION"

WHEREAS, the bids received for Pelandale Expressway Irrigation Relocation project were opened at 11:00 on November 2, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $311,069 from Steel River Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Steel River 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 December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO FULLY FUND THE PELANDALE EXPRESSWAY-IRRIGATION RELOCATION PROJECT

WHEREAS, Pelandale Avenue will be extended from Prescott Road to 1700 feet west of McHenry Avenue. Two MID irrigation pipelines will be relocation in preparation for the future roadway; and

WHEREAS, funds for this project were partially budgeted in the 1999-00 CIP. A fund transfer is needed because an additional irrigation pipeline that was originally scheduled to be constructed in the Pelandale Phase 1C project, was included in this contract for economy of scale.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

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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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHN, City Clerk
(seal)

APPROVED AS TO SUFICIENTY:

By: [Signature]
STAN FEATHERS, Budget Officer
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): PELANDALE AVENUE EXTENSION - DALE ROAD TO THE EXISTING PELANDALE AVENUE 1700' WEST OF MCHENRY AVENUE INCLUDING PRESCOTT ROAD EXTENSION - SNYDER AVENUE TO THE NEW PELANDALE AVENUE.

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

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/ET 98-37, reviewed the proposed Pelandale Avenue Extension - Dale Road to the existing Pelandale Avenue 1700' west of McHenry Avenue including Prescott Road Extension - Snyder Avenue to the new Pelandale Avenue, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master
environmental impact report and whether the subsequent project was described in the master
environmental impact report as being within the scope of the project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council has reviewed and considered the Initial Study prepared for the
proposed Pelandale Avenue Extension - Dale Road to the existing Pelandale Avenue 1700' west of McHenry Avenue including Prescott Road Extension - Snyder Avenue to the new
Pelandale Avenue, a copy of which is attached hereto as Exhibit "A", and incorporated herein
by reference, and based on the substantial evidence included in said Initial Study makes the
following findings:

1. That the proposed project is contemplated and described in the Master
EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the
environment not identified in the Master EIR, and no new or additional mitigation measures
are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new
environmental document or findings are required by the California Environmental Quality Act
(CEQA).

4. That there are no specific features which are unique to the proposed
project that require project specific mitigation measures. Accordingly, the certified mitigation
measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which
are appropriate to the project shall be incorporated in the project.
6. The attached Initial Study provides substantial evidence to support findings 1, 2, 3, 4 and 5 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study

EA/ET 98-37
City of Modesto
Initial Study

PELANDALE AVENUE EXTENSION -
Dale Road to the existing Pelandale Ave. 1'700' West of McHenry Ave.
Including PRESIDENT ROAD EXTENSION -
Snyder Ave. to the new Pelandale Ave.

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Pelandale Expressway Phases 1A, 1B, and 1C.

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Dean Phillips, Engineering and Transportation Department, (209) 577-5260

D. Project Location:

Pelandale Avenue - from Dale Road to the existing Pelandale Avenue approximately 1,700 feet West of McHenry Avenue, and
Prescott Road - from Snyder Avenue to the new Pelandale Avenue.

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

Commercial (C)
Regional Commercial (RC)
Residential (R)
G. **Zoning:**
   Specific Plan (SP-O)
   County Planned Industrial (PI)

H. **Description of Proposed Project:**
   This is an application to construct a two lane roadway within the limits previously described.

I. **Surrounding land uses:**
   The project is bounded on the North and South by agricultural land zoned P-SP-O, and SP-O. To the west is a developed residential area zoned R3, and to the East are vacant lots currently within Stanislaus County.

J. **Other public agencies whose approval is required:**
   None

III. **ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

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

A. **Traffic and Circulation**
   The Pelandale Avenue and Prescott Road Extensions propose public improvements consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are, therefore, still valid.

B. **Degradation of Air Quality**
   The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, therefore, still valid.

C. **Generation of Noise**
   Because the proposed use is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.
D. Loss of Productive Agricultural Land

This area is located in an agricultural portion of Modesto and Stanislaus County. The project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

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

F. Increased Demand for Sanitary Sewer Services

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

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located within agricultural lands, however it is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.
J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

K. Increased Demand for Parks and Open Space

The proposed roadway will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools

The proposed roadway will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

O. Generation of Solid Waste

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

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are therefore still valid.

Q. Landslides and Seismic Activity

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

R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Pelandale Avenue and Prescott Road Extensions are within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the Pelandale Avenue and Prescott Road Extensions, that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed Pelandale Avenue and Prescott Road Extensions, that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to the Pelandale Avenue and Prescott Road Extensions that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

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

Signature:

Dean Phillips,
Associate Civil Engineer
A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED “PELANDALE EXPRESSWAY – PHASE 1B & 1C”

WHEREAS, the bids received for Pelandale Expressway – Phase 1B & 1C were opened at 11:00 a.m. on November 16, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $896,886.86 from George Reed Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-605

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO DECREASE REVENUE AND FULLY FUND THE PELANDALE EXPRESSWAY – PHASE 1B AND 1C

WHEREAS, Pelandale Avenue will be extended to connect with the existing Pelandale Avenue, 1700 feet west of McHenry Avenue; and

WHEREAS, this phase of the project will involve asbestos removal in one residence that will be removed as part of the project and a portion of the right-of-way costs that were not funded through the previous phase of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Appropriations
#1410-800-8000-8003 $(208,481)
#1410-430-L039-6030 $ 208,481

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 December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk
(seal)

APPROVED AS TO SUFFICIENCY:

By: ________________________________
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 99-606

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE VAC-CON COMBINATION SEWER AND STORM DRAIN CLEANER TRUCK FROM MUNICIPAL MAINTENANCE EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one Vac-Con Combination Sewer and Storm Drain Cleaner Truck from Municipal Maintenance are hereby waived.

BE IT FURTHER RESOLVED that purchase of one Vac-Con Combination Sewer and Storm Drain Cleaner Truck from Municipal Maintenance Equipment for a not to exceed price of $229,804.65 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: ____________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-607

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Atmospherics Inc. for use of a small parcel of land at the Airport for weather equipment be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-608

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID E. AND/OR CAROLE L. KAMRAR FOR PROPERTY LOCATED AT 121 ELM STREET TO HOUSE THE BUILDING SERVICES DIVISION OF THE OPERATIONS & MAINTENANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and David E. and/or Carole L. Kamrar for property located at 121 Elm Street to house the Building Services Division of the Operations & Maintenance Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO.  99-609

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:

Parking Lot Maintenance Crewleader

The revised specifications for the classification of Parking Lot Maintenance Crewleader, (Range 118) as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Deputy Director - Recreation and Neighborhoods

Deputy Director - Cultural and Enterprise Services

The new specifications for the classifications of Deputy Director - Recreation and Neighborhoods, (Range 452), as shown on the attached Exhibit “B”, and Deputy Director - Cultural and Enterprise Services, (Range 452), as shown on the attached Exhibit “C”, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Microfilm Services Supervisor

Assistant Parks and Recreation Director - Recreation

Assistant Parks and recreation Director - Civic Center

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after December 14, 1999.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
PARKING LOT MAINTENANCE CREWLEADER

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

DEFINITION
This is a lead worker position responsible for both participating in and supervising the work of other staff involved in parking facility management and maintenance.

May work irregular hours as required.

SUPERVISION RECEIVED AND EXERCISED
Receives general supervision from the Building Maintenance Supervisor.

Exercises functional and technical supervision over assigned personnel.

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

Essential Functions:

Lead and assist others in the inspection, cleaning, and maintenance of parking facilities and equipment, ticket dispensers, and irrigation systems.

Participate in the selection and training of staff; coordinate work activities; schedule staff.

Repair or coordinate the repair of damage due to vandalism or accidents.

Maintain parking facility landscaping including pruning and replacing of landscape materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, materials, and equipment used in general maintenance work.

Principles and procedures for record keeping.

Principles of supervision and training.

Safe work practices.
QUALIFICATIONS (Continued)

Ability to:

Lead, assign work to, and participate in the work of staff assigned to parking facilities.

Operate equipment in a safe manner.

Perform medium-heavy manual labor, including but not limited to occasionally lifting and carrying up to 75 pounds of weight.

Understand and follow oral and written instructions.

Perform a full range of parking facility maintenance activities.

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

Work irregular hours as required.

EXPERIENCE AND TRAINING GUIDELINES

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

Education:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

Experience:

Two years of increasingly responsible experience in a building parking facility. Additional customer service experience is highly desirable.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California driver's license.
WORKING CONDITIONS:
Outdoor environment; travel from site to site; exposure to inclement weather conditions, noise, dust, fumes, and gases.

PHYSICAL CONDITIONS:
Essential and marginal functions may require maintaining physical condition necessary for medium-heavy lifting, bending, stooping, kneeling, walking, standing, or sitting for prolonged periods of time; operating motorized vehicles and equipment.
DEPUTY DIRECTOR – RECREATION AND NEIGHBORHOODS

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

DEFINITION

To assist the Recreation and Neighborhoods Director in the planning, directing, coordinating and the administration of departmental functions; to manage, supervise and administer the Recreation and Neighborhoods Division including, but not limited to, recreation and leisure service programming, Community Development Block Grant Program, City Affordable Housing Program, neighborhood preservation, and neighborhood organizing; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department director.

This position will serve as City-wide lead on all programs dealing with neighborhood and community enhancements and will ensure that the City has a cross-jurisdictional approach to neighborhood services.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Recreation and Neighborhoods Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

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

Essential Functions:

Assist in the development, planning, and implementation of department goals and objectives; recommend and administer policies and procedures; meet with division supervisors to discuss needs, problems, programs, policy and budgets; give direction where necessary.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Continued

Essential Functions

Manage, direct and organize the activities of the area offices, including neighborhood enhancement programs, recreation programs serving diverse populations and age groups, community outreach efforts, and neighborhood-specific enforcement of zoning, and neighborhood preservation.

Manage, direct and organize division activities in the administration of the Community Development Block Grant Program and City Affordable Housing Programs including such areas as housing development loans, emergency home repair and rehabilitation.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports for State and Federal regulatory agencies; analyze and develop recommendations on complex housing and zoning proposals, recreation and leisure service activities, collaborative neighborhood enrichment programs, and other City-wide and area-specific improvement efforts.

Develop and recommend changes regarding zoning; advise the City Council and the Planning Commission on zoning matters; supervise the preparation of amendments to the text of the Zoning Code;

Direct the City-wide abatement program for nonconforming signs and sign permits.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to improve performance; implement discipline procedures as necessary.

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement mid-year adjustments.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor work flow; implement policies and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Continued

Essential Functions

Coordinate Department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Principles and practices of rehabilitation and code enforcement programs, recreation programs, housing finance and development.

Applicable Federal, State and local laws, codes, programs and regulations.

Principles and practices of organization, administration, supervision, training and personnel management.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

General legal authority and parameters for carrying out bonds, grants and other financial transactions.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of organizational goals.
Ability to:

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

Effectively manage assigned areas of the departmental program.

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Ensure project and grant compliance with Federal, State and local rules, laws and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

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

Communicate clearly and concisely, both orally and in writing.

Gain cooperation through discussion and persuasion.

Experience and Training Guidelines:

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

Experience:

Five years of increasingly responsible experience in program management including: recreation, finance, housing program management, community development or a related field including at least two years of administrative and supervisory experience.
Train Experience and Training Guidelines – Continued:

Experience:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban or regional planning, community development, recreation, public or business administration or a related field.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
DEPUTY DIRECTOR – CULTURAL AND ENTERPRISE SERVICES

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

DEFINITION

To assist the Recreation and Neighborhoods Director in the planning, directing, coordinating and the administration of departmental functions, to manage supervise and administer the Cultural and Enterprise Services Division including, but not limited to, the Modesto Centre Plaza, John Thurman Field, the City’s golf program, and cultural and historical activities; and to provide highly responsible and complex administrative support to the Recreation and Neighborhoods Director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Recreation and Neighborhoods Director.

Exercises administration over contract services to insure contract compliance; coordinates marketing and promotions and technical activities.

Exercises direct supervision over professional, technical and clerical staff.

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

Assist in the development, planning and implementation of department goals and objectives; recommend and administer policies and procedures; meet with division personnel to discuss needs, problems, programs, policy and budgets; give direction where necessary.

Manage, direct and organize the activities of the City’s golf program, including contract management services for the maintenance and operation of the City golf courses, the food concessions and the golf professional.

Manage, direct and organize the activities of the City’s Class A baseball stadium (John Thurman Field) including marketing and promoting professional baseball and community events.

Manage, direct and organize the activities and operations of the City’s Civic Center (Modesto Centre Plaza) including marketing and promoting conventions, trade shows, community and other appropriate events.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports; analyze and develop recommendations on complex projects.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to improve performance; recommend and implement discipline procedures as necessary.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement adjustments as required.

Direct, oversee and participate in the development of the division’s workplan; assign work activities, projects and programs; monitor work flow; implement policies and procedures.

Appear before the City Council, boards, commissions, community groups and civic organizations representing the Department.

Coordinate Department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Applicable Federal, State and local laws, codes, programs and regulations.

Principles and practices of organization, administration, supervision, training and personnel management.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

General legal authority and parameters for carrying out bonds, grants and other financial transactions.

Ability to:

Effectively manage assigned areas of the departmental program.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of organizational goals.

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures.
QUALIFICATIONS – (Continued)

Ability to:

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules, and regulations.

Administer and manage contract services.

Ensure project and grant compliance with Federal, State and local rules, laws and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Manage practices and marketing techniques for conference, convention, community centers, municipal golf courses and professional baseball stadiums.

Oversee golf course management including golf professional, course maintenance, food and beverage service, and program marketing.

Oversee management and maintenance of professional baseball stadium; negotiate contract(s) with professional sports organizations.

Oversee management practices of historical sites and assets including the McHenry Museum and McHenry Mansion.

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

Communicate clearly and concisely, both orally and in writing.

Gain cooperation through discussion and persuasion.

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 increasingly responsible experience in program management including: public facilities operation and management, historical and cultural asset operation and management, golf course operation and management or a related field including at least two years of administrative and supervisory experience.
Experience and Training Guidelines: (Continued)

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in public administration, business administration, marketing, leisure services or a related field.

