MODESTO CITY COUNCIL
RESOLUTION NO. 98-512

A RESOLUTION ENDORSING THE
RECOMMENDATIONS OF THE BLUE RIBBON
COMMITTEE ON PREVAILING WAGES,
DECLARING THAT THE COMMITTEE'S
ACTIVITIES BE DEEMED COMPLETE, AND
DISSOLVING THE BLUE RIBBON COMMITTEE
ON PREVAILING WAGES.

WHEREAS, on September 19, 1995, the City Council, by Resolution No. 95-458, directed that a Blue Ribbon Committee on prevailing wages be formed to review the effect of non-prevailing wages has on locally-funded jobs and the local economy over the next year and report back to the Council at the end of that time, and

WHEREAS, the Blue Ribbon Committee met in July, August, September and October, 1996, and August 1998, and

WHEREAS, throughout these meetings the Committee struggled to clearly define what “the local economy” was, what factors go into making up the local economy, and how to measure the impact of the City’s prevailing wage policy on the local economy, and

WHEREAS, at the conclusion of the October, 1996, meeting, the Committee, unable to reach a clear resolution, approved a motion requesting that City staff gather detailed information from future contracts for one year which might assist the Committee in making its determination, and

WHEREAS, the Committee planned to reconvene in November, 1997, but was unable to reconvene until August, 1998, due to other priority work, and

WHEREAS, at its August 17, 1998, meeting, the Committee reviewed the
information which had been continuously gathered by City staff from October, 1996, to
August, 1998, when the Committee reconvened, and

WHEREAS, at said meeting, the Blue Ribbon Committee made and passed a
motion advising the City Council that the Committee was unable to comply with its charter to
determine the effect of the non-prevailing wage policy on the local economy and that it was
further unable to come to a conclusion as to whether to recommend to the Council to continue or
discontinue its present policy on prevailing wages, and

WHEREAS, a further motion was made to recommend to the City Council that
the Council consider the Committee’s activities complete; and further, that the Blue Ribbon
Committee on Prevailing Wages be dissolved, and

WHEREAS, the Economic Development, Community And Intergovernmental
Relations Committee met on September 10, 1998, to consider the recommendations of the Blue
Ribbon Committee on Prevailing Wages as outlined in the motions passed by the Committee on
August 17, 1998, and

WHEREAS, the Economic Development, Community And Intergovernmental
Relations Committee concurred with the Blue Ribbon Committee’s recommendations and
recommended adoption of same by the City Council,

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

1. That it hereby concurs with the recommendations of the Blue Ribbon
Committee on Prevailing Wages as supported by the Economic Development, Community And
Intergovernmental Relations Committee.
2. That the activities of the Blue Ribbon Committee on Prevailing Wages be, and they hereby are deemed complete.

3. That the Blue Ribbon Committee on Prevailing Wages is hereby dissolved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-513

A RESOLUTION ACCEPTING IMPROVEMENTS IN CHARLESTON PLACE
SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF
FUNDS

WHEREAS, Charleston Place Partnership, a Limited Partnership, subdividers of
Charleston Place subdivision, have caused to be filed an Irrevocable Commitment of
Funds in the amount of $670,000.00 to serve as a performance bond to guarantee
certain on-site improvements in the Charleston Place subdivision; and

WHEREAS, Charleston Place Partnership has also caused to be filed an
Irrevocable Standby Letter of Credit in the amount of $25,000 for restoration of an on-
site storm drainage basin, and an Irrevocable Standby Letter of Credit in the amount of
$10,000 for maintenance of a temporary drainage basin; and

WHEREAS, a memorandum dated September 22, 1998 from the Deputy City
Attorney indicates that acceptance of certain on-site subdivision improvements would
be in order, conditioned on receipt of a letter of credit to guarantee and warrant
subdivision improvements for a period of one year following the completion and
acceptance thereof against any defective work or labor done, or defective materials
furnished, and cleanup of all landscaping improvements on or before Friday, September
25, 1998; and

WHEREAS, it would be in order for the City Council to accept, with conditions,
the following on-site improvements in said subdivision as complete and authorize the
City Clerk to file notice of completion after September 29, 1998, and release the
Irrevocable Commitment of Funds upon expiration of the statutory period:
(a) Sanitary Sewers

(b) Streets, excluding restoration of the intersection of Ashley Drive and Roselle Avenue

(c) Sidewalks

(d) Curbs and Gutters

(e) Street Lights

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

1. The above on-site improvements in Charleston Place Subdivision are hereby accepted subject to the following conditions:

   (a) that clean-up of all landscaping improvements be completed to the satisfaction of the City no later than September 25, 1998; and

   (b) that on or before September 25, 1998 Charleston Place Partnership deliver a letter of credit to the City in the amount of $67,000 to guarantee and warrant the above on-site improvements for a period of one year.

2. The effective date of said acceptance shall be September 29, 1998 if and only if each of the above conditions is fully satisfied. In the event said conditions are not completed within the time allowed and 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 the Irrevocable Commitment of Funds for faithful performance in the amount of $670,000.00 upon recordation of notice of completion.
4. The City Clerk is hereby authorized to release Irrevocable Standby letter of Credit in the amount of $25,000 for restoration of drainage basin and extension to City central basin upon recordation of notice of completion.

5. The City Clerk is hereby authorized to release Irrevocable Standby Letter of Credit in the amount of $10,000 for maintenance of a temporary drainage basin upon recordation of notice of completion.

6. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of $335,000.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:    Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPE SERVICES INC. FOR THE PROJECT TITLED "WOODLAND TOT LOT"

WHEREAS, the bids received for Woodland Tot Lot were opened at 11:00 a.m. on September 8, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Grover Landscape Services Inc. in the amount of $82,198.78 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $30,000 ADDITIONAL FUNDS TO PROVIDE A ONE-ACRE TOT LOT AT THE ALBERTA MARTONE SCHOOL SITE

WHEREAS, this project will provide a one-acre tot lot located at the Alberta Martone School site which will include play apparatus, picnic tables, benches, a drinking fountain and landscaping; and

WHEREAS, additional funding is needed because the original scope of the project did not include the use of consultants for the design, document preparation, right-of-way description and site surveys.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>135- 800-8000-8003 Contingency Reserve</td>
<td>$(30,000)</td>
</tr>
<tr>
<td>135-310-J320-6040 Martone Tot Lot</td>
<td>$ 30,000</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 6th day of October 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION ACCEPTING THE BID OF ALLEN WAGGONER CONSTRUCTION FOR THE PROJECT TITLED "ROSELLE AVENUE WATERLINE"

WHEREAS, the bids received for Roselle Avenue Waterline were opened at 11:00 a.m. on September 1, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Allen Waggoner Construction in the amount of $220,825 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-517

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $249,532.25 TO FULLY FUND ROSELLE AVENUE WATERLINE

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

FROM: 12" Mains - Hatch, Morgan, Glen, WH; 612-480-J963-6040; $249,532.25
TO: Roselle Waterline, 6040; $249,532.25

Funds were not originally identified in the CIP document for this specific project. Transfer is needed to fully fund the project and for ease of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-518

A RESOLUTION REJECTING BIDS FOR MODESTO CITY-COUNTY AIRPORT'S AIP 19 AND 20 PROJECTS, OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 18, 1998, AND AUTHORIZING ADVERTISING AND BIDDING THE PROJECTS NEXT SPRING

WHEREAS, the bids received for Modesto City-County Airport's AIP 19 and 20 projects were opened at 11:00 a.m. on August 18, 1998, and;

WHEREAS, during the bid evaluation process, staff and the consultant recommends rejecting bids due to the high pricing submitted, the late start on construction, and the likelihood that the projects would be shut-down for winter before completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Modesto City-County Airport's AIP 19 and 20 projects, opened in the office of the City Clerk on August 18, 1998, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Modesto City-County Airport's AIP 19 and 20 projects will be held early next year, exact date to be announced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: ________________________________
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "CARPENTER ROAD WATERLINE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carpenter Road Waterline has been completed by Mozingo Construction Company, in accordance with the contract agreement dated June 16, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Carpenter Road Waterline be accepted from said contractor, Mozingo Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $52,411.55 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH REQUESTS FOR PROPOSALS FOR BIOSOLIDS REMOVAL AT THE SECONDARY WASTEWATER TREATMENT PLANT.

WHEREAS, City staff has recommended that authorization be given to staff to proceed with Requests for Proposals to remove the remaining dewatered Biosolids at the Secondary Wastewater Treatment Plant located at 7007 Jennings Road, Modesto, California, said Biosolids being a byproduct of the Wastewater Treatment Plant which provides wastewater treatment for the Modesto general area, and

WHEREAS, the Council considered this matter at the Council Meeting held on October 6, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with formal Requests for Proposals to be opened October 20, 1998, at 11:00 a.m., to remove the remaining dewatered Biosolids at the Secondary Wastewater Treatment Plant located at 7007 Jennings Road, Modesto, California, said Biosolids being a byproduct of the Wastewater Treatment Plant which provides wastewater treatment for the Modesto general area.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __6th____ day of __October____, 1998, by Councilmember _______Dobbs____, who moved its adoption, which motion being duly seconded by Councilmember _______Fisher____, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Smith

**ATTEST:**

JEAN ZAHR, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

MICHAEL D. MILICH, City Attorney
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING
THE PURCHASE OF "WATER SPECIALTY" WATER METERS FROM
GROENIGER & COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that formal bid procedures for the purchase of "water specialty" water meters is hereby
waived.

BE IT FURTHER RESOLVED that purchase of "water specialty" water meters
for a not to exceed price of $90,000 for Fiscal Year 1998-1999, and authorizing the
purchase of said water meters for two additional years up to and including Fiscal Year
2000-2001, for a total three-year cost not to exceed $270,000.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Fisher,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR THE HETCH HETCHY BICYCLE TRAIL PROJECT

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide $10 million annually for a period of ten (10) years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities, and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommenced projects from which the grant recipients will be selected, and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State, and

WHEREAS, the application contains assurances that the applicant must comply with, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby finds and
determines as follows:

1. That the City Manager of the City of Modesto is authorized to execute and submit an application requesting grant assistance of $250,000.00 from the State Resources Agency, Environmental Enhancement and Mitigation Program.

2. That the Council hereby certifies that the City of Modesto shall make adequate provisions for operation and maintenance of the project.

3. That J. Edward Tewes, City Manager, or his authorized designee, for the City of Modesto is hereby appointed as the agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-523

A RESOLUTION APPROVING THE FINAL MAP OF THE
BRADLEY ESTATES PHASE 1 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, STEWART W. BRADLEY AND BETTY J. BRADLEY, Husband
and Wife as Joint Tenants and McHENRY RANCH JOINT VENTURE, a Partnership, are
possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of
7.82 acres, known as BRADLEY ESTATES PHASE 1 SUBDIVISION (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 26th day of January, 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 BRADLEY ESTATES PHASE 1 SUBDIVISION meets all of the provisions of the
California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved, that the streets, alleys and easements as shown thereon within
the boundaries of said tract be accepted on behalf of the public for public use, and that the City
Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after
subdividers have taken all actions reasonably necessary to form or annex to a City of Modesto
Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-month appointment of a representative to act for it in a CFD election which is in a form acceptable to the City Attorney, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and after subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of Oct., 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-524

A RESOLUTION ACCEPTING IMPROVEMENTS IN OLYMPIC VILLAGE EAST NO. 2 AND
AUTHORIZING RELEASE OF SECURITIES

WHEREAS, L&L Ventures and Rodney K. Lowe Inc., subdividers of Olympic
Village East No. 2 have filed securities in the amount of $106,785 to serve as
Faithful Performance Bond and labor and materials bond, to guarantee
improvements in Olympic Village East No. 2 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 securities upon expiration of the statutory period.

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

1. The improvements in Olympic Village East No. 2 Subdivision are hereby
accepted.

2. The City Clerk is hereby authorized to release the securities for
faithful performance in the amount of $71,190.00 upon recordation of
notice of completion.

3. The City Clerk is hereby authorized to release the securities for labor
and materials in the amount of $53,392.50 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 6th day of October, 1998, by
Councilmember Fisher, who moved its adoption, which motion being duly seconded
by Councilmember Conrad, was upon roll call carried and the resolution adopted
by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, CITY CLERK
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHN GARCIA FROM THE EQUAL OPPORTUNITY/DISABILITY COMMISSION, EFFECTIVE OCTOBER 6, 1998

WHEREAS, John Garcia was appointed a member of the Equal Opportunity/Disability Commission on July 2, 1996; and

WHEREAS, John Garcia has tendered his resignation from the Equal Opportunity/Disability Commission, effective October 6, 1998; and

WHEREAS, John Garcia has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of John Garcia from the Equal Opportunity/Disability Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to John Garcia for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARK HEINZINGER FROM LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE OCTOBER 6, 1998

WHEREAS, Mark Heinzinger was appointed a member of the Local Cable Programming Committee on August 20, 1996; and

WHEREAS, Mark Heinzinger has tendered his resignation from the Local Cable Programming Committee, effective October 6, 1998; and

WHEREAS, Mark Heinzinger has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Mark Heinzinger from the Local Cable Programming Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Mark Heinzinger for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-527

A RESOLUTION APPROVING, ENDORSING AND
RATIFYING THE REVISED JOINT POWERS AGREEMENT
ESTABLISHING THE STANISLAUS AREA ASSOCIATION
OF GOVERNMENTS.

WHEREAS, the City of Modesto is a member agency of the Stanislaus Area
Association of Governments ("SAAG"), and

WHEREAS, the latest revision of the SAAG Joint Powers Agreement ("JPA")
was approved in May of 1974, and

WHEREAS, in the 24 years since the last revision of the SAAG JPA there have
been significant changes in the rules and regulations governing JPAs, and in the relationships
between SAAG and its member agencies, and

WHEREAS, the City of Modesto wishes to enter into a Revised JPA in order to
establish the duties and powers of a newly constituted SAAG and to ensure effective operation,
cooperation and dialog among the SAAG member agencies, and

WHEREAS, the Revised JPA has been carefully reviewed and evaluated by
SAAG staff and various SAAG committees, as well as City and County staffs, and

WHEREAS, it is the consensus of these groups that the Revised JPA clarifies
ambiguities in the 1974 JPA and establishes a more participatory format, and

WHEREAS, the SAAG Policy Board has recommended approval of the Revised
JPA, and

WHEREAS, pursuant to Section 26 of the Stanislaus Area Association of
Governments Revised Joint Powers Agreement, the Revised JPA shall become effective upon the ratification by resolution of each of the member agencies of SAAG, said JPA is between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and the County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto approves, endorses and ratifies the Revised Joint Powers Agreement between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and the County of Stanislaus, establishing the Stanislaus Area Association of Governments, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Revised SAAG JPA on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-528

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH THE CALIFORNIA ENERGY COMMISSION FOR A PETROLEUM VIOLATION ESCROW GRANT TO BENEFIT THE MODESTO CITY SCHOOL DISTRICT.