License or Certificate:

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

WORKING CONDITIONS

Environment Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travel from site to site.
MODESTO CITY COUNCIL
RESOLUTION NO. 99-610

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE TO ADD DEPUTY DIRECTOR - RECREATION AND NEIGHBORHOODS AND DEPUTY DIRECTOR - CULTURAL AND ENTERPRISE SERVICES (RANGE 452), AND TO ABOLISH ASSISTANT PARKS AND RECREATION DIRECTOR - RECREATION, ASSISTANT PARKS AND RECREATION DIRECTOR - CIVIC CENTER, AND MICROFILM SUPERVISOR, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE TO REVISE THE SALARY RANGE FOR SENIOR WASTEWATER TREATMENT PLANT OPERATOR FROM RANGE 125 TO RANGE 128.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175, and 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. 99-175. Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Effective December 14, 1999", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the class range table to add Deputy Director - Recreation and Neighborhoods and Deputy Director - Cultural and Enterprise Services at Range 452, and to abolish Assistant Parks and Recreation Director - Recreation, Assistant Parks and Recreation Director - Civic Center, and Microfilm Supervisor.
SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective December 14, 1999", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the class range for Senior Wastewater Treatment Plant Operator from Range 125 to Range 128.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 14, 1999.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, 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 **December 14, 1999**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk (Confidential)</td>
<td></td>
</tr>
<tr>
<td>404</td>
<td></td>
<td></td>
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<tr>
<td>405</td>
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<tr>
<td>406</td>
<td></td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
<td></td>
</tr>
<tr>
<td>408</td>
<td></td>
<td></td>
</tr>
<tr>
<td>409</td>
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<tr>
<td>411</td>
<td></td>
<td></td>
</tr>
<tr>
<td>412</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk  
Administrative Technician (Confidential) |  |
| 414   |  |  |
| 415   | Secretary |  |
| 416   |  |  |
| 417   |  |  |
| 418   | Legal Secretary |  |
| 419   | Public Information Technician (Confidential)  
Police Training and Records Technician (Confidential) |  |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 420   | Accountant I (Confidential)  
Employee Benefits Coordinator  
Legal Services Technician  
Deputy City Clerk  
Executive Secretary  
Systems Technician  
Workers' Compensation Claims Examiner I |
| 421   | |
| 422   | Office Supervisor |
| 423   | Custodian Supervisor  
Police Support Services Supervisor |
| 424   | Assistant Planner  
Assistant City Clerk/Auditor  
Buyer  
Workers' Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
Executive Assistant |
| 426   | Stores Manager |
| 427   | Events Supervisor  
Legal Services Administrator |
| 428   | Parks Maintenance Supervisor  
Trees Maintenance Supervisor  
Senior Buyer  
Accountant II  
Budget Analyst  
Public Works Supervisor  
Building Maintenance Supervisor  
Customer Services Specialist  
Customer Services Supervisor  
Fleet Maintenance Supervisor  
Airport Operations and Maintenance Supervisor |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 429   | Associate Planner  
Junior Civil Engineer  
Junior Traffic Engineer  
Neighborhood Preservation Supervisor  
Senior Crime Analyst  
Social Services Program Supervisor |
| 430   | Administrative Analyst II  
Personnel Analyst  
Assistant Risk Manager  
Recycling Program Coordinator  
Senior Budget Analyst  
Senior Community Development Program Specialist  
Systems Analyst  
Equal Opportunity Officer |
| 431   | Plant Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Youth Program Supervisor  
Industrial Waste Supervisor  
Water Quality Control Operations Supervisor |
| 432   | Organizational Development Specialist |
| 433   | Senior Programmer Analyst  
Electrical Supervisor  
Senior Housing Rehabilitation Specialist  
Secondary Treatment Site Supervisor  
Operations Supervisor  
Arborist  
Land Surveyor  
Assistant Civil Engineer  
Assistant Traffic Engineer  
Geographic Information Systems Coordinator |
## City of Modesto

### Class Range Table - General Non-Sworn Classes

#### Page - 4

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
         | Senior Personnel Analyst  
         | Administrative Services Officer  
         | Integrated Waste Specialist  
         | Business Analyst  
         | Cultural Services Manager |
| 436   | Senior Planner |
| 437   | Deputy City Attorney I |
| 438   | Transportation Planner  
         | Housing Program Supervisor  
         | Parks Planning and Development Manager  
         | Communications and Marketing Manager  
         | Property Agent  
         | Budget Officer  
         | Financial/Investment Officer  
         | Systems Engineer  
         | Development and Operations Coordinator |
| 439   |            |
| 440   | Purchasing Officer  
         | Associate Civil Engineer  
         | Associate Traffic Engineer |
| 441   | Airport Manager  
         | Solid Waste Program Manager  
         | Transit Manager  
         | Streets Superintendent  
         | Parks Operations Superintendent  
         | Risk Manager  
         | Assistant Personnel Director  
         | Recreation Superintendent  
         | Fleet Manager  
         | Urban Forestry Superintendent  
         | Wastewater Collections Superintendent  
         | (Range 441 continues on next page)
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 441   | (Continued)  
Water Superintendent  
Building Maintenance Superintendent  
Police Records Manager  
Fire Marshal  
Golf Services Manager  
Deputy City Attorney II  
Senior Fire Equipment Mechanic |
| 442   | Supervising Building Inspector  
Supervising Construction Inspector  
Manager of Budget and Financial Analysis  
Information Services Manager  
Customer Services Division Manager |
| 443   | Deputy Chief Building Official  
Senior Deputy City Attorney I |
| 444   | General Services Manager  
Principal Planner |
| 445   | Accounting Division Manager  
Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Chief Building Official  
Assistant to City Manager  
Assistant Parks & Recreation Director – Parks  
Business Development Division Manager  
Development Services Division Manager  
Strategic Planning Division Manager  
Senior Civil Engineer  
Traffic Engineer |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>448</td>
<td></td>
</tr>
<tr>
<td>449</td>
<td>Senior Deputy City Attorney II</td>
</tr>
<tr>
<td>450</td>
<td></td>
</tr>
<tr>
<td>452</td>
<td></td>
</tr>
<tr>
<td>452</td>
<td>Deputy Director – Engineering Services</td>
</tr>
<tr>
<td></td>
<td>Deputy Director – Utilities Services and Franchises</td>
</tr>
<tr>
<td></td>
<td><strong>Deputy Director – Cultural and Enterprise Services</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Deputy Director – Recreation and Neighborhoods</strong></td>
</tr>
</tbody>
</table>
# CITY OF MODESTO
## CLASS RANGE TABLE
### GENERAL NON-SWORN CLASSES
#### Effective December 14, 1999

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 101   | Custodian I  
|       | Maintenance Aide |
| 103   | Administrative Clerk I |
| 104   | |
| 105   | |
| 106   | |
| 107   | Administrative Clerk II  
|       | Animal Control Officer I  
|       | Custodian II |
| 108   | |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
|       | Equipment Service Worker I |
| 111   | Account Clerk  
|       | Animal Control Officer II |
|       | Evidence and Property Specialist |
| 112   | |
| 113   | Computer Operator  
|       | Administrative Technician  
|       | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
|       | Storeskeeper  
|       | Maintenance Worker II  
|       | Equipment Service Worker II |

**EXHIBIT "A"**

121499
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
Planning Technician I  
Wastewater Treatment Plant Attendant  
Community Service Officer I  
Assistant to the Events Coordinator  
Code Enforcement Officer I |
| 116   | Equipment Operator  
Fire Prevention Technician I  
Motor Sweeper Operator  
Traffic Technician  
Traffic Painter  
Traffic Sign Worker  
Wastewater Collection System Operator  
Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Fleet Procurement Specialist  
Senior Storeskeeper  
Parking Lot Maintenance Crewleader  
Parks Crewleader  
Tree Trimmer |
| 119   | Maintenance Mechanic – Parks  
Planning Technician II  
Maintenance Mechanic – Pumps  
Wastewater Treatment Plant Operator  
Civil Engineering Technician I  
Building Maintenance Mechanic  
Police Administrative Assistant  
Public Information Technician  
Code Enforcement Officer II  
Community Service Officer II  
Assistant Buyer |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Welder/Fabricator  
|       | Senior Equipment Operator  
|       | Fire Prevention Technician II  
|       | Equipment Mechanic  
|       | Assistant Electrician  
|       | Traffic Painter Crewleader  
|       | Accountant I  
|       | Meter Reader Crewleader  
|       | Laboratory Analyst I |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach Mechanic  
|       | Fire Equipment Mechanic  
|       | Tree Trimmer Crewleader  
|       | Programmer Analyst I  
|       | Industrial Waste Inspector I  
|       | Cross Connection Specialist |
| 123   | Maintenance Mechanic Crewleader – Pumps  
|       | Civil Engineering Technician II  
|       | Maintenance Mechanic Crewleader – Parks |
| 124   | Plant Mechanic  
|       | Equipment Mechanic Crewleader  
|       | Planning Assistant  
|       | Equipment Crewleader  
|       | Community Development Program Specialist I  
|       | Wastewater Collection System Crewleader  
|       | Laboratory Analyst II |
| 125   | Crime Analyst |
| 126   | Coach Mechanic Crewleader  
|       | Building Inspector I  
|       | Electrician  
|       | Housing Rehabilitation Specialist I  
|       | Housing Financial Specialist  
<p>|       | Industrial Waste Inspector II |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
      | Landscape Technician  
      | Senior Fire Equipment Mechanic |
| 128   | Instrument Repair Technician  
      | Programmer Analyst II  
      | Public Improvement Specialist  
      | Community Development Program Specialist II  
      | **Sr. Wastewater Treatment Plant Operator** |
| 129   | |
| 130   | Building Inspector II  
      | Construction Inspector  
      | Housing Rehabilitation Specialist II  
      | Hazardous Material Program Coordinator |
| 131   | **Sr. Civil Engineering Assistant** |
| 132   | |
| 133   | |
| 134   | Senior Building Inspector  
      | Senior Construction Inspector  
      | Fire Plan Checker  
      | Plan Review Engineer |
MODESTO CITY COUNCIL
RESOLUTION NO. 99-611

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO AMEND THE CIP TO ESTABLISH A NEW PROJECT FOR ROAD CONSTRUCTION ADJACENT TO MCKINNEY COLONY PARK

WHEREAS, the Eisenhut Phase I & II project is complete and approximately $18,000 in savings has been realized; and

WHEREAS, a subdivision developer’s contractor has offered to provide the City’s portion of the street improvements on this subdivision in the amount of $10,972. The costs have been determined to be reasonable and competitive; and

WHEREAS, an appropriation transfer of $11,000 needs to be approved to transfer funds from Acct #1350-310-J303.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From
#1350-310-J303-6050 $(11,000)
To:
#1350-310-L124-6040 $11,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 99-612

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE NEW JOINT POWERS AGREEMENT OF THE STANISLAUS DRUG ENFORCEMENT AGENCY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a new Joint Powers Agreement of the Stanislaus Drug Enforcement Agency be, and it is hereby approved.

BE IT FURTHER RESOLVED that the governing body for the JPA consists of a committee comprised of the Sheriff of Stanislaus County, the District Attorney of Stanislaus County and the Chief of Police of each of the participating cities of the County, those being Ceres, Modesto, Hughson, Newman, Oakdale, Patterson, Turlock, and Waterford.

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 December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:  
JEAN ZAHR / City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-613

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM H. AND KIM A. MILLER ACCEPTING REAL PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS REQUIRED TO CLOSE ESCROW AND COMPLY WITH GRANT REQUIREMENTS FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE DRY CREEK SCENIC OVERLOOK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William H. and Kim A. Miller accepting real property and authorizing the City Manager to execute all documents required to close escrow and comply with grant requirements for the acquisition of property needed for the Dry Creek Scenic Overlook project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHRI, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-614

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017) RELATING TO THE APPROVAL OF THE MODESTO URBAN AREA GENERAL PLAN: AGREEMENT WITH WILLIAM H. AND KIM A. MILLER FOR ACQUISITION OF PROPERTY NEEDED FOR THE DRY CREEK PARK SCENIC OVERLOOK LAND ACQUISITION PROJECT.

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

WHEREAS, a grant has been secured to purchase property for the Scenic Overlook project, and an agreement has been proposed with William H. and Kim A. Miller for the acquisition of property needed for this project, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the Community Services and Neighborhood Connections Department, by Initial Study, EA/CS 9904, reviewed the proposed Dry Creek Park Scenic Overlook Land Acquisition project, and made the determination that the proposed project will
have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives will be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Dry Creek Park Scenic Overlook Land Acquisition project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Services and Neighborhood Connections Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
I. PURPOSE

Section 15177 of the CEQA Guidelines allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Dry Creek Park Scenic Overlook Land Acquisition.

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:

This project is located in east Modesto, east of Claus Road, north of Gomes Road, south of Dry Creek, and west of the Santa Fe Railroad Tracks.
E. Project sponsor:

City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Dry Creek Park Scenic Overlook Acquisition is designated as Village Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will acquire approximately 49 acres, to be added to the Dry Creek Regional Park. The acquisition is intended for “scenic overlook” of Dry Creek, and no development is to occur.

I. Surrounding land uses:

North: Zoned R-Residential, with Dry Creek and single-family homes.
South: Zoned VR-Village Residential, with ranchettes and small agricultural uses.
West: Zoned R-Residential and MU-Mixed Use, with single family homes, apartments and an orchard.
East: Zoned VR-Village Residential, scheduled for single-family homes.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

This project proposes to acquire additional land for the Dry Creek Regional Park. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park lands will remain in a relatively “natural” state, with no developed facilities planned. There will be no on-site parking and it is expected that most people will walk or bike to the new park areas. The acquisition of these park
lands is consistent with the General Plan and the General Plan Master EIR, which anticipated that a regional park site would be located along this water-way corridor. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, therefore, still valid.

C. Generation of Noise

Because the proposed project is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

The proposed project area is located within a transition area of Modesto, between agriculture and urbanization, and the intended use of the land is complimentary to existing agricultural land use to south and southwest. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.
F. Increased Demand for Sanitary Sewer Services

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

G. Loss of Sensitive Wildlife and Plant Habitat

As noted in “D”, above, the proposed project is located in a transition area between agricultural and residential uses. This project will acquire and preserve an existing riparian corridor along Dry Creek. The project is located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR, but this is a land acquisition only, with no development planned. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that the project is within an Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. However, this is a land acquisition only, and there will be no disturbance of Archeological or Historical Sites. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The project will not have any significant impact on the demand for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.
K. Increased Demand for Parks and Open Space

This project will provide regional park lands in accordance with all of the Open Space and Park policies that apply to regional park development within Modesto. The demand for parks and open space will be met with the development of this park. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools

This regional park acquisition will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are therefore still valid.
Q. Landslides and Seismic Activity

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

R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the acquisition of this regional park land, and the traffic generated by this proposal is less than was analyzed in the MEIR.

B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).

C. The Dry Creek Park Scenic Overlook Land Acquisition Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

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

E. This initial study provides the substantial evidence to support the above findings.

Signature: __________________________ Date: 12/3/99

Fred Allen, Parks Planning and Development Manager
MODESTO CITY COUNCIL
RESOLUTION NO. 99-615

A RESOLUTION OF INTENTION TO ANNEX TERRITORY
TO COMMUNITY FACILITIES DISTRICT NO. 1996-1
(VILLAGE ONE) AND AUTHORIZE THE LEVY OF A
SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE
ANNEXED (ANNEXATION #3)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5
(commencing with Section 53311) of the California Government Code, commonly known as the
"Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of
additional territory to an existing community facilities district may be instituted by the adoption by
the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544,
adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities
District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this
Council resolved to complete annexation #1 to the District, and

WHEREAS, by its Resolution No. 99-13 adopted on January 5, 1999, this Council
resolved to completed annexation #2 to the District, and

WHEREAS, this Council hereby determines that the public convenience and
necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the
District, and

-1-
WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the “Annexed Territory”) under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California” on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the 1999 annexation (Annexation #2) are shown on a map entitled “Annexation No. 2 to Community Facilities District No. 1996-1 (Village One)” on file with the County Recorder of the County of Stanislaus at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 8.