WHEREAS, on October 6, 1998, the City Council considered a staff report from the City Manager requesting authorization to sign a grant agreement with the California Energy Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or his authorized designee to sign a Grant Agreement or other related documents with the California Energy Commission to accept a Petroleum Violation Escrow Grant in the amount of $182,000 to benefit the Modesto City School district to replace old and inefficient heaters at Modesto High School, payments of Energy Commission Funding to be made through the City for work for the School District project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-529

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): APPROVAL OF AN AMENDED DEVELOPMENT AGREEMENT WITH COSTA LIMITED PARTNERS RELATING TO A 16-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES, PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD (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 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(532), in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

WHEREAS, on September 22, 1998, the Council introduced Ordinance No. 3100-C.S., which approved a development agreement between the City of Modesto and Costa Limited Partners and WestStar Cinema, Inc., for a 16-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, and
WHEREAS, on October 6, 1998, the Council considered an amendment to said development agreement to remove the theater operator provisions (WestStar Cinema) from the original development agreement, as requested by Steven A. Herum on behalf of Costa Limited Partners, and

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

WHEREAS, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed project, which included an amendment to the Zoning Map and rezone to P-D(532), to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the 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 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 project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of 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.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the substantial evidence to support the above findings.

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 6th day of October, 1998, by
Councilmember Fisher, who moved its adoption, which motion being duly
seconded by Councilmember Conrad, was upon roll call carried and the
resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-529

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): APPROVAL OF AN AMENDED DEVELOPMENT AGREEMENT WITH COSTA LIMITED PARTNERS RELATING TO A 16-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES, PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD (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 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(530), in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

WHEREAS, on September 22, 1998, the Council introduced Ordinance No. 3100-C.S., which approved a development agreement between the City of Modesto and Costa Limited Partners and WestStar Cinema, Inc., for a 16-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, on October 6, 1998, the Council considered an amendment to said development agreement to remove the theater operator provisions (WestStar Cinema) from the
original development agreement, as requested by Steven A. Herum on behalf of Costa Limited Partners, and

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

WHEREAS, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed project, which included an amendment to the Zoning Map and rezone to P-D(530), to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the 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 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 project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of 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.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the substantial evidence to support the above findings.

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.
City of Modesto
Initial Study
Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

E.A. No. 98-16
May 4, 1998

I. PURPOSE

On April 1, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans (SCH# 94082005). This Final Focused EIR analyzed the impacts of build-out of the Kiernan Business Park Specific Plan, which includes the area in which this project is proposed. Section 21166 of Public Resources Code allows the Kiernan Business Park Focused EIR to be used for subsequent projects, provided the following findings can be made:

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

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

II. PROJECT DESCRIPTION

A. Project title:

Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287
D. Project Location:

The north side of Pelandale Avenue, east of Sisk Road.

E. Project Sponsor:

Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353

F. General Plan Designation: Regional Commercial (RC)

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This is a rezoning for a 4,500-seat multi-screen theater, 155,870 square feet of retail space, a 125-room hotel, and four restaurants, located on 37 acres.

I. Surrounding land uses:

The project area is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH SECTION 21166 FINDINGS

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

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Kiernan Business Park Specific Plan Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages IV-A-1 through IV-A-48 of the Kiernan Business Park Focused EIR. A Traffic Access Analysis dated March 20, 1998 was prepared for an earlier version of this project. The earlier version was identical to the current proposal, except that it had 22,482 square feet less retail, and one less restaurant. The traffic analysis indicated that the project
would generate 9,400 average daily trips. The City’s Transportation Division has estimated that the changes to the latest proposal would add 1,474 average daily trips, for a total of 10,874 average daily trips. This compares with 10,658 average daily trips predicted in the Focused EIR. Although the project generates slightly more trips than was predicted in the EIR, the increase (2%) will not create significantly greater traffic impacts than were anticipated in the EIR. The Traffic Access Analysis’ assessment of the impacts on the nearby street system, and the measures needed to alleviate those problems, are also consistent with those contained in the Focused EIR. Therefore, the proposed project is consistent with the analysis contained in the Traffic and Circulation Section of the EIR.

2. **Degradation of Air Quality**

Impacts to air quality are analyzed on pages IV-B-1 through IV-B-10 of the Kiernan Business Park Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality. Because the traffic analysis is consistent with the EIR, the air quality impacts of the project are also consistent with those analyzed in the EIR. In addition, the San Joaquin Valley Unified Air Pollution Control District, in a letter dated March 24, 1998, agreed that the air quality analysis in the Focused EIR provided adequate analysis for this project.

3. **Generation of Noise**

Noise impacts are analyzed on pages IV-C-1 through IV-C-14 of the Kiernan Business Park Focused EIR. On page IV-C-4 of the EIR, it states that the proposed uses in the Kiernan Business Park would be compatible with the future noise environment, without the need for additional mitigation measures beyond those prescribed in the General Plan. The uses proposed in this project are all consistent with the Specific Plan in land use, intensity and location, which were analyzed in the EIR. Therefore, the conclusions of the EIR regarding noise impacts remain valid.

4. **Increased Demand for Water Supplies**

Demand for water supplies is analyzed on pages IV-D-1 through IV-D-4 of the Kiernan Business Park Focused EIR. It concluded that demand for water supplies would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide water service in accordance with the Specific Plan, this conclusion would not change.

5. **Increased Demand for Sanitary Sewer Services**

Demand for sewer services is analyzed on pages IV-E-1 through IV-E-4 of the
Kiernan Business Park Focused EIR. The EIR concluded that the uses in the Kiernan Business Park would not generate more sewage than anticipated in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, and will provide sewer service in accordance with the City’s standards, there would be no increased demand for sewer services over that analyzed in the EIR.

6. **Loss of Sensitive Wildlife and Plant Habitat**

Impacts to sensitive wildlife and plant habitat are analyzed on pages IV-F-1 through IV-F-12 of the Kiernan Business Park Focused EIR. The EIR concluded that there would be no significant effects to sensitive wildlife and plant habitat beyond those analyzed in the General Plan Master EIR. Because this project proposes uses of a type, intensity and location consistent with those analyzed in the EIR, the analysis for the loss of sensitive wildlife and plant habitat in the EIR is adequate for this project.

7. **Drainage, Flooding and Water Quality**

Drainage, flooding and water quality are analyzed on pages IV-G-1 through IV-G-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

8. **Increased Demand for Storm Drainage**

Demand for storm drainage is analyzed on pages IV-H-1 through IV-H-4 of the Kiernan Business Park Focused EIR. It concluded that demand for storm drainage would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide storm drainage in accordance with the Specific Plan, this conclusion would not change.


Generation of hazardous materials is analyzed on pages IV-I-1 through IV-I-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

10. **Increased Demand for Schools**

Increased demand for schools is analyzed on pages IV-J-1 through IV-J-5 of the
Kiernan Business Park Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid.

11. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages IV-K-1 through IV-K-4 of the Kiernan Business Park Focused EIR. It concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, this conclusion remains valid.

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 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 this development 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.

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 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, there has been 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.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

B. There are no substantial changes occurring with respect to the circumstances under which
the project is being undertaken which will require major revisions in the 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.

C. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

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

Signature:

Steve Mitchell,
Associate Planner
E.A. RESOLUTION

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Strategic Planning, Steve Nish
1 CDD Director, Phil Testa
A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT 930 SEVENTH STREET AND 710 "J" STREET A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Bernie L. Shaw, an individual, has title to and is the record owner of property located at the corner of Seventh and "J" Streets in the City of Modesto, County of Stanislaus (commonly referred to as 930 Seventh Street and 710 "J" Street), hereinafter referred to collectively as the "premises", and

WHEREAS, the premises at Seventh and "J" Streets consists of a commercial garage,

and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Dangerous Building Code and Modesto Municipal Code Section 9-8.01 to enforce all provisions of the Dangerous Building Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be dangerous under the Dangerous Building Code be declared a public nuisance and order the record owner to abate the nuisance by repair or demolition, and

WHEREAS, the structure located at 930 Seventh Street and 710 "J" Street is a commercial garage which has been abandoned and left unsecured since the demolition of the single-family dwelling on February 24, 1993, and

WHEREAS, the garage is frequented by vagrants and trespassers and is an ongoing
enforcement issue with the City of Modesto Police Department, and

WHEREAS, on or about February 18, 1997, the structure was extensively damaged by fire, and

WHEREAS, a "Notice to Vacate" was posted on the premises on February 21, 1997, pursuant to the Dangerous Building Code, and

WHEREAS, an inspection of the premises was conducted by City of Modesto Building Inspection personnel on March 4, 1997, and

WHEREAS, a Notice and Order dated February 10, 1998, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within thirty (30) days of the date of the Notice and Order, and said Notice and Order also stipulated that repairs or demolition were to be completed no later than March 25, 1998, and

WHEREAS, the structure was reposted with a Notice to Vacate on February 12, 1998, and

WHEREAS, said Notice and Order of February 10, 1998, was mailed by certified mail, postage prepaid, return receipt requested to the record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 401.3 of the Dangerous Building Code, and

WHEREAS, the certified mailing was returned undeliverable and attempts to locate Bernie L. Shaw, owner of the premises, through a local real estate agent who is currently listing the property for sale, as well as municipal utility records, county property account records, and
Department of Motor Vehicle records have proved unfruitful, and

WHEREAS, the structure is extensively fire damaged and has been declared unsafe by the Chief Building Official of the City of Modesto, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order of February 10, 1998, and

WHEREAS, the owner(s) of said premises has failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the owner(s) is now in violation of Section 701.3 of the Dangerous Building Code of the City of Modesto, and

WHEREAS, the record owner(s) has failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and in its present condition the structure is likely to partially or completely collapse, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, the owner(s) has been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on February 12, 1998, and has failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, due to lack of maintenance and abandonment, the premises constitute a public safety and health hazard and is deemed unsafe as defined by Sections 302.1(c), 302.1(d), 302.1(f), 302.1(j), 302.1(k), 302.1(m), 302.1(o), and 302.1(q), of the City of Modesto’s Dangerous
Building Code. If owner(s) fails to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 930 Seventh Street and 710 “J” Street, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owners of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises constitutes a public safety and health hazard and is deemed unsafe as defined by Sections 302.1(c), 302.1(d), 302.1(f), 302.1(j), 302.1(k), 302.1(m), 302.1(o), and 302.1(q), of the City of Modesto’s Dangerous Building Code and is a public and attractive nuisance as defined by Sections 302.1(k) and 302.1(q) of the Code as more fully described and contained in the Notice & Order dated February 10, 1998, a true and correct copy of which is on file with the Community Development
Department of the City of Modesto;

2. That the owner(s) of the premises has failed to appeal from the Notice and Order to Repair or Demolish dated February 10, 1998, or any action of the Building official, within the time specified in the Notice and Order and as required by the City of Modesto;

3. That the owner(s) of the premises has failed to secure required building permits and physically commence work within thirty (30) days from the date of the Notice and Order to Demolish dated February 10, 1998;

4. That the record owner(s) has failed to make a timely choice of repair or demolition;

5. That it is not economically feasible for the City of Modesto to abate such nuisance by repair;

6. That the premises are declared to be a public nuisance, and it is ordered that the structure be demolished pursuant to Section 401.2.3.3.3 of the Dangerous Building Code;

7. That the record owner(s) of the premises is ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on record owner(s).

8. That the Chief Building Official of the City of Modesto, or a licensed contractor hired by him, is ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on record owner(s) of the premises;

9. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified
statement on the record owner(s) in accordance with Sections 901 and 902 of the Dangerous Building Code.

BE IT FURTHER RESOLVED that the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-530 declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-530 declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in the Dangerous Building Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-531

A RESOLUTION DECLARING THE BUILDINGS
AND STRUCTURES LOCATED AT 608 EAST
COOLIDGE A NUISANCE AND DIRECTING THE
OWNER(S) OF THE PROPERTY TO ABATE THE
NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Wendell L. Thompson, owner of property located at 608 East Coolidge,
hereinafter referred to collectively as the "premises", is deceased, and

WHEREAS, Charlotte F. Thompson is one of the heirs of Wendell L. Thompson, and

WHEREAS, the premises at 608 East Coolidge consists of a residential dwelling, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the
Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all provisions of the
Housing Code including authority to inspect any building intended or designed for human habitation
and order that any such building determined to be substandard under the Housing Code be declared
a public nuisance and order the record owner(s) to abate the nuisance by repair or demolition, and

WHEREAS, from June of 1994 through June of 1997, six fires have occurred
on the premises, and

WHEREAS, an inspection of the premises was conducted by the City of Modesto Fire
Marshall, who then filed a complaint with the Development Services Division of the Community
Development Department, and

WHEREAS, on June 17, 1997, the property was inspected and found to be burned
beyond repair, the last fire on June 2, 1997, having left the house in an unrepairable state, and

WHEREAS, the single-family structure is open and unsecured due to the fire, and
WHEREAS, a Notice and Order to Repair or Demolish dated June 26, 1997, was issued by the Chief Building Official to repair or demolish the structure located on said premises, and said Notice and Order stipulated that the required permits for repair or demolition were to be obtained and work was to physically commence within 60 days, and

WHEREAS, said Notice and Order to Repair or Demolish of June 26, 1997, was mailed to the heirs of owner(s) by certified mail, postage prepaid, return receipt requested in care of Charlotte F. Thompson and to the holder of the deed of trust of record, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, the heirs of the record owner(s) failed to appeal from the Notice and Order of June 26, 1997, and

WHEREAS, the heirs of the owner(s) of said premises have failed to obtain a demolition permit or commence work within the time specified in said Notice and Order and, therefore, the heirs of owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the premises are presently open and unsecured, floors and walls are unsafe, and the chimney and roof are unstable and unsupported, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, the heirs of the owner(s) have been served with a Notice and Order to Repair or Demolish and have failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and
WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fail to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to the heirs of the record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto, commonly referred to as 608 East Coolidge, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises referred to as 608 East Coolidge are
substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and that said property has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code and Housing Code of the City of Modesto, Sections 202 and 1001.4;

2. That the heirs of the owner(s) of said premises have failed to appeal from the Notice and Order to Repair or Demolish dated June 26, 1997, or any action of the Building Official, within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto;

3. That the heirs of the owner(s) of the premises have failed to secure required building permits and physically commence work within sixty (60) days from the date of the Notice and Order to Demolish dated June 26, 1997;

4. That the heirs of the record owner(s) have failed to make a timely choice of repair or demolition;

5. That it is not economically feasible for the City of Modesto to abate such nuisance by repair;

6. That the premises are declared to be a public nuisance, and it is ordered that the structure be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.