SECTION 5. The Annexed Territory is described in Exhibit “A” to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled “Annexation No. 3 to Community Facilities District No. 1996-1 (Village One)”, on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on
the original and one copy of the map evidencing the date and adoption of this Resolution, file the
original in her office and, not later than 10 days after the adoption of this Resolution, file a copy
of the map with the County Recorder of the County of Stanislaus. The map shall contain the
legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code;
including a reference to the title, book, page and recording date of the original boundary map of
the District.

SECTION 6. The types of public facilities and services authorized to be
provided to the District are set forth in the Resolution of Formation. These same types of
facilities and services plus a comprehensive signage program as described in Resolution No. 97-
174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax component of the special tax
to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently
levied in the original District, as set forth in the Resolution of Formation. The Facilities Special
Tax component of the special tax to be levied in the Annexed Territory shall be slightly higher
than that levied in the original District, to account for the additional cost of the community
signage program, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed
Territory is described in the City's Public Report, on file with the City Clerk, amended April,
1997. It is the intention of the City Council that in the event all of the subject taxes are not
approved by the qualified electors of the Annexed Territory at an election to be held subsequent
to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of
the Annexed Territory shall be a nullity, and void from the date of the public hearing on this
resolution where it is approved.

SECTION 8. A public hearing upon this Resolution shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, January 18, 2000, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.
SECTION 11. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.
The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
Exhibit “A”
Parcel No. 1:
All that certain real property situate in the Southeast Quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The West half of the East half of Lots 14 and 15 of Adams Colony, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records.

Excepting therefrom the following: The Northerly 30.00 feet of the West half of the East half of said Lot 14 for road purposes.
Also Excepting therefrom: All that certain real property situate in said West half of the East half of Lot 14 described as follows: Commencing at a concrete monument marking the Northeast corner of said Lot 14, said monument being on the centerline of Merle Avenue; thence South 89° 20' West along the North line of said Lot 14 and along said centerline of Merle Avenue, 524.58 feet; thence South 0° 40' East, 30.00 feet to a three quarter inch pipe tagged R.C.E. 7336, being the POINT OF BEGINNING of this Description; Thence South 89° 20' West, parallel to and 30.00 feet from said North line of Lot 14 and said centerline of Merle Avenue, 130 feet to a three quarter inch iron pipe tagged R.C.E. 7336; thence South 0° 40' East 165.00 feet to a three quarter inch iron pipe tagged R.C.E. 7336; thence North 89° 20' East, 130 feet to a three quarter inch iron pipe tagged R.C.E. 7336; thence North 0° 40' West, 165.00 feet to the point of beginning.

Also excepting therefrom: All that portion thereof lying within Modesto Irrigation District Lateral No. 3.

Parcel No. 2:
The East half of the East half of Lots 14 and 15 of Adams Colony, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records.

Excepting therefrom all that portion thereof lying within Modesto Irrigation District Lateral No. 3.

Assessor's Parcel No: 052-24-68
Site 2
Calcagno Parcel

DESCRIPTION

PARCEL 1:

The West half of the Southeast Quarter of the Northwest Quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.
Site 3
Village Highlands 4

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

PARCEL NO. 2 AS PER THAT CERTAIN PARCEL MAP FILED DECEMBER 7, 1981 IN BOOK 32 OF PARCEL MAPS, AT PAGE 76, OFFICIAL RECORDS OF STANISLAUS COUNTY; BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN.

APN: 2-132/052-20-64-271

Description Proof-read by: MF
Site 3  
Village Highlands

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

PARCEL A AS SHOWN UPON THAT CERTAIN PARCEL MAP FILED OCTOBER 8, 1971 IN VOLUME 12 OF PARCEL MAPS, AT PAGE 83, STANISLAUS COUNTY RECORDS; BEING A PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MODESTO, A MUNICIPAL CORPORATION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, BEING A PORTION OF PARCEL "A", AS PER MAP FILED OCTOBER 8, 1971, IN BOOK 12 OF PARCEL MAPS, PAGE 83, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN CORNER OF SAID PARCEL "A", SAID POINT BEING ON THE MOST NORTHERLY LINE OF PARCEL "A"; THENCE ALONG A WESTERN LINE OF PARCEL "A", SOUTH 00 DEGREES 19' 21" EAST, 201.00 FEET; THENCE ALONG AN EASTERLY EXTENSION OF A NORTHERN LINE OF PARCEL "A", SOUTH 89 DEGREES 21' 51" EAST, 39.62 FEET TO A POINT ON THE FUTURE WESTERN LINE OF 90.00 FOOT ESTA AVENUE; THENCE ALONG SAID FUTURE WESTERN LINE OF ESTA AVENUE, NORTH 2 DEGREES 46' 21" WEST, 201.77 FEET, TO A POINT ON SAID MOST NORTHERLY LINE OF PARCEL "A"; THENCE ALONG THE MOST NORTHERLY LINE OF PARCEL "A', SOUTH 89 DEGREES 49' 22" WEST, 30.99 FEET, TO THE POINT OF BEGINNING.

NEW APN: 85-01-73

Description Proof-read by: MF
Site 4
Sequoia Estates

PARCEL B AS SHOWN ON PARCEL MAP FILED SEPTEMBER 5, 1972 IN VOLUME 15 OF PARCEL MAPS, PAGE 4, STANISLAUS COUNTY RECORDS.

Assessor's Parcel No: 52-24-58
All that certain real property situate in the County of Stanislaus, State of California, described as follows:

PARCELS 1 AND 2 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED NOVEMBER 22, 1999 IN VOLUME 49 OF PARCEL MAPS, AT PAGE 76, STANISLAUS COUNTY RECORDS, BEING A PARCELING OF THE REMAINDER PARCEL AS SHOWN ON THE MAP ENTITLED "CENTER COURT SUBDIVISION" RECORDED IN BOOK 37 OF MAPS, PAGE 89, STANISLAUS COUNTY RECORDS, LYING IN SECTION 13, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA.

002-109/085-13-67-070
Site 6
City of Modesto Parcel

PARCEL AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON MARCH 28, 1967 IN BOOK 3 OF PARCEL MAPS, PAGE 38, BEING A PORTION OF LOT 14 OF ADAMS

APN: 052-24-35-101
MODESTO CITY COUNCIL
RESOLUTION NO. 99-616

A RESOLUTION ACCEPTING IMPROVEMENTS IN SERENO UNIT NO. 1 SUBDIVISION (FORMERLY KNOWN AS THE BLUFFS UNIT NO. 1) AND AUTHORIZING RELEASE OF BONDS

WHEREAS, The Bluffs Senior Housing Development, LLC, a California Limited Liability Company, subdividers of Sereno Unit No. 1 (formerly known as The Bluffs Unit No. 1) subdivision, have filed a Subdivision Faithful Performance bond and a Subdivision Payment Bond for labor and materials in the amount of $767,340 and $383,670 respectively to guarantee improvements in Sereno Unit No. 1 subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the bonds, upon expiration of the statutory period.

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

1. The improvements in Serena Unit No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $767,340 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $383,670 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-617

A RESOLUTION APPROVING THE FINAL MAP OF THE
SERENO UNIT NO. 2 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, THE BLUFFS SENIOR HOUSING DEVELOPMENT, LLC, a
California limited liability company, is possessed of a tract of land situated in the City of
Modesto, County of Stanislaus, consisting of 9.91 acres, known as SERENO UNIT NO. 2
Subdivision, ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 18th day of February, 1997, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final
map of said SERENO UNIT NO. 2 Subdivision meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

WHEREAS, all public improvements required by the City of Modesto have
been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that said final map be approved; that the improvements required by the City of
Modesto and completed in said tract be accepted; that the dedications for public streets, alleys
and easements as shown thereon within the boundaries of said tract be accepted on behalf of
the public use; and that the City Clerk be authorized to certify the map of said tract

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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 14th day of December, 1999, by Councilmember __ Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __ Dobbs__, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __Jean Zahr__
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __Michael D. Milich__
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-618

A RESOLUTION APPROVING THE FINAL MAP OF THE SERENO UNIT NO. 4 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, THE BLUFFS SENIOR HOUSING DEVELOPMENT, LLC, a California limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 2.67 acres, known as SERENO UNIT NO. 4 Subdivision, ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of December, 1998, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SERENO UNIT NO. 4 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements required by the City of Modesto and completed in said tract be accepted; that the dedications for public 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 14th day of December, 1999, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
              JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
          MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING IMPROVEMENTS IN MILLBROOK ESTATES UNIT NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Calvin E. Bright and Marjories H. Bright, Trustees of the Calvin and Marjorie Bright Living Trust and Bright Development, a California Corporation, subdividers of Mill Brook Estates Unit No. 2 subdivision have filed a Subdivision Faithful Performance bond, and a bond for labor and materials in the amount of $588,700 and $294,350 respectively to guarantee improvements in Millbrook Estates Unit No. 2 subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Millbrook Estates Unit No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $588,700 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $294,350 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHNCity Clerk
A RESOLUTION CONDITIONALLY ACCEPTING IMPROVEMENTS IN ALMOND VALLEY SUBDIVISION AND AUTHORIZING RELEASE OF BONDS UPON EXPIRATION OF STATUTORY PERIOD AND UPON COMPLETION OF VISUAL INSPECTION AND CLEARING OF INLET PIPING SUFFICIENT TO PREVENT FLOODING AND THE INSTALLATION OF THE PERIMETER FENCING PRIOR TO JANUARY 31, 2000

WHEREAS, Kaufman and Broad – Central Valley Inc., subdivider of Almond Valley Subdivision has filed a faithful performance bond in the amount of $1,203,336 and a labor and materials bond in the amount of $1,203,336, to guarantee improvements in Almond Valley subdivision; and

WHEREAS, the Community Development Director in a memorandum to the City Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department, except for the following: (1) visual inspection and clearing of inlet piping sufficient to prevent flooding and (2) installation of the perimeter fencing and;

WHEREAS, the Community Development Director has indicated it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file the Notice of Completion and release the faithful performance and labor and materials bonds upon expiration of the statutory period and upon completion of the above-mentioned items prior to January 31, 2000.

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

1. The improvements in Almond Valley Subdivision are hereby accepted subject to the following conditions:
(a) that visual inspection and clearing of inlet piping sufficient to prevent flooding is completed by January 31, 2000; and

(b) that installation of the perimeter fencing is completed to the satisfaction of the engineering staff by January 31, 2000.

2. In the event said conditions are not completed by January 31, 2000, to the satisfaction of the City, said acceptance shall be null and void and have no further force and effect.

3. The City Clerk is hereby authorized to release bond for $1,203,336 for faithful performance and the bond for $1,203,336 for labor and materials upon the expiration of the statutory period after filing the Notice of Completion and upon completion of the above-mentioned items.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
                JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-620

A RESOLUTION ACCEPTING IMPROVEMENTS, WITH CONDITIONS, IN ALMOND VALLEY SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Kaufman and Broad – Central Valley Inc., a California corporation, subdividers of Almond Valley Subdivision, have filed a Subdivision Faithful Performance bond and a Subdivision Payment Bond for labor and materials in the amount of $34,000 and $34,000 respectively to guarantee improvements in Almond Valley subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department, with conditions that (1) visual inspection and clearing of inlet piping sufficient to prevent flooding and (2) installation of the perimeter fencing prior to January 31, 2000; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Almond Valley Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $34,000 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $34,000 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 99-621


WHEREAS, after meeting and conferring in good faith, management representatives of the City of Modesto (CITY) and representatives of the Modesto Police Officers Association (MPOA) have agreed to a Memorandum of Understanding (MOU) dated December 14, 1999, which becomes effective December 21, 1999, and which terminates June 30, 2003, and

WHEREAS, at its meeting of December 14, 1999, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the city of Modesto that it hereby approves a multi-year Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA), effective December 21, 1999, and which terminates June 30, 2003. A copy of said MOU is on file in the office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

WHEREAS, in July 1998, the City undertook a project to create a pre-eminent personnel system with the assistance of the Center for HR Leadership, and

WHEREAS, the first phase of the project consisted of evaluating and redesigning the major personnel functions of recruitment, training, classification, pay, performance management, discipline, and labor relations, and

WHEREAS, the City desires to promote a human resources system that models the values of a “high performance organization” to reach performance goals and to meet the expectations of our citizens, and

WHEREAS, the Personnel System Redesign recommendations are outlined in the Final Report of Human Resources System Design Recommendations, prepared by Center for HR Leadership, dated October, 1999, a copy of which is on file in the Office of the City Clerk, and

WHEREAS, the recommendations resulting from the concept phase of the project have received endorsement from the Financial Policy Committee, the Stakeholder Team (30-40 employees, managers, and employee association representatives), the Senior Executive Team and the Business Leaders Committee, and

WHEREAS, the Financial Policy Committee reviewed and endorsed the Redesign
recommendations at its meeting of November 23, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby endorses the Personnel System Redesign concepts as outlined in the Final Report of Human Resources System Design Recommendations, prepared by the Center for HR Leadership, dated October, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-623

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A TRAIL USE CONDITION REQUEST (RAILBANKING APPLICATION) TO THE SURFACE TRANSPORTATION BOARD TO PRESERVE THE VIRGINIA AVENUE RAILROAD CORRIDOR FROM NEEDHAM STREET TO BANGS AVENUE FOR USE AS A CLASS I BIKE PATH/TRAIL.