7. That the heirs of the record owner(s) of the premises are ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on the heirs of the record owner(s);

8. That the Chief Building Official of the City of Modesto, or a licensed contractor hired by him, is ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the heirs of the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the heirs of the record owner(s) of the premises;

9. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises
a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the heirs of the record owner(s) in accordance with 25 California Code of Regulations Section 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-531, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-531, declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the heirs of the person(s) owning the land on which the buildings are located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. That the officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.
That the foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-532

A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT 117 MAPLE STREET A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, K & K Investment Company, has title to and is the record owner of property located at 117 Maple Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises", and

WHEREAS, the premises at 117 Maple Street consists of a single-family residence and an attached garage, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all provisions of the Housing Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be substandard under the Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance by repair or demolition, and

WHEREAS, on or about June 22, 1998, a structure fire at the residence resulted in heavy damage to the garage and moderate damage to the attic and kitchen area of the residence, and

WHEREAS, the premises are vacant and unsecured, and

WHEREAS, a Notice and Order to Repair or Demolish dated June 27, 1998, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within ten (10) days from the date of the Notice and Order, and said
Notice and Order also stipulated that repairs or demolition were to be completed no later than August 15, 1998, and

WHEREAS, said Notice and Order dated June 27, 1998, was mailed by certified mail, postage prepaid, return receipt requested to record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, a Certificate of Existence of a Non-Complying and Uncompleted Building was recorded on June 29, 1998, with the Stanislaus County Recorder's Office confirming the existence of substandard buildings and dwelling units on the premises pursuant to Section 1102 of the Uniform Housing Code, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order of June 27, 1998, and

WHEREAS, the owner(s) of said premises has failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the record owner(s) has failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, it does not appear that it is feasible to repair the property, and
WHEREAS, the owner(s) has been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on September 15, 1998, and has failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fails to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 117 Maple Street, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by...
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the premises commonly referred to as, 117 Maple Street, hereinafter referred to collectively as the "premises", have been inspected and duly posted with a copy of a Notice and Order to Repair or Demolish dated June 27, 1998, and a copy of said notice has been mailed by certified mail to the owner(s) of the property in accordance with 25 California Code of Regulations, Sections 54 and 58, and Sections 1101.2 and 1101.3 of the Housing Code of the City of Modesto.

2. That the owner(s) of record has failed to appeal from the Notice and Order to Repair or Demolish dated June 27, 1998, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto.

3. That the premises at 117 Maple Street are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code, and Housing Code of the City of Modesto, Sections 202 and 1001.4.

4. That the owner(s) of the property located at 117 Maple Street has failed to secure the required building permits and physically commence work within sixty (60) days from the date of the Notice and Order to Repair or Demolish dated June 27, 1998, pursuant to Section 1101.2 of the Housing Code of the City of Modesto.

5. That the owner(s) of record has failed to make a timely choice of repair or demolition.

6. That it is not economically feasible for the City of Modesto to abate the nuisance by repair.

7. That in the event the property owner(s) fails to timely abate the nuisance, the City of Modesto shall acquire jurisdiction to abate such nuisance by razing and removing the buildings and structures so declared to constitute a nuisance and to recover from property owner(s) the costs incurred in connection with abatement, including administrative costs incurred. If the full amount of
abatement costs are not paid by property owner(s), the unpaid cost shall constitute a lien against the property until it is paid, with interest thereon at the rate of six (6%) percent per annum from the date of confirmation of the cost statement. The City of Modesto shall record such lien against the property in the Office of the Stanislaus County Recorder. 25 California Code of Regulations Sections 62, 66, and 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-532 declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-532, declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-533

A RESOLUTION DECLARING THE BUILDINGS
AND STRUCTURES LOCATED AT 712 EMPIRE
AVENUE A NUISANCE AND DIRECTING THE
OWNER(S) OF THE PROPERTY TO ABATE THE
NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Velma S. Grove, the owner of the property at 712 Empire Avenue, hereinafter referred to collectively as the "premises", is deceased, and

WHEREAS, Charles Bagwell is the heir and executor of the estate for the property located at 712 Empire Avenue, and

WHEREAS, the premises at 712 Empire Avenue consists of a single-family dwelling and a detached garage, and

WHEREAS, the property is located in the Airport Neighborhood target area and was inspected in 1995, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all provisions of the Housing Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be substandard under the Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance by repair or demolition, and

WHEREAS, an inspection of the premises was conducted by City of Modesto Building Inspection personnel on October 30, 1995, and

WHEREAS, the buildings have been unsecured and open in the past, and in January 1996, the City secured the building by boarding it up, and
WHEREAS, the property has not been maintained and has many deficiencies rendering it substandard, and

WHEREAS, a Notice and Order to Repair or Demolish dated October 30, 1995, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within sixty (60) days of posting of the Notice and Order, and said Notice and Order also stipulated that repairs or demolition were to be completed no later than October 26, 1996, and

WHEREAS, said Notice and Order of October 30, 1995, was mailed by certified mail, postage prepaid, return receipt requested to the heir and executor of the record owner(s) and the holder of the deed of trust of record, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, a Certificate of Existence of a Non-Complying and Uncompleted Building was recorded on May 14, 1998, with the Stanislaus County Recorder's Office confirming the existence of substandard buildings and dwelling units on the premises pursuant to Section 1102 of the Uniform Housing Code, and

WHEREAS, the heir and executor of record owner(s) failed to appeal from the Notice and Order of October 30, 1995, and

WHEREAS, the heir and executor of record owner(s) of said premises has failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the heir and executor of owner(s) is now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and
WHEREAS, the heir and executor of record owner(s) has failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fails to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to the heir and executor record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 712 Empire Avenue, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such
nuisance and to recover from the record owners of the premises the cost of abatement incurred by
the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are
hereby confirmed that the premises referred to as 712 Empire Avenue are
substandard as defined by Section 17920.3, State of California Health and
Safety Code and Housing Code of the City of Modesto Section 202, and that
said property has been determined to be a nuisance as defined by Section
17920, State of California Health and Safety Code and Housing Code of the
City of Modesto, Sections 202 and 1001.4;

2. That the heir of the owner(s) of said premises has failed to appeal from the
Notice and Order to Repair or Demolish dated October 30, 1995, or any
action of the Building Official, within the time specified in the Notice and
Order as required by Section 9-9.04 of the Housing Code of the City of
Modesto;

3. That the heir of the owner(s) of the premises has failed to secure required
building permits and physically commence work within sixty (60) days from
the date of the Notice and Order to Demolish dated October 30, 1995;

4. That the heir of the record owner(s) has failed to make a timely choice of
repair or demolition;

5. That it is not economically feasible for the City of Modesto to abate such
nuisance by repair;

6. That the premises are declared to be a public nuisance, and it is ordered that
the structure be demolished pursuant to Section 1101.2.3.3.3 of the Housing
Code.

7. That the heir of the record owner(s) of the premises is ordered to abate such
nuisance by demolition of the buildings and structures declared to be a
nuisance within thirty (30) days from the date said resolution is posted on the
premises and served on the heir of the record owner(s);

8. That the Chief Building Official of the City of Modesto, or a licensed
contractor hired by him, is ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the heir of the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the heirs of the record owner(s) of the premises;

9. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the heir of the record owner(s) in accordance with 25 California Code of Regulations Section 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-533, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-533 declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the heir and executor of the person(s) owning the land on which the
buildings are located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-534

A RESOLUTION APPROVING THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FY 1997-98, AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SUBMISSION OF SAID REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND APPROVING RELATED RECOMMENDATIONS RELATED TO EXPENDITURE OF CDBG FUNDS.

WHEREAS, the Community Development Block Grant, the HOME Program, and the Emergency Shelter Grant programs are administered by the Community Development Department (Office of Housing and Neighborhoods), and

WHEREAS, regulations for said programs require the City to review and report on the performance of the various activities and projects funded by these grants on an annual basis, and

WHEREAS, a report presented to the City Council reflects the activity of the City and its sub-recipients for the period from July 1, 1997, through June 30, 1998, and

WHEREAS, City staff made recommendations as set forth in a staff report to the Citizens Housing and Community Development Committee, dated September 18, 1998, which was considered by the Council on October 6, 1998, a copy of which report is attached hereto and on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Consolidated Annual Performance and Evaluation Report for FY 1997-98, and authorizes the City Manager to execute all necessary

BE IT FURTHER RESOLVED that the recommendations set forth in the attached staff report are hereby approved relating to expenditure of CDBG funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
RECOMMENDED COUNCIL ACTION:
Resolution approving the Consolidated Annual Performance and Evaluation Report; authorizing the City Manager to execute all necessary documents for the submission of the Report to the U.S. Department of Housing and Urban Development. In addition, approve related recommendations related to expenditure of CDBG funds.