WHEREAS, the Virginia Avenue Railroad Corridor Project is associated with the Modesto Track Consolidation and Grade Separation Project, and

WHEREAS, this project area includes the Union Pacific Railroad Right-of-Way from Needham Street to just north of Bangs Avenue, and

WHEREAS, the Union Pacific Railroad anticipates filing for abandonment of its right-of-way in the corridor on or about December 10, 1999, and

WHEREAS, City staff has been working with the Rails-to-Trails Conservancy and Union Pacific Railroad to explore preservation opportunities for this right-of-way for a Class I Bicycle Path/Trail, including corridor beautification activities, and

WHEREAS, preservation of this transportation corridor for future transportation uses has been part of established City policy for a number of years, and the corridor was identified for preservation in both the Urban Area General Plan, adopted in 1995, and the Non-Motorized Transportation Master Plan, adopted in 1997, and

WHEREAS, the railroad has agreed to convey its rights, title and interest in the railroad to the City upon abandonment, and

WHEREAS, Federal legislation was passed in 1983 allowing a process called
Railbanking to provide for railroad corridors to be kept in tact, even if rail use is ended, thereby treating the corridor as if it had not been abandoned, and

WHEREAS, if Railbanking is not used to preserve the corridor, a very time-consuming and expensive title search and analysis of all original easements and subsequent property transactions would be necessary in order to obtain grant funds and make significant public improvements within the corridor, and

WHEREAS, a Railbanking application must be filed with the Surface Transportation Board within thirty days of the date the railroad files its request for abandonment (on or about December 10, 1999), and

WHEREAS, on October 12, 1999, the Transportation Policy Committee (TPC) requested that staff hold community information meetings to explain the use of Railbanking as a means to preserve the Virginia Avenue Railroad Corridor and to obtain public input regarding potential future uses for said corridor, and

WHEREAS, staff conducted public information meetings on November 8, 1999, and November 10, 1999, and found that participants were strongly supportive of Railbanking the corridor and using it to establish a Class I Bike Path, and

WHEREAS, on November 16, 1999, the TPC referred this item back to staff, requesting that staff meet with individual property owners in the Virginia Corridor to address specific concerns and provide responses to questions expressed by citizens, and

WHEREAS, on November 19, 1999, and November 24, 1999, staff met with several property owners that live in the corridor to discuss reversionary interest issues, and

WHEREAS, on November 30, 1999, staff provided the TPC and residents with
specific information pertaining to reversionary interests, use guarantees and funding sources, and the committee unanimously recommended approval to apply for Railbanking of the corridor and to initiate a process to amend policy documents and prepare a Specific Plan for the corridor, and

WHEREAS, timely filing of a Railbanking application and abandonment proceedings is necessary to prohibit disruption of other major project schedules in the Railroad Relocation Project, such as the Pelandale Expressway crossing of the Union Pacific Right-of-Way and the Kansas-Needham Overcrossing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to file a Trail Use Condition Request (Railbanking Application) to the Surface Transportation Board to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail.

BE IT FURTHER RESOLVED that staff is hereby directed to initiate the process of amending policy documents that reference Mass Transportation in the Virginia Avenue Railroad Corridor.

BE IT FURTHER RESOLVED that staff is hereby directed to seek funding for the planning and development of the bike trail and corridor beautification, to include the preparation of a Specific Plan for the Virginia Avenue Railroad Corridor.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 99-624

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS IN CONFORMANCE WITH A NEGATIVE DECLARATION (SCH NO. 97012036) RELATING TO THE NON-MOTORIZED TRANSPORTATION MASTER PLAN: TO PRESERVE THE VIRGINIA AVENUE RAILROAD CORRIDOR FROM NEEDHAM STREET TO BANGS AVENUE FOR USE AS A CLASS I BIKE PATH/TRAIL.

WHEREAS, the Parks and Recreation Department, by Initial Study, provided environmental review for the proposed Non-Motorized Transportation Master Plan pursuant to CEQA Section 21080(c)(1), and

WHEREAS, CEQA Section 21080(c)(1) allows the preparation of a Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, determined that there is no substantial evidence that the project may have a significant effect on the environment, and

WHEREAS, on December 20, 1996, the City of Modesto, the lead agency, after reviewing and considering the entire record before it, determined that there is no substantial evidence that the proposed Non-Motorized Transportation Plan may have a significant effect on the environment, and

WHEREAS, on February 18, 1997, the City of Modesto adopted a Negative Declaration (SCH 97012036) for and approved the Modesto Non-Motorized Transportation Master Plan, and

WHEREAS, a Notice of Determination was filed with the Stanislaus County...
WHEREAS, on December 14, 1999, the City Council considered adopting a resolution to authorize the City Manager to file a Trail Use Condition Request (Railbanking) to the Surface Transportation Board to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Trail,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Negative Declaration (SCH 9701236) prepared for the Non-Motorized Transportation Master Plan, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, and based on the substantial evidence included in said Initial Study/Negative Declaration makes the following findings pursuant to CEQA Section 15162:

1. No substantial changes are proposed in the project which will require major revisions of the Negative Declaration.

2. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Negative Declaration.

3. No new information has become available which was not known and could not have been known at the time the Negative Declaration was adopted.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposal to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail project is in conformance with said Initial Study/Negative Declaration prepared for said City of Modesto Non-Motorized Transportation Master Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study/Negative Declaration
NOTICE OF DETERMINATION
FILED
97FEB24 PM 1:30
KAREN MATHIEWS COUNTY CLERK
BY: __________________________
801 11th Street, P.O. Box 8429 Modesto, CA 95353
[TDD (209) 526-9211 Hearing and Speech Impaired only]

CITY of MODESTO

Parks and Recreation Department
(209) 577-5344 FAX (209) 579-5077

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of Modesto Community Development Department
P.O. Box 642, Modesto, CA 95353

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code

Project Title: Modesto Non-Motorized Transportation Master Plan

State Clearinghouse No.: 97012036
Contact Person: Fred Allen, Parks Planning & Development Manager, (209) 577-5353

Project Location (include county): Throughout Modesto General Plan area.

Project Description:
The Modesto Non-Motorized Transportation Master Plan is a long range plan to provide the community with a blueprint for the ultimate development of a non-motorized system in the General Plan area. The non-motorized system is intended to provide a safe environmentally clean alternative to motorized transportation systems.

The non-motorized transportation system builds on the bicycle facilities that were developed in response to the 1983 Bicycle Plan. The new plan varies from the old by avoiding McHenry Avenue and Oakdale Road and by placing bike paths alongside planned expressways rather than placing bike lanes on these roads. The non-motorized transportation system also includes the development of adjunct system of paths on some of the canal right-of-ways.

This is to advise that on February 18, 1997, the City of Modesto, the lead agency, adopted a Negative Declaration for and approved the Master Plan. In taking this action, the City Council, on February 18, 1997, approved and adopted a Negative Declaration for the project and made the following determination:

(1) There is no substantial evidence in light of the whole record before the City that the project will have a significant effect on the environment.
(2) An Initial Study/Negative Declaration (SCH #97012036) was prepared for this project pursuant to Section 21080 (c)(1).

(3) Mitigation Measures were not made a condition of the approval of this project.

(4) A statement of overriding considerations was not adopted for this project.

This is to certify that the Initial Study/Negative Declaration (SCH #9701236), with comments and responses and record of project approval, is available to the General Public at City of Modesto, Office of the City Clerk, City Hall, 801 11th Street, Modesto, CA 95354.

Fred D. Allen Jr.  2-24-97  Parks Planning Manager

Signature (Public Agency)  Date  Title

Fred D. Allen Jr.
1. Purpose of Initial Study:

This Initial Study, based on Appendix I of the CEQA Guidelines, provides environmental review for the proposed Non-Motorized Transportation Master Plan. This project has received a Parks and Recreation Master Plan Evaluation Study and various studies funded through the City's Capital Improvement Program. This Initial Study will review the project pursuant to CEQA Section 21080(c) (1). This section allows the preparation of a Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, determines that there is no substantial evidence that the project may have a significant effect on the environment.

2. Project Title: Non-Motorized Transportation Master Plan

3. Lead Agency Name and Address: City of Modesto
   P.O. Box 642
   Modesto, CA 95353

4. Contact Person: Fred D. Allen, Jr., Parks Planning & Development Manager,
   Phone Number: (209) 577-5353

5. Project Location: Throughout Modesto General Plan Area

6. Project Sponsor's Name: City of Modesto
   and Address: P.O. Box 642
                Modesto, CA 95353

7. General Plan Designation: Not Applicable - Applies throughout the General Plan Area.

8. Zoning: Not Applicable - Applies throughout the Community.
9. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The Modesto Non-Motorized Transportation Master Plan is a long range plan to provide the community with a blue print for the ultimate development of a non-motorized system in the General Plan area. The non-motorized system is intended to provide a safe environmentally clean alternative to motorized transportation systems.

In order to implement this blue print, the plan has identified system goals, existing conditions that influence development of such a system, and describes types of facilities available for non-motorized transportation systems. The plan also recommends which facilities to develop, a city-wide system, and its development phasing, policies, and standards, and potential funding sources.

The non-motorized transportation system builds on the bicycle-facilities that were developed in response to the 1983 Bicycle Plan (Figure 1). The new plan varies from the old by avoiding McHenry Avenue and Oakdale Road and by placing bike paths alongside planned expressways rather than placing bike lanes on these roads.

The First Priority Non-Motorized Transportation System (Figure 17) is laid out on a two-mile grid east to west and north to south throughout the city. This system is primarily located on existing streets, utility right-of-ways, and existing park maintenance roads and trails. First priority development includes a diagonal route along the Hetch Hetchy Aqueduct right-of-way and paths along Dry Creek, the Tuolumne River, and the Stanislaus River.

The First Priority System provides access to the two college campuses, downtown Modesto, major shopping areas, transit centers, industrial and medical employers, the regional parks, and most schools and local parks. It serves both transportation and recreational purposes and provides connections to neighboring communities and to the unincorporated areas of Stanislaus County.

The Long-Term Non-Motorized Transportation System (Figure 18) develops a second grid that brings the distance between major non-motorized transportation facilities to about one mile throughout the City of Modesto.
The Non-Motorized Transportation System also includes the development of adjunct system of paths on some of the canal right-of-ways, which will augment the system of paths separate from the City's street system.

10. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

North: Agricultural lands and Stanislaus River.

East: Agricultural lands and unincorporated City of Empire.

South: Agricultural lands and the City of Ceres.

West: Agricultural and pasture lands.

11. Other Public Agencies Whose Approval is Required (e.g. permits, financing approval, or participation agreement): None.
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

___ Land Use and Planning
___ Population and Housing
___ Geological Problems
___ Water
___ Air Quality
___ Transportation/Circulation
___ Biological Resources
___ Energy and Mineral Resources
___ Hazards
___ Noise
___ Mandatory Findings of Significance
___ Public Service
___ Utilities/Service Systems
___ Aesthetics
___ Cultural Resources
___ Recreation
ENVIRONMENTAL IMPACTS

LAND USE AND PLANNING

A. Will the proposal result in increased impacts to:

1. Conflict with General Plan designation or zoning?

2. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

3. Be incompatible with existing land use in the vicinity?

4. Affect agricultural resources or operation (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)?

5. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?
ENVIRONMENTAL IMPACTS

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact or conflict with General Plan designation or zoning. The Plan is consistent with the General Plan's and Use Diagram, Figure III-1.

2. The proposed Non-Motorized Transportation Master Plan will have no impact or conflict with environmental plans or policies because it is consistent with the Circulation and Transportation Diagram, Figure V-1.

3. The proposed Non-Motorized Transportation Master Plan will have less than significant impact or conflict with existing land use in the vicinity. The Plan is consistent with the General Plan's Land Use Diagram, Figure III-1.

4. The proposed Non-Motorized Transportation Plan will have less than significant impact or conflict with agricultural resources or operation because all trails, lanes, etc. are located on existing street or utility delivery right-of-way easements or existing maintenance roads or trails on City owned park land.

5. The proposed Non-Motorized Transportation Master Plan will have less than significant impact or conflict with the physical arrangement of an established community. The Plan is consistent with the General Plan's Land Use Diagram, Figure III-1.
ENVIRONMENTAL IMPACTS

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II. POPULATION AND HOUSING

A. Will the proposal result in increased impacts to:

1. Cumulatively exceed official regional or local population projections? No

2. Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)? No

3. Displace existing housing, especially affordable housing? No

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on regional or local population projects because it is a non-residential project that will neither generate nor remove housing units.

2. The proposed Thurman Field expansion, because it is located on an existing facility within an urbanized area adequately served by infrastructure, will not directly or indirectly contribute to growth reduction and thus have no impact.

3. The proposed Non-Motorized Transportation Master Plan, because it is located on existing City park facility, will have no impact on displacement of existing housing units.
III. GEOLOGIC PROBLEMS

A. Will the proposal result in increased impacts to:

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<tbody>
<tr>
<td>1. Fault rupture?</td>
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<td>2. Seismic ground shaking?</td>
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<td>3. Seismic ground failure, including liquefaction?</td>
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<td>4. Seiche, tsunami, or volcanic hazard?</td>
<td>□</td>
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<td>5. Landslides or mud flows?</td>
<td>□</td>
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<td>6. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?</td>
<td>□</td>
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<td>7. Subsidence of land?</td>
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<td>8. Expansive soils?</td>
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<td>9. Unique geologic or physical features?</td>
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ENVIRONMENTAL IMPACTS

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on fault rupture because there are no known active faults in the Modesto Area (Geologic Hazards, page IV-17-3 MEIR).

2. The proposed Non-Motorized Transportation Master Plan will have no impact on seismic ground shaking since the project is not within a seismically sensitive area (See Figure 17-1, page IV-17-4 MEIR).

3. The proposed Non-Motorized Transportation Master Plan will have no impact on seismic ground failure including liquefaction since the project is not within a seismically sensitive area (See Figure 17-1, page IV-17-4 MEIR).

4. The proposed Non-Motorized Transportation Master Plan will have no impact on tsunamis or volcanic hazards because Modesto is not located near large bodies of water or active volcanos (Chapter IV-17 MEIR).

5. The proposed Non-Motorized Transportation Master Plan will have no impact on landslides or mud flows because the project will be located on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trail systems located in City park. The project will also conform with the Americans with Disabilities Act requiring a maximum slope on all trails of 5%. The plan will conform to Mitigation Measure III, A. 1, 2, & 3 on page IV-17-10 & 11 of MEIR, all of which have been incorporated into the General Plan.

6. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on erosion or unstable soil conditions because the majority of all work will be done on existing street and utility right-of-ways. The remainder of the work will be done on existing maintenance roads and trails in City park land. The project will conform to Mitigation Measure III. A. on page IV-17-10 & 11 of MEIR, all of which have been incorporated into the General Plan.

7. The proposed Non-Motorized Transportation Master Plan will have no impact on subsidence of land because the Modesto Urban Area is not reported to have soils with a great potential for expansion (page IV-17-3 MEIR).
ENVIROMENTAL IMPACTS

B. Discussion (continued)

8. The proposed Non-Motorized Transportation Master Plan will have no impact because the Modesto Urban Area is generally flat, erosion of soil is minimal (page IV-17-3 MEIR).

9. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on unique geologic features because the three unique geologic features—Dry Creek, Tuolumne River, and Stanislaus River—will have class one bike trails. These trails will be designed to conform with Caltrans Standards by Professional Landscape Architects who will design the trails with preservation in mind. The trails are to be located for the most part on existing maintenance roads and trails.
### ENVIRONMENTAL IMPACTS

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<th>A. Will the proposal result in increased impacts to:</th>
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<tbody>
<tr>
<td>1. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?</td>
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<td>2. Exposure of people or property to water-related hazards such as flooding?</td>
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<td>3. Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity?)</td>
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<td>4. Changes in the amount of surface water in any water body?</td>
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<td>5. Changes in currents, or the course or direction of water movements?</td>
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<td>6. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?</td>
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ENVIRONMENTAL IMPACTS

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7. Altered direction or rate of flow of groundwater? □ □ □ ■
8. Impacts to groundwater quality? □ □ □ ■
9. Substantial reduction in the amount of groundwater otherwise available for public water supplies? □ □ □ ■

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on absorption rates, drainage patterns, or the rate and amount of surface run-off will not cause impacts since the project will comply with Mitigation Measure A.1, page IV-9-19 MEIR, which has since been incorporated into the General Plan.

2. The proposed Non-Motorized Transportation Master Plan will have no impact on exposure of people or property to water-related hazards such as flooding because the project will comply with Mitigation Measure III. A-1 and B-2, page IV-10-7 MEIR, which has since been incorporated into the General Plan.

3. The proposed Non-Motorized Transportation Master Plan will have no impact on discharge into surface waters on alteration of surface water quality.

4. The proposed Non-Motorized Transportation Master Plan will have no impact on changes in the amount of surface water in any water body because the project will not produce significantly more run-off into bodies of water.

5. The proposed Non-Motorized Transportation Master Plan will have no impact on changes in currents, or course of water movements because the project will not produce significantly greater run-off into existing water bodies or stream courses.
B. Discussion (continued)

6. The proposed Non-Motorized Transportation Master Plan will have no impact on changes to the quantity of groundwaters because it would not create any additional impacts and would not encourage or result in the use of large amounts of water in a wasteful manner.

7. The proposed Non-Motorized Transportation Master Plan will have no impact on flow of groundwater because it will not require new or increased amounts of groundwater since the project is not one that will require groundwater for implementation.

8. The proposed Non-Motorized Transportation Master Plan will have no impact to groundwater quality because the project will be a relatively minor increase in impervious surfaces which will be drained; and the above-referenced mitigation found on page IV-9-19 MEIR will be applied.

9. The proposed Non-Motorized Transportation Master Plan will have no impact on the amount of groundwater available for public water supplies because the project will not result in the use of large amounts of groundwater supplies, because groundwater is not necessary to implement the Plan.
V. AIR QUALITY

A. Will the proposal result in increased impacts to:

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<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>2. Expose sensitive receptors to pollutants?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3. Alter air movement, moisture, or temperature, or cause any change in climate?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>4. Create objectionable odors?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on or violate any air quality standard or contribute to an existing or projected air quality violation. The project by design is one that encourages non-motorized transportation, a mode that does not produce pollutants that compromise air quality. Project will comply with Mitigation Measure Table 2-2 1.a, 2. a, b, & c, and Table 2-3 1.a & 2.a, page IV-2-18 and IV-2-19, which have since been incorporated into the General Plan.

2. The proposed Non-Motorized Transportation Master Plan will have no impact to expose sensitive receptors to pollutants because it is non-motorized transportation.
ENVIRONMENTAL IMPACTS

B. Discussion (continued)

3. The proposed Non-Motorized Transportation Master Plan will have no impact on air movement, moisture, or temperature, or cause any change in climate because it doesn't generate air movement, produce moisture, or increase or decrease temperature because it is a non motorized system.

4. The proposed Non-Motorized Transportation Master Plan will have no impact because it will not generate any objectionable odors.
VI. TRANSPORTATION/CIRCULATION

A. Will the proposal result in increased impacts to:

1. Increased vehicle trips or traffic congestion?

2. Hazards to safety from design features (e.g. farm equipment)?

3. Inadequate emergency access or access to nearby uses?

4. Insufficient parking capacity on-site or off-site?

5. Hazards or barriers for pedestrians or bicyclists?

6. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

7. Rail, water borne, or air traffic impacts?
ENVIRONMENTAL IMPACTS

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on increased vehicle trips or traffic congestion. The operation of a non-motorized system is one that decreases both vehicle trips and traffic congestion.

2. The proposed Non-Motorized Transportation Master Plan will have no impact on hazards to safety from design features included in the project because the project will comply with Mitigation Measure III. C. 3 d., page IV-17-37, which has been incorporated into the General Plan.

3. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on adequacy of emergency access because it will conform with Mitigation Measure III. A. 2, page IV-17-11 MEIR, which has since been incorporated into the General Plan.

4. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on parking on site or off-site because no parking is required by this project. In general, no off-street parking would be displaced. Any removal of on-street parking would be done in accordance with City standards.

5. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on hazards or barriers for pedestrians or bicyclists because pedestrian and bicycle safety is one of the major goals of the Plan. The Master Plan recommends an educational program that focused on adult and children safety programs, pages 81-85.

6. The proposed Non-Motorized Transportation Master Plan will have no impact on adopted policies supporting alternative transportation because this project is consistent with Mitigation Measure III, C. 3 d., page IV-1-37, which has since been incorporated into the General Plan.

7. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on rail, water borne, or air traffic because bike lanes going across railroad tracks will conform to Non-Motorized Transportation Master Plan Figure 12, page 48. Bridges across waterways will conform to Non-Motorized Transportation Master Plan Figure 11, page 47.
### VII. BIOLOGICAL RESOURCES

#### A. Will the proposal result in increased impacts to:

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<th>Impact</th>
<th>Potentially Significant</th>
<th>Unless Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and bird?)</td>
<td>☐</td>
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<tr>
<td>Locally designated species (e.g. heritage trees)?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Wetland habitat (e.g. marsh, riparian, and vernal pool?)</td>
<td>☐</td>
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<tr>
<td>Wildlife dispersal or migration corridors?</td>
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</table>

#### B. Discussion

1. The proposed Non-Motorized Transportation Master Plan would have a less than significant impact on endangered species because although the site is contained within the "Potential Biological Resource Study Area," Figure 7-1, Riparian Corridor Program, Master EIR, there would be no impacts to endangered species.
ENVIRONMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have no impact on locally designated species because the majority of the project is located in public street right-of-ways and utility line right-of-ways, which have no locally designated species. The remainder of the system is located within public park land and trails will be specifically located to avoid conflict with existing trees.

3. There are no locally designated natural communities within the Modesto Urban Area.

4. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on wetland, habitat because the 14-foot standard width corridors would not significantly displace existing vegetation. In the vast majority of cases, bicycle lanes are located within existing right-of-way and presently developed areas.

5. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on wildlife dispersal or migration corridors because the 14-foot standard width corridors would not significantly displace existing vegetation. In the vast majority of cases, bicycle lanes are located within existing right-of-way and presently developed areas.
VIII. ENERGY AND MINERAL RESOURCES

A. Will the proposal result in increased impacts to:

1. Conflict with adopted energy conservation plans?
   
2. Use nonrenewable resources in a wasteful and inefficient manner?
   
3. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on adopted energy conservation plans because it would not have any additional effects on the use of fuel, water, or energy in a wasteful manner as a development project within the Baseline Developed Area.

2. The proposed Non-Motorized Transportation Master Plan will have no impact on the use of nonrenewable resources in a wasteful or inefficient manner because it would not encourage activities which would result in the use of large amounts of fuel, water, or energy.

3. The proposed Non-Motorized Transportation Master Plan will have no impact on mineral resources of value to the state or region because it would not result in the use of fuel, water, or energy in a wasteful manner.
ENVIRONMENTAL IMPACTS

IX. HAZARDS

A. Will the proposal result in increased impacts to:

1. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?

   POTENTIALLY SIGNIFICANT
   UNLESS MITIGATION INCORPORATED
   LESS THAN SIGNIFICANT IMPACT
   NO IMPACT

   □   □   □   □   ■

2. Possible interference with an emergency response plan or emergency evacuation plan?

   □   □   ■   □   □

3. The creation of any health or potential health hazard?

   □   □   □   □   ■

4. Exposure of people to existing sources of potential health hazards?

   □   □   □   □   ■

5. Increased fire hazard in areas with flammable brush, grass, or trees?

   □   □   □   □   ■

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on risk of accidental explosion or release of hazardous substances because none of these substances are used in the process of construction and/or daily use of bicycle lanes.
B. Discussion (continued)

2. The City Police Department has indicated the proposed Non-Motorized Transportation Master Plan will have less than significant impact on interference with emergency response or emergency evacuation plans.

3. The proposed Non-Motorized Transportation Master Plan will have no impact on the creation of any health hazards because there would be no health hazards resulting from its development.

4. The proposed Non-Motorized Transportation Master Plan will have no impact on increased fire hazard in areas with flammable brush, grass, or trees. The proposed Plan impacts have been analyzed into Master EIR and the mitigation measures on page IV-14-8, MEIR, which have since been incorporated into the General Plan and would ensure proper fire protection and service standards.
ENIRONMENTAL IMPACTS

X. NOISE

A. Will the proposal result in increased impacts to:

1. Increases in existing noise levels? □ □ □ □ □

2. Exposure of people to severe noise levels? □ □ □ □ □

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on increases in existing noise levels because the system will not generate noise above the General Plan standards shown on page VII-27 of the General Plan.

2. The proposed Non-Motorized Transportation Master Plan will have no impact on exposure of people to severe noise levels because the system will not generate noise above the General Plan standards shown on page VII-27 of the General Plan.
XI. PUBLIC SERVICES

A. Will the proposal result in increased impacts to:

<table>
<thead>
<tr>
<th>Item</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>1. Fire protection?</td>
<td>☐</td>
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<tr>
<td>2. Police protection?</td>
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<td>3. Schools?</td>
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<td>4. Maintenance of public facilities, including roads?</td>
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<td>5. Other government services?</td>
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B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on fire protection because the system will be consistent with Mitigation Measure III C. 1. & 2., MEIR, page IV-14-9, which has since been incorporated into the General Plan.
ENVIRONMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on police protection because the system will be consistent with Mitigation Measure III. C. 1., 2., 3., & 4., MEIR, page IV-13-7, which has since been incorporated into the General Plan.

3. The proposed Non-Motorized Transportation Master Plan will have no impact on schools because it is of a non-residential nature. Because it is of a non-residential nature, it doesn't warrant provision of education service by the school districts.

4. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on maintenance of public facilities, including roads, because the increased maintenance levels for bicycle lanes on public streets and right-of-ways are minimal and will not divert public resources away from other maintenance responsibilities of the City.

5. The proposed Non-Motorized Transportation Master Plan will have no impact on other government services.
### ENVIRONMENTAL IMPACTS

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<th>Potentially Significant</th>
<th>Potentially Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>A. Will the proposal result in increased impacts to:</td>
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<tr>
<td>1. Power or natural gas?</td>
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<td>2. Communications systems?</td>
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<tr>
<td>3. Local or regional water treatment or distribution facilities?</td>
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<td>☐</td>
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<td>4. Sewer or septic tanks?</td>
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<td>5. Storm water drainage?</td>
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<td>6. Solid waste disposal?</td>
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<tr>
<td>7. Local or regional water supplies?</td>
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</table>

### Discussion

1. The proposed Non-Motorized Transportation Master Plan will have **no impact** on power or natural gas because the project has no need for these services.
ENVIROMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have no impact on communication systems because the project has no need for that service.

3. The proposed Non-Motorized Transportation Master Plan will have no impact on regional water treatment or distribution facilities because the project has no need for that service and will therefore not create an increased demand for water treatment and distribution facilities.

4. The proposed Non-Motorized Transportation Master Plan will have no impact on sewer or septic tanks because the project has no need for that service and will therefore not create an increased demand for sewer or septic tank service.

5. The proposed Non-Motorized Transportation Master Plan will have no impact on storm water drainage because the project will not create effects beyond those analyzed in the Master EIR.

6. The proposed Non-Motorized Transportation Master Plan will have no impact on solid waste disposal because the project will not generate solid waste products and will therefore not create an increased demand for disposal of solid waste.

7. The proposed Non-Motorized Transportation Master Plan will have no impact on local or regional water supplies because the project has no need for water supplies and will therefore not create an increased demand for water supplies.
XIII. AESTHETICS

A. Will the proposal result in increased impacts to:

1. Affect a scenic vista or scenic highway? □ □ □ □ □

2. Have a demonstrable negative aesthetic effect? □ □ □ □ □

3. Create light or glare? □ □ □ □ □

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on scenic vistas or scenic highways because the project will create no new additional effects or obstructions or any significant vistas.

2. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on aesthetics because by design, the paths trails, and lanes are designed to be consistent with mandated Caltrans standards.

3. The proposed Non-Motorized Transportation Master Plan will have no impact on light or glare because no lighting fixtures or appurtenances are used in the Plan.
XIV. CULTURAL RESOURCES

A. Will the proposal result in increased impacts to:

1. Disturb paleontological resources?
   - No Impact

2. Disturb archaeological resources?
   - No Impact

3. Have the potential to cause a physical change which would affect unique ethnic cultural values?
   - No Impact

4. Restrict existing religious or sacred uses within the potential impact area?
   - No Impact

B. Discussion

1. No paleontological resources have been identified in the Modesto Urban Area.
ENVIROMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have no impact on unique ethnic cultural values because the project is contained on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trails in City owned parks.

3. The proposed Non-Motorized Transportation Master Plan will have no impact on unique ethnic cultural values because the project is contained on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trails in City owned parks.

4. The proposed Non-Motorized Transportation Master Plan will have no impact on religious or sacred uses because the project is contained on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trails in City owned parks.
ENVIRONMENTAL IMPACTS

V. RECREATION

A. Will the proposal result in increased impacts to:

1. Increase the demand for neighborhood or regional parks or other recreational facilities? □ □ ■ □

2. Affect existing recreational opportunities? □ □ ■ □

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on demand for neighborhood or regional parks or other recreational facilities because it is a non-residential project that will neither generate nor remove population.

2. The proposed Non-Motorized Transportation Master Plan will have a less than significant impact and will actually enhance recreational opportunities by linking City parks together, and by providing recreational access opportunities between schools and the two separate campuses of Modesto Junior College.
XVI. MANDATORY FINDINGS OF SIGNIFICANCE

A. Will the proposal result in increased impacts to:

1. The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

2. The potential to achieve short-term, to the disadvantage of long-term environmental goals?
ENVIRONMENTAL IMPACTS

3. Impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

4. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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<tr>
<th>POTENTIALLY SIGNIFICANT IMPACT</th>
<th>POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</th>
<th>LESS THAN SIGNIFICANT IMPACT</th>
<th>NO IMPACT</th>
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B. Discussion

1. The proposed Non-Motorized Transportation Master Plan project has a less than significant impact on degradation of the environment regarding wildlife species, the plant or animal communities on rare or endangered species or prehistoric specimens because the project is entirely contained within an existing City of Modesto Parks and Recreation facility and/or property; and appropriate mitigation is provided.

2. The proposed Non-Motorized Transportation Master Plan project has a less than significant impact on the potential to achieve short-term to the disadvantage of long-term environmental goals.
ENVIRONMENTAL IMPACTS

B. Discussion (continued)

3. The proposed Non-Motorized Transportation Master Plan project has a less than significant impact on the potential to create impacts that are cumulatively considerable because there would be no new cumulative impacts.