BACKGROUND:
The Community Development Block Grant (CDBG), the HOME Program, and the Emergency Shelter Grant (ESG) programs are administered by the Community Development Department (Office of Housing and Neighborhoods). Regulations for these programs require the City to review and report on the performance of the various activities and projects funded by these grants on an annual basis. The attached report reflects the activity of the City and its sub-recipients for the period from July 1, 1997 through June 30, 1998.

The City Council adopted the Consolidated Plan for Housing and Community Development in May 1995. Every year, the City prepares an Annual Action Plan which describes the way the City will meet the community development needs identified in the Consolidated Plan. The FY97-98 Annual Action Plan was adopted by City Council in May 1997. It is the progress towards the goals and objectives identified in that plan that this report is intended to review. Overall, the City met (or made progress towards meeting) most of the identified goals.

Among the highlights of the program year were: the rehabilitation of 42 housing units; Down Payment Assistance loans to 123 households; allocations of affordable housing developments (including Ashwood Village and Brighton Place); the receipt of over $500,000 in program income from the City’s housing and small business loan portfolio; and the provision of nearly $500,000 to local nonprofit service providers for the provision of a variety of public services.

The Department did experience difficulties in expending all of the allocated funds, however. The un-expended balance in the CDBG program on June 30, 1998 was $3.6 million. Attachment 1 shows how that $3.6 million has been budgeted in the current year’s program. $1.4 million of that figure is for the completion of the Airport neighborhood street improvements, a project that is now underway. The project was delayed due to conflicting demands on the Engineering Department’s time with higher priority projects, which delayed the design work. While the Department monitors the performance of non-profit and other public agencies under the public service section of the program, we should also treat our internal customers with the same expectations and scrutiny. Accordingly, staff is recommending that the City adopt a policy that states that CDBG-funded CIP projects may be carried forward for no more than one year, and that (consistent with the new ABS system) the Department be authorized to contract with outside engineering and design firms so that authorized and budgeted CIP projects funded with CDBG funds do not languish.
There was also higher than anticipated program income in the housing rehabilitation program coupled with lower number of loans due in part to inclement weather as well as re-assignment of rehabilitation staff to other neighborhood-based services. As a result, there is a minimum of $300,000 that could be re-allocated by Council to other eligible CDBG activities.

To see that this problem of slow expenditures does not re-occur, staff is recommending the following:

- CHCDC and City Council to re-examine CDBG funding priorities prior to December, 1998
- Based on the new priorities adopted by Council, re-program funds (minimum $300,000) in non-public service funds at mid-year budget adjustment.
- Adopt policy allowing for contracting for engineering and design services for CDBG-funded CIP projects delayed for more than one year.

There are many areas and projects that could benefit from a re-allocation of funds: additional funds may be required for the completion of the 620 Paradise project; co-operation with the Housing Authority on a joint effort to revitalize Randazzo Avenue; Prescott Estates; other affordable housing projects which did not receive full funding as well as other projects such as multi-family project in Village One; acquisition, demolition of deteriorated properties as well as creation of new home-ownership; workforce development project; additional street re-surfacing; etc.

HUD regulations require that the City solicit citizen input on the programs' performance and hold a public hearing. A Public Notice was printed in the Modesto Bee on September 5 & 6, 1998, and copies of the report were made available at the Office of Housing and Neighborhoods. On September 25, 1998, the Citizens Housing and Community Development Committee (CH&CDC) met and reviewed the report.

**REASON FOR RECOMMENDED ACTION:**
Approval of the recommended action will allow the City to submit the required report to HUD within the statutory deadline (90 days from the end of the program year). Approval of the related recommendations relative to expenditures and the re-examination of CDBG priorities will assure that CDBG funds are being utilized in ways that best serve the interests of low and moderate income Modesto residents.

**STEPS FOLLOWING APPROVAL:**
Staff will forward the report to the City Manager for signature, and the report will be submitted to HUD for their review and evaluation. The CHCDC and City Council will meet and discuss the appropriate uses to which limited CDBG funds should be put. CHCDC will recommend, and Council will act upon, the re-allocation of CDBG funds based on the adopted priorities, at the mid-year Budget adjustment.

Prepared By:  
Stephen Young  
Housing and Neighborhoods Manager

Approved By:  
Philip A. Testa  
Community Development Director

Submitted By:  
J. Edward Tewes  
City Manager

Attachment: Consolidated Annual Performance & Evaluation Report for Fiscal Year 1997-98
A RESOLUTION REVISING THE STRUCTURE AND RATE SCHEDULE FOR WATER CUSTOMERS IN ZONE 3, SERVING SALIDA, WATERFORD, HICKMAN, GRAYSON, AND PARTS OF DEL RIO, CERES AND TURLOCK, AND APPROVING A FIRE STANDBY SURCHARGE FOR THE TURLOCK CUSTOMERS. (FORMER DEL ESTE COMPANY CUSTOMERS)

WHEREAS, on July 7, 1995, the City acquired the Del Este Water Company, and

WHEREAS, by Resolution No. 96-302, adopted on June 4, 1996, the Council established the structure and rate schedule for water customers in Zone 3 serving Ceres, Turlock, Waterford, Hickman, Grayson, Salida, Del Rio and certain county areas and each customer class, and

WHEREAS, the annual review of water rates indicated that higher rates were necessary to cover the cost of service in Zone 3 of the water system, and

WHEREAS, City staff has recommended a 15% across-the-board water rate increase in order to cover operating costs in Zone 3, and

WHEREAS, on May 26, 1998, the City of Turlock adopted a $21,000 per year fire standby charge to supply backup fire supply to the three former Del Este service areas in Turlock, which includes 418 Zone 3 customers, and results in a $4.19 charge per month per customer, and

WHEREAS, the $4.19 per month fire standby surcharge for the Turlock customers will be in addition to the 15% Zone 3 across-the-board increase, and
WHEREAS, City staff has recommended that the Turlock fire standby charge be tracked separately as a surcharge for Turlock customers, and

WHEREAS, on July 7, 1998, the Utility Services and Franchises Committee reviewed the staff recommendation for a 15% across-the-board increase to Zone 3 water customers, and a $4.19 per month fire standby surcharge for the Turlock customers, and approved staff’s recommendation, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on October 6, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed 15% across-the-board increase to Zone 3 water customers, and a fire standby surcharge for the Turlock customers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that user charges for all customers in Zone 3 serving Salida, Waterford, Hickman, Grayson, and parts of Del Rio, Ceres and Turlock (former Del Este Company customers) be increased by fifteen (15%) percent, the resulting rates being shown on the attached Schedule A.

BE IT FURTHER RESOLVED that Turlock customers will be charged $4.19 per month for fire standby charges, in addition to the fifteen (15%) percent, across-the-board increase, and this item will be tracked separately as a surcharge.