4. The proposed Non-Motorized Transportation Master Plan project has a less than significant impact or direct or indirect adverse effects on human beings by project-specific studies which cannot be mitigated to less than significant by proposed mitigation contained in this Initial Study.
XVII. MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT EFFECTS

None.

XVIII. DETERMINATION

Based on substantial evidence provided in the Initial Study, the City of Modesto finds:

Based on the above referenced Initial Study, there is no substantial evidence in light of the whole record that the project will have a significant effect on the environment.

Signature:  

Fred D. Allen, Jr., Parks Planning and Development Manager  
City of Modesto  
Parks and Recreation Department  

Date: 12.20.96
MODESTO CITY COUNCIL
RESOLUTION NO. 99-625

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(537) AS AN ADDITION TO P-D(537), AND AN AMENDMENT TO THE DEVELOPMENT PLAN FOR THE EXISTING PORTION OF P-D(537). (COSTA LIMITED PARTNERS)

WHEREAS, on September 22, 1998, by Ordinance No. 3099-C.S., the City Council approved an application by Costa Limited Partners to rezone property located on the north side of Pelandale Avenue east of Sisk Road from Specific Plan-Overlay, (SP-O), Zone to Planned Development Zone, P-D(532), to allow a multi-screen theater, hotel, restaurants, and retail commercial uses, and

WHEREAS, City Council Resolution No. 98-511 approved the development plan for Planned Development Zone, P-D(532), and contained the conditions of approval thereof, and

WHEREAS, on July 6, 1999, by Ordinance No. 3152, the City Council approved an application by Costa Limited Partners to reclassify a portion of P-D(532) to a new Planned Development Zone, P-D(537), to allow a retail commercial center, and

WHEREAS, City Council Resolution No. 99-339 approved the development plan, conditions of approval and development schedule for Planned Development Zone, P-D(537), and

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on August 23, 1999, to reclassify from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to
P-D(537), an expanded retail commercial center allowing C-3 zone uses, property located on the north side of Pelandale Avenue east of Sisk Road, described as follows:

**SP-O to P-D(537)**

ALL that certain real property situate in the City of Modesto, County of Stanislaus, State of California and lying in a portion of the Northwest Quarter of the Southwest Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being more particularly described as follows:

COMMENCING for reference at the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 2, also being a point on the center line of Pelandale Avenue; thence North 89° 29' 39" East along the centerline of said Pelandale Avenue, a distance of 2120.63 feet to the TRUE POINT OF BEGINNING of this Description; thence leaving last said line and proceeding North 00° 13' 01" West, a distance of 670.38 feet; thence South 89° 38' 18" West, a distance of 799.68 feet; thence South 00° 13' 01" East, a distance of 672.40 feet; to a point on said centerline of Pelandale Avenue; thence North 89° 29' 39" East along last said center line, a distance of 799.69 feet to the Point of Beginning of this Description.

Containing 12.33 acres more or less.

SUBJECT TO all easements and/or rights-of-way of record.

and

WHEREAS, Costa Limited Partners has also applied to amend Planned Development Zone, P-D(537), for a revised development plan for the existing portion of Planned Development Zone, P-D(537), and

WHEREAS, after a public hearing held on December 6, 1999, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-81, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:
1. The requested rezoning and amendment is in accordance with the community’s objectives as set forth in the General Plan, because the site is designated Regional Commercial in the General Plan, the project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c) of the General Plan, and it furthers the General Plan Economic Development Goal I-D(2) to provide more employment opportunities.

and

WHEREAS, said matter was set for a public hearing of the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at 7:00 p.m. on December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council, and

WHEREAS, after said public hearing the Council found and determined that the application of Costa Limited Partners for an addition to Planned Development Zone, P-D(537), and an amendment to the development plan for the existing portion of Planned Development Zone, P-D(537), should be granted as consonant with public necessity, convenience and general welfare for the reason set forth above, and

WHEREAS, the Council has introduced Ordinance No. 3163-C.S. on the 16th day of December, 1999, reclassifying the above-described property from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to Planned Development Zone, P-D(537).

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(537), as an addition to Planned Development Zone, P-D(537), and an
amendment to the development plan for the existing portion of Planned Development Zone, P-D(537), is hereby approved subject to the following conditions:

1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City’s Standard Specifications and subject to the approval of the Engineering and Transportation Director.

2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.

3. The Chapman/Pelandale intersection shall be signalized when warranted.

4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.

5. 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.

6. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.

7. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.

8. The developer shall install water meters on all new construction.

9. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.

10. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.
11. The project 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.

12. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

13. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

14. The 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.

15. 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.

16. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine 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.

17. 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 MEIR) 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.

18. 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.

19. The project shall provide shade trees, where feasible and appropriate, in landscape plans.

20. All development shall conform to the plot plan and elevations titled "The Northgate Village Shopping Center" as amended in red, stamped approved by the Planning Commission on December 6, 1999.

21. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.
22. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project in accordance with the City’s Standard Specifications and the Kiernan Business Park Specific Plan, or an alternate solution for sewer service may be provided if approved by the Engineering and Transportation Director. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.

23. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area of the Kiernan Business Park Specific Plan south of M.I.D. Lateral No. 6 and west of the Fleur de Ville subdivision and the adjacent sections of Pelandale Avenue and Chapman Road to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drain basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.

24. Prior to the issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with the Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

25. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

26. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area. Interim improvements on the north portion of Chapman Road prior to development of the adjacent properties may
be constructed if approved by the Engineering and Transportation Director.

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

28. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

A six-foot-high chain-link fence adjacent to the M.I.D. Lateral No. 6.

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

31. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements as required by the Recreation and Neighborhoods Director, shall be dedicated along all street frontages.

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

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

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

35. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
36. 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 west, substantially as shown in red on the plot plan.

37. 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.

38. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

39. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

40. All signs shall comply with the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(537), as an addition to Planned Development Zone, P-D(537):

The entire construction program be accomplished in one phase, construction to begin on or before December 16, 2001, and completion to be not later than December 16, 2002.
SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(537), becomes effective.
The foregoing resolution was introduced at a *special meeting* of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: Serpa

**ABSENT:** Councilmembers: Dobbs

*ATTEST:*

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Community Development Department Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 99-626

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(540). (COSTA
LIMITED PARTNERS)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the
Zoning Map was filed by Costa Limited Partners on August 23, 1999, to reclassify from
Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(540), to allow for a
17-screen 80,000 square foot theater, including one I-Max type large screen theater, property
located on the east side of Chapman Road north of Pelandale Avenue, described as follows:

SP-O to P-D(540)

ALL that certain real property situate in the City of Modesto, County of
Stanislaus, State of California and lying in a portion of the Northwest Quarter
of the Southwest Quarter of Section 2, Township 3 South, Range 8 East, Mount
Diablo Base and Meridian, being more particularly described as follows:

COMMENCING for reference at the West Quarter corner of said Section 2;
thence South 00° 14’ 29” East along the West line of said Section 2, a distance
of 90.10 feet to a point on the South line of the 100-foot-wide right-of-way for
the Modesto Irrigation District’s Lateral No. 6; thence leaving last said line and
proceeding North 89° 38’ 18” East along last said right-of-way line, a distance
of 1340.49 feet to the TRUE POINT OF BEGINNING of this Description;
thence continuing North 89° 38’ 18” East along last said right-of-way line, a
distance of 780.66 feet to the Northeast corner of Parcel 2 as shown on that map
filed for record in the Office of the Recorder of Stanislaus County on April 16,
1999, in Book 49 of Parcel Maps at Page 44; thence leaving last said line and
proceeding South 00° 13’ 01” East along the East line of said Parcel 2, a
distance of 571.50 feet; thence leaving last said line and proceeding South 89°
38’ 18” West, a distance of 780.66 feet; thence North 00° 13’ 01” West, a
distance of 571.50 feet to the Point of Beginning of this Description.

Containing 10.24 acres gross more or less.

Containing 9.67 acres net more or less.
Subject to all easements and/or rights-of-way of record.

and

WHEREAS, after a public hearing held on December 6, 1999, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-82, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. The requested rezoning and amendment is in accordance with the community's objectives as set forth in the General Plan, because the site is designated Regional Commercial in the General Plan, the project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c) of the General Plan, and it furthers the General Plan Economic Development Goal I-D(2) to provide more employment opportunities.

and

WHEREAS, said matter was set for a public hearing of the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at 7:00 p.m. on December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council, and

WHEREAS, after said public hearing the Council found and determined that the application of Costa Limited Partners for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reason set forth above, and
WHEREAS, the Council has introduced Ordinance No. 3164-C.S. on the 16th day of December, 1999, reclassifying the above-described property from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(540).

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

1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City’s Standard Specifications and subject to the approval of the Engineering and Transportation Director.

2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.

3. The Chapman/Pelandale intersection shall be signalized when warranted.

4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.

5. 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.

6. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.

7. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.

8. The developer shall install water meters on all new construction.
9. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.

10. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

11. The project 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.

12. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

13. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

14. The 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.

15. 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.

16. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and
local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine 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.

17. 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 MEIR) 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.

18. 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.

19. The project shall provide shade trees, where feasible and appropriate, in
landscape plans.

20. All development shall conform to the plot plan and elevations titled "The
Northgate Village Shopping Center" as amended in red, stamped
approved by the Planning Commission on December 6, 1999.

21. Except as amended herein, or by reference, all development shall be in
accordance with the Kiernan Business Park Specific Plan.

22. Prior to occupancy of any structure, the developer shall install a sewer
lift station and force main to provide sewer service to the project in
accordance with the City's Standard Specifications and the Kiernan
Business Park Specific Plan, or an alternate solution for sewer service
may be provided if approved by the Engineering and Transportation
Director. The funding mechanism and funding source for said
improvements will be identified to the satisfaction of the Engineering
and Transportation Director.

23. Prior to occupancy of any structure, the developer shall provide a storm
drain basin and system sufficient to drain the area of the Kiernan
Business Park Specific Plan south of M.I.D. Lateral No. 6 and west of
the Fleur de Ville subdivision and the adjacent sections of Pelandale
Avenue and Chapman Road to their respective centerlines. The basin
improvements may be phased subject to the review and approval of the
Engineering and Transportation Director. The developer shall be
required to maintain this storm drain basin until such time as the
Community Facilities District for the Kiernan Business Park is able to
take over maintenance of the basin.

24. Prior to the issuance of a building permit, the developer shall advance
the necessary infrastructure costs or shall construct or bond the facilities
necessary to extend infrastructure service to the area in accordance with
the Kiernan Business Park Specific Plan and this planned development.
If temporary measures are utilized, the developer shall also fund the
amount necessary for removing and replacing the temporary facilities
and connecting to the permanent facilities when available. The costs and
improvements shall be determined by the Engineering and
Transportation Director.
25. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

26. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area. Interim improvements on the north portion of Chapman Road prior to development of the adjacent properties may be constructed if approved by the Engineering and Transportation Director.

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

28. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

A six-foot-high chain-link fence adjacent to the M.I.D. Lateral No. 6.

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

31. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements as required by the Recreation and Neighborhoods Director, shall be dedicated along all street frontages.

32. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
33. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

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

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

36. 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 west, substantially as shown in red on the plot plan.

37. 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.

38. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

39. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

40. All signs shall comply with the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.

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

42. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto and the property owner is in effect. In the event, for any reason, the development agreement is terminated prior to the opening of the theater, then the zoning, including development entitlements, as it relates to the theater shall be null and void. In such event the City may, in addition to any of the remedies set forth in the development agreement, withhold and/or revoke any theater-related permit including grading, excavation, building and/or occupancy permits.

43. The theater at the project site shall not open before March 1, 2001. In the event that any theater project of ten or more screens located outside the City of Modesto and within a ten mile radius and/or the city limits of the City of Ripon from the previously approved theater in downtown Modesto, is approved, then the opening date restriction shall be for one year subsequent to such approval, but in no event later than March 1, 2001.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(540):

The entire construction program be accomplished in one phase, construction to begin on or before March 1, 2003, and completion to be not later than March 1, 2004.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating
to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(540), becomes effective.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember ___, who moved its adoption, which motion being duly seconded by Councilmember ___, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

[Signature]
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

[Signature]
Community Development Department Planning Division
MODESTO CITY COUNCIL  
RESOLUTION NO. 99-627  

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 98-511 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(532). (COSTA LIMITED PARTNERS)"

WHEREAS, the Modesto City Council, by Ordinance No. 3099-C.S., which was introduced on September 22, 1998, finally adopted on October 6, 1998, and which became effective on November 5, 1998, granted Planned Development Zone, P-D(532), to allow a multi-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, City Council Resolution No. 98-511 adopted by the City Council on September 22, 1998, approved the development plan for Planned Development Zone, P-D(532), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3152-C.S., which was introduced on July 6, 1999, finally adopted on July 20, 1999, and which became effective on August 19, 1999, approved an application to reclassify a portion of Planned Development Zone, P-D(532), to a new Planned Development Zone, P-D(537), to allow a retail commercial center, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(532), was filed by Costa Limited Partners on August 23, 1999, to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail building, and
WHEREAS, after a public hearing on December 6, 1999, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-80, that amendment of Planned Development Zone, P-D(532), as proposed, was required by public necessity, convenience and general welfare for the following reason:

1. The requested rezoning and amendment is in accordance with the community’s objectives as set forth in the General Plan, because the site is designated Regional Commercial in the General Plan, the project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c) of the General Plan, and it furthers the General Plan Economic Development Goal I-D(2) to provide more employment opportunities.

and

WHEREAS, by Resolution No. 99-80 the Planning Commission recommended to the Council that Planned Development Zone, P-D(532), be amended to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail building, and

WHEREAS, said matter was set for a public hearing of the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at 7:00 p.m. on December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council, and

WHEREAS, after said public hearing the Council found and determined that the application of Costa Limited Partners for an amendment to Planned Development Zone, P-D(532), should be granted as consonant with public necessity, convenience and general welfare for the reason set forth above, and

12/21/99
WHEREAS, the Council has introduced Ordinance No. 3165-C.S. on the
16th day of December, 1999, amending Section 2 of Ordinance No. 3099-C.S.,
to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail
building,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that Section 1 of Modesto City Council Resolution No. 98-511 entitled "A Resolution
Approving a Development Plan for Planned Development Zone, P-D(532). (Costa Limited
Partners)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned
Development Zone, P-D(532), is hereby approved subject to the following conditions:

1. Prior to occupancy of any structure, the developer shall be responsible
   for construction of a traffic signal at the main driveway from the project
   onto Pelandale Avenue, in accordance with the City's Standard
   Specifications and subject to the approval of the Engineering and
   Transportation Director.

2. Prior to occupancy of any structure, the developer shall widen Pelandale
   Avenue to provide three through lanes in both directions adjacent to the
   project site, and four through lanes from the project site to Sisk Road.

3. The Chapman/Pelandale intersection shall be signalized when warranted.

4. A second northbound right-turn lane on the off-ramp approach of the
   SR99 northbound ramps intersection shall be added.

5. 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.
6. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dish-washers.

7. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.

8. The developer shall install water meters on all new construction.

9. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.

10. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

11. The project 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.

12. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

13. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

14. The 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.

15. 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.

16. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report
preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine 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.

17. 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 MEIR) 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.

18. 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 pro-gram. 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.

19. The project shall provide shade trees, where feasible and appropriate, in landscape plans.

20. All development shall conform to the plot plan and elevations titled "The Northgate Village Shopping Center" as amended in red, stamped approved by the Planning Commission on December 6, 1999.

21. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.

22. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan, or an alternate solution for sewer service may be provided if approved by the Engineering and Transportation Director. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.

23. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area of the Kiernan Business Park Specific Plan south of M.I.D. Lateral No. 6 and west of the Fleur de Ville subdivision and the adjacent sections of Pelandale Avenue and Chapman Road to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drain basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.
24. Prior to the issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with the Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

25. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

26. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area. Interim improvements on the north portion of Chapman Road prior to development of the adjacent properties may be constructed if approved by the Engineering and Transportation Director.

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

28. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

A six-foot-high chain-link fence adjacent to the M.I.D. Lateral No. 6.
30. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

31. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements as required by the Recreation and Neighborhoods Director, shall be dedicated along all street frontages.

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

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

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

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

36. 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 west, substantially as shown in red on the plot plan.

37. 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.

38. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

39. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
40. All signs shall comply with the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(532):

The entire construction program be accomplished in one phase, construction to begin on or before December 16, 2001, and completion to be not later than December 16, 2002.

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 companion Ordinance No. 3165-C.S., introduced on December 16, 1999, 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 December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017) FOR THE MODESTO URBAN AREA GENERAL PLAN; AND OF THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 94082005) FOR THE KIERNAN BUSINESS PARK SPECIFIC PLAN: A PROPOSAL TO AMEND THE DEVELOPMENT PLAN AND USES FOR PLANNED DEVELOPMENT ZONE, P-D(532), AND APPROVAL OF A DEVELOPMENT AGREEMENT WITH COSTA LIMITED PARTNERS TO DELETE THE THEATER FROM THE ALLOWED USES ON PROPERTY LOCATED ON THE WEST SIDE OF CHAPMAN ROAD NORTH OF PELANDALE AVENUE; A PROPOSAL TO AMEND SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONED, SP-0, TO PLANNED DEVELOPMENT ZONE P-D(537), AS AN ADDITION TO P-D(537), AND APPROVAL OF A DEVELOPMENT AGREEMENT TO EXPAND A RETAIL COMMERCIAL CENTER ON AND TO REVISE THE DEVELOPMENT PLAN FOR THE EXISTING PORTION OF PLANNED DEVELOPMENT ZONE, P-D(537), PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD; A PROPOSAL TO AMEND SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN-Overlay Zoned, SP-0, TO PLANNED DEVELOPMENT ZONE, P-D(540), AND APPROVAL OF A DEVELOPMENT AGREEMENT RELATING TO PROPERTY LOCATED ON THE EAST SIDE OF CHAPMAN ROAD NORTH OF PELANDALE AVENUE TO ALLOW FOR A 17-SCREEN 80,000 SQUARE FOOT THEATER, INCLUDING ONE I-MAX TYPE LARGE SCREEN THEATER. (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and
WHEREAS, Costa Limited Partners has proposed an amendment to Planned Development Zone, P-D(532), property located on the west side of Chapman Road north of Pelandale Avenue in the City of Modesto, be amended to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail building ("the project"), and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to P-D(537), in the City of Modesto ("the project"), to allow an expanded retail commercial center, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the east side of Chapman Road north of Pelandale Avenue, be amended to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(540), in the City of Modesto ("the project"), to allow for a 17-screen 80,000 square foot theater, including one I-Max type large screen theater, and

WHEREAS, Costa Limited Partners has also proposed entering into revised development agreements with the City of Modesto for P-D(532) and P-D(537), and has proposed entering into a development agreement with the City of Modesto for P-D(540), and

WHEREAS, on November 19, 1999, the City's Community Development Department, by Environmental Assessment Initial Study 99-74, reviewed the proposed amendment to the development plan and uses for Planned Development Zone, P-D(532); reviewed the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to P-D(537); reviewed
the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to a new Planned Development and reviewed the proposed Development Agreements to determine whether the projects are within the scope of the General Plan Master EIR under Section 21157.1 of the Public Resources Code, and within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR under Section 21166 of the Public Resources Code, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in either EIR; and, further, that no new or additional mitigation measures or alternatives are required, and, therefore, the proposed project is within the scope of the project covered by the EIR's, and

WHEREAS, this matter was considered by the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at 7:00 p.m. on December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the development plan and uses for Planned Development Zone, P-D(532); reviewed the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to P-D(537); reviewed the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to a new Planned Development and reviewed the proposed Development Agreements, a copy of which Initial Study is attached hereto as Exhibit "A", and incorporated
herein by reference, and based on the substantial evidence included in said Initial Study the Council makes the following findings:

1. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Planned Urbanizing Area.

2. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.

3. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.

4. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, and the traffic generated by this project is consistent with what was predicted in the EIR.

5. There are not specific features unique to this project that require project specific mitigation measures. The mitigation measures from the MEIR that apply to this project are listed in Section VI of the initial study and are included as conditions of approval for the project.

6. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

7. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

8. The Initial Study, Environmental Assessment No. EA/CDD 99-74, provides the substantial evidence to support findings 1-7 noted above.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember ___, who moved its adoption, which motion being duly seconded by Councilmember ___, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

EA/CDD 99-74
City of Modesto
Initial Study

Northgate Village

EA/CDD 99-74
November 19, 1999

I. PURPOSE

Section 21157.1 of the Public Resources Code allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows for such limited review.

The General Plan Master EIR analyzed the environmental effects of buildout of the General Plan, including the development of regional commercial uses on the project site. In addition, the project, which is located in the Kiernan Business Park Specific Plan, was analyzed in the focused EIR prepared for the specific plan. This EIR, known as the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR (SCH# 94082005), was "tiered" off the General Plan Master EIR, as allowed under Section 21158 of CEQA. The Focused EIR was certified by the City Council on April 1, 1997.

In addition, Section 21166 of Public Resources Code allows the Kiernan Business Park Focused EIR to be used for subsequent projects, provided the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. It also provides the substantial evidence for the Section 21166 findings. In making this analysis, the initial study will rely primarily on the General Plan Master EIR. However, since the Kiernan Business Park Specific Plan Focused EIR was tiered off the Master EIR, and provides more detailed analysis for the project site, the initial study will also rely on the Focused EIR analysis where appropriate.

PROJECT DESCRIPTION

A. Project title:
Northgate Village
B. Lead agency name and address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:  
Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:  
The project is located in northern Modesto, on the north side of Pelandale Avenue east of Sisk Road.

E. Project sponsor:  
Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353

F. General Plan Designation:  
Regional Commercial (RC)

G. Zoning:  
Specific Plan-Overlay (SP-O) and Planned Development Zones P-D(532) and P-D(537).

H. Description of Proposed Project:  
The project is a retail commercial center on 54.4 acres, consisting of an 80,000-square-foot multi-screen theater, two large retail stores of approximately 156,000 sq. ft. and 141,000 sq. ft., respectively, other retail stores totaling 158,000 square feet, and restaurant space totaling 48,000 square feet.

The entitlements being sought for this project are amendments to two existing planned development zones, P-D(532) and P-D(537), and a rezoning from Specific Plan-Overlay Zone to P-D(537) and a new planned development zone.

I. Surrounding land uses:  
The project is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.

J. Other public agencies whose approval is required:  
None.

III. A ANALYSIS OF CONFORMANCE WITH THE GENERAL PLAN MASTER EIR AND KIERNAN BUSINESS PARK FOCUSED EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR and the Kiernan Business Park Focused EIR that was tiered off the General Plan Master EIR.
A. Traffic and Circulation

The General Plan MEIR analyzed impacts to traffic and circulation of buildout of the General Plan, including the project site, on pages IV-1-1 through IV-1-38. Although a number of roadway segments throughout the General Plan area were identified as having significant and unavoidable impacts (the adopted significance standard for the MEIR is a Level of Service worse than LOS "D"), and a statement of overriding considerations was adopted for these impacts, the MEIR did not identify any significant, unmitigable impacts to street segments in the project area.

The Kiernan Business Park Specific Plan Focused EIR also analyzed traffic impacts due to development of this site (pages IV-A-1 through IV-A-48). The Focused EIR assumed a lower traffic generation from the project site than was assumed in the MEIR (see pages IV-A-18 and 19 of the Focused EIR), based on the projected mix of uses at the time the Focused EIR was prepared. The Focused EIR also analyzed a revised circulation system that included a number of changes in street segments in the project area. The Focused EIR found a number of significant but unavoidable impacts to street segments in the project area that were not identified in the MEIR. These impacts were due to the changes in the circulation system previously mentioned. A statement of overriding considerations was adopted in conjunction with certification of the Focused EIR. When the Focused EIR was certified, the General Plan MEIR was simultaneously updated to reflect these revisions.

The applicants have submitted a Traffic Access Analysis prepared by Dowling Associates (dated October 20, 1999, attached) for the current project. Dowling Associates has also compared the traffic impacts of this project with those analyzed in the Focused EIR (see memo dated October 14, 1999, attached).

The Northgate Village project proposes approximately 583,000 square feet of retail, theater and restaurant space, less than the 965,000 square feet anticipated by the Focused EIR (page III-7). According to the Traffic Analysis, however, the specific mix of uses proposed in the project will result in higher traffic generation than was assumed by the Focused EIR (see page 14 of the Traffic Analysis). This traffic generation is still lower than was assumed in the MEIR, as shown in the following table:

<table>
<thead>
<tr>
<th></th>
<th>Average Daily Trips</th>
<th>PM Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan MEIR</td>
<td>29,548</td>
<td>2,630</td>
</tr>
<tr>
<td>Kiernan BP Focused EIR</td>
<td>17,904</td>
<td>1,593</td>
</tr>
<tr>
<td>Northgate Village Traffic Analysis</td>
<td>18,855</td>
<td>1,903</td>
</tr>
</tbody>
</table>

The memo indicates that the project would generate 1,593 peak-hour trips, 19.4% greater than was assumed in the Focused EIR. However, Dowling Associates concludes that this increase in traffic will not degrade service levels on any of the intersections analyzed in the Focused EIR to a level considered significant by the City (the City’s General Plan standard for a significant traffic impact is a degradation in Level of Service below LOS D). Therefore, there are no significant traffic impacts beyond what were
analyzed in the Master EIR and Focused EIR, and no changes are needed to the Traffic and Circulation Section of either EIR. The following mitigation measures from the Focused EIR will apply to this project:

A1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director.

A2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.

A3. The Chapman/Pelandale intersection shall be signalized when warranted.

A4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.

B. Degradation of Air Quality

The General Plan MEIR analyzed the air quality impacts of buildout of the General Plan on pages IV-2-1 through IV-2-25. The MEIR concluded that there significant and unavoidable impacts on air quality due to buildout of the General Plan, and a statement of overriding considerations was adopted when the MEIR was certified by the City Council.

The Kiernan Business Park Specific Plan Focused EIR also analyzed air quality impacts due to development of this site (pages IV-B-1 through IV-B-10). The Focused EIR concluded that there would be significant and unavoidable effects on air quality due to development of the Kiernan Business Park, but that these impacts would not be any greater than predicted by the MEIR.

The San Joaquin Valley Unified Air Pollution Control District has commented that this project may have a significant impact on air quality, but that if the land uses, traffic generation rates and emissions are consistent with the General Plan, then the air quality impacts would be no greater than anticipated in the MEIR, and no additional air quality analysis or mitigation would be needed. As stated above, the land uses and traffic generation are consistent with the General Plan. Since emissions for this project are directly related to traffic volume and congestion, they should also be consistent with the General Plan. Therefore, no changes are needed to the Air Quality Section of either the MEIR or Focused EIR. There are no mitigation measures in the MEIR that apply directly to this project.
C. Generation of Noise

The General Plan MEIR analyzed the impact of buildout of the General Plan in regards to generation of noise on pages IV-3-1 through IV-3-33. The MEIR concluded that, with the exception of construction-related noise, all noise impacts in the General Plan could be mitigated to a level of insignificance with the mitigation measures adopted in the MEIR. A statement of overriding findings was adopted for construction-related noise impacts when the MEIR was certified by the City Council.

The Kiernan Business Park Specific Plan Focused EIR also analyzed noise impacts due to development of this site (pages IV-C-1 through IV-C-14). It concluded that there would be no additional noise impacts beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

The current project is consistent with both the General Plan and the Kiernan Business Park Specific Plan in both land use and intensity, and therefore should not generate noise beyond what was analyzed in the MEIR and Focused EIR. Although the project will result in a slight increase in traffic from what was analyzed in the Focused EIR, which would result in slightly higher noise levels, the additional traffic is still within what was analyzed in the MEIR. Consequently, there will be no additional significant impacts in the area of Generation of Noise beyond what were analyzed in the MEIR. The following mitigation measure from the MEIR will apply to this project:

C1. 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.

D. Loss of Productive Agricultural Land

The General Plan MEIR (pages IV-4-1 through IV-4-16) discussed the loss of productive agricultural land associated with buildout of the General Plan. The project site is designated as prime agricultural land. On Page IV-4-13, the General Plan MEIR recognizes that loss of agricultural land is a significant and unavoidable effect under CEQA, even with the adoption of all feasible mitigation measures. As such, overriding consideration findings have been adopted for the General Plan.

The project will be located on land already analyzed by the MEIR for loss of productive agricultural land, and there will be no additional loss of agricultural land as a result of the project. Therefore, there will be no additional impacts in the area of Loss of Productive Agricultural Land beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

E. Increased Demand for Water Supplies

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for water supplies on pages IV-5-1 through IV-5-11. The MEIR on page IV-5-7 recognizes that additional water supply to the planned urbanizing area is a
significant, unavoidable effect under CEQA and therefore a statement of overriding consideration has been adopted. Further, page IV-5-8 and 9 of the MEIR contain mitigation measures for development within the General Plan.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for water supplies due to development of this site (pages IV-D-1 through IV-D-4). It concluded that there would be no additional impacts on water supplies beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, the demand for water supplies will be no greater than was anticipated in the MEIR. The City's Engineering and Transportation Department has also indicated that there will be no problems in providing adequate water supply for the project. Therefore, there will be no additional significant impacts in the area of Increased Demand for Water Supplies beyond what were analyzed in the MEIR.