BE IT FURTHER RESOLVED this resolution shall become effective October 6, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
SCHEDULE A

CITY OF MODESTO
RATE STRUCTURE AND RATES
FOR FORMER DEL ESTE WATER COMPANY CUSTOMERS
Effective October 6, 1998

SCHEDULE 1 - Metered Water, per month

<table>
<thead>
<tr>
<th>Quantity Rates</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 10,000 cubic feet</td>
<td>$1.005</td>
<td>$0.601</td>
</tr>
<tr>
<td>Over 10,000 cubic feet</td>
<td>$0.971</td>
<td>$0.552</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Charge, by service size</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch</td>
<td>$5.80</td>
<td>$7.87</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>$8.12</td>
<td>$11.12</td>
</tr>
<tr>
<td>1 inch</td>
<td>$10.17</td>
<td>$13.94</td>
</tr>
<tr>
<td>1-1/2 inch</td>
<td>$15.53</td>
<td>$21.09</td>
</tr>
<tr>
<td>2 inch</td>
<td>$21.09</td>
<td>$28.54</td>
</tr>
<tr>
<td>3 inch</td>
<td>$33.73</td>
<td>$45.61</td>
</tr>
<tr>
<td>4 inch</td>
<td>$51.58</td>
<td>$69.22</td>
</tr>
<tr>
<td>6 inch</td>
<td>$83.08</td>
<td>$111.29</td>
</tr>
<tr>
<td>8 inch</td>
<td>$119.27</td>
<td>$159.36</td>
</tr>
<tr>
<td>10 inch</td>
<td>$180.55</td>
<td>$241.79</td>
</tr>
<tr>
<td>12 inch</td>
<td>$219.36</td>
<td>$293.88</td>
</tr>
</tbody>
</table>

SCHEDULE 2 - Single Family Residential Flat Rate, by lot size, per month

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-6,000 SF</td>
<td>$24.61</td>
<td>$15.63</td>
</tr>
<tr>
<td>6,001-10,000 SF</td>
<td>$28.58</td>
<td>$18.25</td>
</tr>
<tr>
<td>10,001-16,000 SF</td>
<td>$34.30</td>
<td>$21.80</td>
</tr>
<tr>
<td>16,001-25,000 SF</td>
<td>$41.11</td>
<td>$26.08</td>
</tr>
<tr>
<td>Over 25,000 SF</td>
<td>$50.73</td>
<td>$32.21</td>
</tr>
</tbody>
</table>

SCHEDULE 3 - Modesto Fire Protection Service, per month

<table>
<thead>
<tr>
<th>Per inch diameter</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4.28</td>
<td>$5.95</td>
</tr>
</tbody>
</table>

SCHEDULE 4 - Turlock Fire Standby Charge, per month

<table>
<thead>
<tr>
<th>Applies to Zone 3 customers within Turlock city limits</th>
<th>ZONE 2</th>
<th>ZONE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>$4.19</td>
</tr>
</tbody>
</table>

Notes:
1. Includes DWR and MID obligations.
2. Zone 1 is Modesto water customers not previously served by Del Este Water Company.
3. Connection charges per existing City fee schedule.
A RESOLUTION APPROVING A POLICY FOR PROVIDING SINGLE-FAMILY RESIDENTIAL WATER METERED CUSTOMERS IN ZONE 2 AND ZONE 3 A ONE-TIME OPTION TO CONVERT TO THE CORRESPONDING FLAT RATE, ACCORDING TO LOT SIZE.

WHEREAS, between 1992 and 1995, the Del Este Water Company installed water meters and billed new, single-family residential customers on a metered basis, and

WHEREAS, during the same time period, the City of Modesto installed water meters for the City-owned system (now Zone 1), but continued billing on a flat rate, and

WHEREAS, the City of Modesto acquired Del Este Water on July 7, 1995, and thereafter applied flat rates to new, single-family residential water customers in Zone 2 and Zone 3, and

WHEREAS, in September 1998, the Utility Services and Franchises Committee learned that this situation had resulted in a large difference between metered and flat rate customers in Zone 3, which is the service area that includes Salida, Waterford, Hickman, Grayson, and parts of Del Rio, Ceres, and Turlock, and

WHEREAS, City staff recommended that Zone 2 and Zone 3 single-family residential water metered customers, which are in the service areas that include properties that were formerly served by the Del Este Water Company, be provided a one-time option to convert to the corresponding flat rate, according to lot size, except as in accordance with the City’s water conservation policy, and
WHEREAS, City staff further recommended that this one-time option to convert from single-family residential water meters to the corresponding flat rate should become effective on December 1, 1998, to allow a sufficient amount of time in which to develop policy guidelines for converting single-family residential water metered customers in Zone 2 and Zone 3 to flat rate, and to notify customers, receive responses and change the billing computer, and

WHEREAS, the Utility Services and Franchises Committee has recommended a one-time option for single-family residential water metered customers in Zone 2 and Zone 3 to convert to the corresponding flat rate, in accordance with lot size,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a policy providing for a one-time option for single-family residential water metered customers in Zone 2 and Zone 3 to convert to the corresponding flat rate, according to lot size, except as in accordance with the City’s water conservation policy.

BE IT FURTHER RESOLVED that the Engineering and Transportation Director, or his designee, is hereby authorized to develop appropriate guidelines to implement the one-time option for single-family residential water metered customers in Zone 2 and Zone 3 to convert to flat rate, according to lot size, except as in accordance with the City’s water conservation policy.

BE IT FURTHER RESOLVED that this resolution will become effective on December 1, 1998.
The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved
its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-537  

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONSIDER SEWER RATE INCREASE FOR 1998-99.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that December 8, 1998, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby set as the time and place for a hearing to consider sewer rate increase for 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-538

A RESOLUTION GIVING NOTICE AS PROVIDED BY LAW
OF ESTABLISHING A PROPOSED SEWER RATE
INCREASE OF 2% TO AFFECTED SEWER RATE PAYERS.

WHEREAS, on October 6, 1998, the City Council considered the staff’s recommendation to set a public hearing for December 8, 1998, to consider a sewer rate increase, and

WHEREAS, by Council Resolution No. 98-537 adopted on October 6, 1998, the Council directed the City Clerk to set a public hearing to be held on December 8, 1998, for the purpose of considering a sewer rate increase, and

WHEREAS, City staff recommended that the proposed sewer rate increase be either 4% (the staff recommendation) or, alternatively 2% (the recommendation of the Council Utility Services and Franchise Committee) for all monthly user rates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed sewer rate increase to be included in the notice to all sewer rate payers is to be a 2% across-the-board increase, effective January 1, 1999, and City staff is directed to take all necessary steps to provide adequate and legal notice to all affected rate payers as provided for by law.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-539

A RESOLUTION ESTABLISHING OCTOBER 1ST
AS THE TARGET DATE FOR FUTURE ANNUAL
RATE REVIEW.

WHEREAS, it is desirable to review any sewer rate equity adjustments
concurrently with the annual rate adjustment process, and

WHEREAS, City staff has recommended that the implementation date for any
future rate reviews be changed from July 1st to October 1st of each year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that October 1st is hereby established as the target date for future annual rate review.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved
its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-540

A RESOLUTION ESTABLISHING A WORKING CAPITAL
OBJECTIVE OF $2 MILLION, A THREE-MONTH
OPERATING AMOUNT FOR THE SEWER FUND.