This project is a subsequent project expected by the MEIR and General Plan and as such will be required to comply with the mitigation measures set forth in the MEIR. The following mitigation measures from the MEIR will apply to this project:

**E1.** The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.

**E2.** The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.

**E3.** The developer shall install water meters on all new construction.

**F. Increased Demand for Sanitary Sewer Services**

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for sanitary sewer services on pages IV-6-1 through IV-6-9. As stated on page IV-6-7, there are no significant impacts after mitigation related to provision of sanitary sewer service. Page IV-6-7 through IV-6-9 contain mitigation measures which apply to all development within the General Plan.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for sanitary sewer services due to development of this site (pages IV-E-1 through IV-E-3). It concluded that there would be no additional impacts on sanitary sewer services beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, the demand for sanitary sewer services will be no greater than was anticipated in the MEIR. In addition, the City's Engineering and Transportation Department has indicated that there will be no problems in providing adequate sewer
service for the project, and the project developer will construct the necessary sewer lines to serve the project. Therefore, there will be no additional significant impacts in the area of Increased Demand for Sanitary Sewer Services beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

G. Loss of Sensitive Wildlife and Plant Habitat

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to loss of sensitive wildlife and plant habitat on pages IV-7-1 through IV-7-30. Figure 7-1 contains potential biological resource study areas within the General Plan. This project does not fall within one of these areas. Further, the General Plan states that all impacts to sensitive wildlife and plant habitat can be mitigated.

The Kiernan Business Park Specific Plan Focused EIR further analyzed the loss of sensitive wildlife and plant habitat due to development of this site (pages IV-F-1 through IV-F-12), and concluded that there would be no loss of sensitive habitat with development of this site.

Since the project does not propose any expansion of the site beyond what were analyzed in the General Plan and Kiernan Business Park EIR's, there would be no additional impacts in the area of Loss of Sensitive Wildlife and Plant Habitat beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

H. Disturbance of Archaeological and Historic Sites

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to disturbance of archaeological and historic sites on pages IV-8-1 through IV-8-21. Figure 8-1 of the MEIR indicates that the project site is outside of the Archaeological Resource Study Area, and therefore doesn't require additional site specific investigations. Since the project does not propose any expansion of the site beyond what was analyzed in the MEIR, there would be no additional impacts in the area of Disturbance of Archaeological or Historical Sites beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

I. Drainage, Flooding and Water Quality

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to drainage, flooding and water quality on pages IV-9-1 through IV-9-23. Table 9-1 of the General Plan MEIR shows flood potential study areas. This project does not fall within one of these potential study areas.

The Kiernan Business Park Specific Plan Focused EIR also analyzed drainage, flooding and water quality impacts due to development of this site (pages IV-G-1 through IV-G-4). It concluded that there would be no additional impacts for drainage, flooding and water quality beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.
Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, drainage, flooding and water quality impacts will be no greater than were anticipated in the MEIR. Therefore, there will be no additional significant impacts in the area of Drainage, Flooding and Water Quality beyond what were analyzed in the MEIR. Pages IV-9-17 through 21 of the MEIR set forth mitigation measures related to Drainage, Flooding and Water Quality. These mitigation measures were implemented through the Kiernan Business Park Specific Plan or current City Policy, and no further mitigation is necessary.

J. Increased Demand for Storm Drainage

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for storm drainage on pages IV-10-1 through IV-10-8. The MEIR concludes that there are no significant and unavoidable effects related to development in the planned urbanizing area.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for storm drainage due to development of this site (pages IV-H-1 through IV-H-4). It concluded that there would be no additional impacts for increased demand for storm drainage beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, storm drainage impacts will be no greater than were anticipated in the MEIR. Furthermore, the project will contain all storm drainage of the project on site, and will construct facilities to drain the adjacent public streets. Therefore, there will be no additional significant impacts in the area of Increased Demand for Storm Drainage beyond what were analyzed in the MEIR. The following mitigation measures from the MEIR will apply to this project:

J1. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.

J2. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

K. Increased Demand for Parks and Open Space

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for parks and open space on pages IV-11-1 through IV-11-11. The MEIR concludes that there are no significant and unavoidable impacts for the provision of parks and open space.
The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for parks and open space due to development of this site (pages IV-K-1 through IV-K-4). It concluded that there would be no additional impacts for increased demand for parks and open space beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is a retail commercial center, it will not generate any increased demand for parks and open space. Therefore, there will be no additional significant impacts in the area of Increased Demand for Parks and Open Space beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

L. Increased Demand for Schools

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for schools on pages IV-12-1 through IV-12-11. The MEIR concludes that there are no significant and unavoidable impacts for the provision of schools.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for schools due to development of this site (pages IV-J-1 through IV-J-5). It concluded that there would be no additional impacts for increased demand for schools beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is a retail commercial center, it will not generate any increased demand for schools. Modesto City School District and Salida Union School District, the two affected school districts for the project, agree with this assessment of the project's impacts. Therefore, there will be no additional significant impacts in the area of Increased Demand for Schools beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

M. Increased Demand for Police Services

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for police services on pages IV-13-1 through IV-13-8. The MEIR concludes that there are no significant and unavoidable impacts related to the provision of police services.

Since the project is consistent with the land use assumptions of the General Plan MEIR, the demand for police services will be no greater than was anticipated in the MEIR. The City's Police Department has indicated that there will be no problems in providing adequate police service for the project. Therefore, there will be no additional significant impacts in the area of Increased Demand for Police Services beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.
N. Increased Demand for Fire Services

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for fire services on pages IV-14-1 through IV-14-9. The MEIR concludes that there are no significant and unavoidable impacts related to the provision of fire services.

Since the project is consistent with the land use assumptions of the General Plan MEIR, the demand for fire services will be no greater than was anticipated in the MEIR. In addition, the City's Fire Department has indicated that there will be no problems in providing adequate fire service for the project, and the project has been designed to provide adequate fire access in accordance with the City's Fire Department standards. Therefore, there will be no additional significant impacts in the area of Increased Demand for Fire Services beyond what were analyzed in the MEIR. The following mitigation measures from the MEIR will apply to this project:

N1. The project 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.

N2. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

N3. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

N4. The 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.

N5. 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.

O. Generation of Solid Waste

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to the generation of solid waste on pages IV-15-1 through IV-15-10. The MEIR states that there are no significant and unavoidable impacts related to development within the General Plan area for solid waste services.

Since the project is consistent with the land use assumptions of the General Plan MEIR, generation of solid waste will be no greater than was anticipated in the MEIR. Therefore, there will be no additional significant impacts in the area of Generation of
Solid Waste beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

P. Generation of Hazardous Materials

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to the generation of hazardous materials on pages IV-16-1 through IV-16-14. Figure 16-1 of the MEIR shows the potential hazardous contamination study areas within the Urban Area General Plan. This project does not fall within one of these potential hazardous contamination study areas.

The Kiernan Business Park Specific Plan Focused EIR also analyzed impacts from the generation of hazardous materials due to development of this site (pages IV-I-1 through IV-I-2). It concluded that there would be no additional impacts for generation of hazardous waste beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, the generation of hazardous materials will be no greater than was anticipated in the MEIR. Therefore, there will be no additional significant impacts in the area of Generation of Hazardous Materials beyond what were analyzed in the MEIR. The following mitigation measures from the MEIR will apply to this project:

P1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine 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.

**P2.** 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 MEIR) 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.

**P3.** 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.

**Q. Landslides and Seismic Activity**

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to landslides and seismic activity on pages IV-17-1 through IV-1-11. It concluded that there are no significant impacts due to landslides and seismic activity for development in the Modesto urban area. Since the project is consistent with the land use assumptions of the General Plan MEIR, there would be no additional impacts in the area of Landslides and Seismic Activity beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.
R. Energy

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to usage of energy on pages IV-18-1 through IV-18-6. The MEIR concludes that there are no significant and unavoidable impacts related to energy usage. Since the project is consistent with the land use assumptions of the General Plan MEIR, energy needs will be no greater than were anticipated in the MEIR. The energy providers for the project, Modesto Irrigation District and Pacific Gas and Electric Company, have indicated that there will be no problems in providing energy to the project. Therefore, there will be no additional significant impacts in the area of Energy beyond what were analyzed in the MEIR. The following mitigation measure from the MEIR will apply to this project:

R1. The project shall provide shade trees, where feasible and appropriate, in landscape plans.

IV. ANALYSIS OF HOW THERE ARE NO SUBSTANTIAL CHANGES THAT ARE OCCURRING WITH RESPECT TO THE CIRCUMSTANCES UNDER WHICH THE PROJECT IS BEING UNDERTAKEN WHICH WILL REQUIRE MAJOR REVISIONS IN THE ENVIRONMENTAL IMPACT REPORT

The Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans was certified by the Modesto City Council on April 1, 1997. In the period since then, the City has approved several subdivisions in the Pelandale-Snyder and Carver-Bangs Specific Plans to the east of this project. However, this development is consistent with the adopted Specific Plans for these areas, and was accounted for in the analysis of the Kiernan Business Park Focused EIR. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

V. ANALYSIS OF HOW NO NEW INFORMATION, WHICH WAS NOT KNOWN AND COULD NOT HAVE BEEN KNOWN AT THE TIME THE ENVIRONMENTAL IMPACT REPORT WAS CERTIFIED AS COMPLETE, HAS BECOME AVAILABLE

The Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. In the intervening period, no new information, which was not known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified, has become available that would change the conclusions of the EIR.

VI. SUMMARY OF MITIGATION MEASURES FROM THE GENERAL PLAN MASTER EIR THAT APPLY TO THIS PROJECT

A1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City’s Standard Specifications and subject to the approval of the Engineering and Transportation Director.
A2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.

A3. The Chapman/Pelandale intersection shall be signalized when warranted.

A4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.

C1. 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.

E1. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.

E2. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.

E3. The developer shall install water meters on all new construction.

J1. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.

J2. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

N1. The project 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.

N2. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

N3. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

N4. The 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.
N5. 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.

P1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine 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.

P2. 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 MEIR) 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.

P3. 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.

R1. The project shall provide shade trees, where feasible and appropriate, in landscape plans.

VII. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Planned Urbanizing Area.

B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to this project that require project specific mitigation measures. The mitigation measures from the MEIR that apply to this project are listed in Section VI, above.

E. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, and the traffic generated by this project is consistent with what was predicted in the EIR.

F. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

G. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

H. This initial study provides the substantial evidence to support the above findings.

Signature:
Steve Mitchell, Associate Planner

EA RESOLUTION

Attorney 1
CDD - Construction Administration 1
CDD - Steve Mitchell

Attachments:
Traffic Access Analysis for the Northgate Village PD Project
Memo from Dowling Associates, Inc. dated October 14, 1995
MODESTO CITY COUNCIL
RESOLUTION NO. 99-629

A RESOLUTION APPROVING AN AGREEMENT WITH COSTA LIMITED PARTNERS FOR THE ACCEPTANCE OF REAL PROPERTY BY THE CITY OF MODESTO AND CONSTRUCTION OF A STORM DRAINAGE BASIN BY COSTA LIMITED PARTNERS ON PROPERTY LOCATED NORTH OF PROPOSED P-D(540) AND MODESTO IRRIGATION DISTRICT LATERAL NO. 6

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Costa Limited Partners for the acceptance of real property by the City of Modesto and construction of a storm drainage basin by Costa Limited Partners on property located north of proposed P-D(540) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 99-630


WHEREAS, on Tuesday, June 22, 1999, the Council, by motion, approved, if needed, a run-off election for December 14, 1999, and

WHEREAS, on Tuesday, November 2, 1999, a Regular Municipal Election was held in the City of Modesto (herein called “City”) and in the Modesto High School District (herein called “District”) of Stanislaus County to elect a Mayor to the Modesto City Council for a four year term; Councilmembers to Chairs Nos. 1, 3 and 6 for a four year term; Board of Education Members, and to submit to the qualified electors in the City of Modesto Measure G relating to sewer service in the Modesto Urban Area General Plan, and Measures H through O relating to proposed Charter amendments, and

WHEREAS, said election was held in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 9, 1999, a copy of which is on file in the office of the City Clerk, and
WHEREAS, at said Regular Municipal Election, a majority vote was not cast for Mayor to the City Council nor for Councilmember for Chair No. 1, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, the two candidates receiving the highest number of votes for Mayor, Richard A. Lang and Carmen Sabatino, and the two candidates receiving the highest number of votes for Councilmember for Chair No. 1, Bruce Frohman and Pat Dobbs, would have their names on the ballot for a run-off election to be held on Tuesday, December 14, 1999, and

WHEREAS, the Second Regular Municipal Election was held by mail ballot in the City of Modesto on Tuesday, December 14, 1999, to elect a Mayor to the City Council and a Councilmember to Chair No. 1, as mentioned above, and said election was held in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said Second Regular Municipal Election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated December 21, 1999, a copy
of which is attached hereto marked Exhibit "A" and made a part hereof,

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

SECTION 1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Sections 15308 and 15309 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city.
(b) The names of the persons voted for.
(d) For what office each person was voted for.
(d) The number of votes given in the city to each person.

SECTION 3. That, at said Second Regular Municipal Election, held by mail ballot, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:
Carmen Sabatino  
Mayor to the City Council of the City of Modesto for a term of four years.

Bruce Frohman  
Councilmember, for a term of four years, Chair No. 1, Modesto City Council.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 21st day of December, 1999, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
EXHIBIT “A”
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SECOND REGULAR MUNICIPAL ELECTION
December 14, 1999

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on December 21, 1999, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 14, 1999, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
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<tr>
<th>CANDIDATES</th>
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<tr>
<td>Mayor, Modesto City Council</td>
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<tr>
<td>Carmen Sabatino</td>
<td>16,353</td>
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<td>Richard A Lang</td>
<td>14,810</td>
<td>46.5</td>
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<td>Chair 1, Modesto City Council</td>
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<tr>
<td>Bruce Frohman</td>
<td>16,231</td>
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<td>Pat Dobbs</td>
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VOTER TURNOUT:

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JEAN ZAHR
City Clerk/Auditor
City of Modesto

December 21, 1999
STATEMENT OF THE VOTE

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CITY OF MODESTO
MUNICIPAL RUNOFF ELECTION

-HELD-

TUESDAY, DECEMBER 14, 1999

State of California
ss
County of Stanislaus

I, KAREN L. MATHEWS, County Clerk-Recorder, of the above named county, do hereby certify that the within is a true and correct statement of result of the votes cast in this county at the City of Modesto Municipal Runoff Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 17th day of December, 1999.

KAREN L. MATHEWS
County Clerk-Recorder

BY
Joyce Goudie
Assistant Registrar
Of Voters
<table>
<thead>
<tr>
<th>CITY OF MODESTO MUNICIPAL RUNOFF - DECEMBER 14, 1999</th>
</tr>
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<td>MODesto 1 - 10</td>
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<td><strong>TOTALS</strong></td>
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