WHEREAS, on October 6, 1998, pursuant to a staff report from the Engineering
and Transportation Department, dated September 29, 1998, the City Council considered
establishing policies and directives related to the Sewer Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that a $2 million working capital objective, a three-month operating amount for the Sewer Fund
for the development of a multi-year rate plan, is hereby established.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved
its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: __________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING ROBERT MAULDIN TO THE GOLF COURSES ADVISORY COMMITTEE

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

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

SECTION 1. Robert Mauldin is hereby appointed to the Golf Courses Advisory Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-542

A RESOLUTION ACCEPTING THE BID OF SOUTHWEST RECREATIONAL INDUSTRIES INC. FOR THE PROJECT TITLED "RENOVATE TENNIS COURTS AT EAST LA LOMA PARK"

WHEREAS, the bids received for Renovate Tennis Courts at East La Loma Park were opened at 11:00 a.m. on September 22, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Southwest Recreational Industries 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 Southwest Recreational Industries Inc. for the amount of $65,311.98 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $9,000 FROM THE PARKS CONTINGENCY RESERVE TO FULLY FUND THE PROJECT

WHEREAS, new surfacing will be installed on four tennis courts at the East La Loma Park which haven’t been resurfaced since 1983; and

WHEREAS, funding for contract administration and contingencies were not included in the project budget; and to fully fund the project, $9,000 needs to be appropriated from the Parks Contingency Reserve.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>140 800 8000</td>
<td>8003 Contingency Reserve</td>
</tr>
<tr>
<td>140 310 J431</td>
<td>6040 E. LaLoma Park – Tennis Courts</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 City Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ____________
STAN FEATHERS, Budget Officer
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF LIGHT EMITTING DIODE (LED) SIGNAL MODULES FROM SYNCHRONEX

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Light Emitting Diode (LED) Signal Modules from Synchronex is hereby waived.

BE IT FURTHER RESOLVED that purchase of Light Emitting Diode Signal Modules from Synchronex for a not to exceed price of $154,951.79.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND R.P. VENDING SERVICES TO PROVIDE FOOD AND BEVERAGE SERVICE IN THE MODESTO AIRPORT PASSENGER TERMINAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and R.P. Vending Services to provide food and beverage service in the Modesto Airport passenger terminal be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-546

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR FINANCING REPAIRS AND IMPROVEMENTS TO JOINTLY DEVELOPED FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools for financing repairs and improvements to jointly developed facilities be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE A ONE-TIME CONTRIBUTION OF $100,000 TO ADDRESS NEEDS FOR FACILITY ASSESSMENT REPORT

WHEREAS, the City of Modesto and Modesto City Schools have been discussing ways to finance repairs and improvements to facilities that have been jointly developed by these two agencies; and

WHEREAS, staff from each agency has reached an agreement for the City to pay $13,368 over 10 years for a mutually agreed upon list of projects, and a one time contribution of $100,000 to address needs identified in a recent facility assessment report; and

WHEREAS, the City and District will each make an annual contribution of $40,000 to an annual CIP Reserve Fund.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>010 800 8000</td>
<td>8003</td>
</tr>
<tr>
<td>010 700 7000</td>
<td>7140 Transfer out to fund 140</td>
</tr>
<tr>
<td>140 310 K051</td>
<td>6040 Transfer in from 140</td>
</tr>
<tr>
<td>Revenue</td>
<td>140 700 7000</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 City Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and 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. 98-548

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HIGH COUNTRY HOCKEY INC. FOR IN-LINE HOCKEY PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and High Country Hockey Inc. for In-Line Hockey Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FIRST INSTITUTE OF STREET TACTICS TO PROVIDE YOUTH SELF-DEFENSE CLASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and First Institute of Street Tactics to provide youth self-defense classes be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM O. HARRIS FOR THE ACQUISITION OF PROPERTY LOCATED AT 1734 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William O. Harris for the acquisition of property located at 1734 Hillside Drive for the Flood Protection 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 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-551

A RESOLUTION RENAMING THAT PORTION OF THE
ORIGINAL CLAUS ROAD LOCATED BETWEEN
YOSEMITE BOULEVARD ON THE SOUTH AND THE NEW
REALIGNED RIGHT-OF-WAY FOR CLAUS ROAD ON THE
NORTH TO YOSEMITE MEADOWS DRIVE.

WHEREAS, it is proposed to rename that portion of the original Claus Road
located between Yosemite Boulevard on the south and the new realigned right-of-way for
Claus Road on the north to Yosemite Meadows Drive, in response to development of the new
Claus Road realignment with Garner Road and the resulting new signalized intersection with
Yosemite Boulevard, and

WHEREAS, by letter dated September 22, 1998, City staff informed property
owners of the proposed street name change and that the existing street number range would
remain the same, and

WHEREAS, said matter was considered by the City Council at its meeting held
on October 13, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, and

WHEREAS, Section 34091.1 of the Government Code of the State of California
provides that when the existing name of any city street should be changed, the legislative body
is authorized to adopt a resolution to change the name of existing streets,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby approves the proposal to rename that portion of the original Claus Road
located between Yosemite Boulevard on the south and the new realigned right-of-way for Claus Road on the north to Yosemite Meadows Drive.

BE IT FURTHER RESOLVED that in accordance with Government Code Section 34092 the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, school districts, and city departments regarding the name change.

BE IT FURTHER RESOLVED that the City shall replace the street name sign.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after its passage and introduction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean 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 THE COUNTY OF STANISLAUS FOR JAIL BOOKING FEES EFFECTIVE FOR THE CURRENT FISCAL YEAR THROUGH JUNE 30, 2003

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus for jail booking fees in the amount of $88.26 per prisoner, effective for the current fiscal year through June 30, 2003 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-553

A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 1998/99 HOME FUNDS TO DEVELOPERS FOR AFFORDABLE HOUSING PROJECTS.

WHEREAS, the CITY has received HOME funds from the U.S. Department of Housing and Urban Development to be used for the production or rehabilitation of affordable and/or moderate income housing, and

WHEREAS, the CITY has received six applications for financial assistance in connection with affordable housing proposals, including but not limited to an application from Eden Housing for financial assistance to acquire and rebuild 620 Paradise Road, and

WHEREAS, the CITY, through its Community Development Department, has held a series of meetings to hear and consider the applicants’ proposals and has submitted to the City Council a report, dated September 28, 1998, containing the funding requests, an analysis of each project and recommended allocations of HOME funds ("Report"), a copy of which is attached as Exhibit “A” and incorporated herein by reference, and

WHEREAS, staff is recommending that three of the applicants receive HOME funds in the total sum of $818,600, provided the projects meet the conditions as outlined in the Report, and
Corrected 11/5/98

WHEREAS, approval of these recommended allocations furthers the CITY’s goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $818,600 in HOME funds for affordable housing projects is hereby approved as follows, subject to all terms and conditions set forth in the attached Report:

1. A long term, deferred interest residual receipts loan of up to $606,000 to Eden Housing, Inc., for a 148-unit family rental housing project, affordable to low and very-low income households, at 620 Paradise Road;

2. A long term, deferred interest loan of up to $146,000 in CHDO set-aside funds to STANCO for acquisition and rehabilitation of either the 16-unit Byron Lane apartment complex or the 28-unit Candlewood apartment complex;

3. An operating grant of up to $29,000, a pre-development loan of up to $14,600, and an acquisition loan of up to $23,000 to Desarrollo Latino-Americano (DLA).

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of said allocation of said HOME funds.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 13th of October 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Serpa, 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, approval of these recommended allocations furthers the CITY’s goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $816,600 in HOME funds for affordable housing projects is hereby approved as follows, subject to all terms and conditions set forth in the attached Report:

1. A long term, deferred interest loan of up to $606,000 to Eden Housing, Inc., for a 148-unit family rental housing project, affordable to low and very-low income households, at 620 Paradise Road;

2. A long term, deferred interest loan of up to $146,000 in CHDO set-aside funds to STANCO for acquisition and rehabilitation of either the 16-unit Byron Lane apartment complex or the 28-unit Candlewood apartment complex;

3. An operating grant of up to $29,000, a pre-development loan of up to $14,600, and an acquisition loan of up to $23,000 to Desarrollo Latino-Americano (DLA).

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of said allocation of said HOME funds.
September 28, 1998

To: Mayor and City Council  
Modesto Redevelopment Agency

From: Steve Young, Housing and Neighborhoods Manager

Re: Recommendations of Allocation of HOME and Redevelopment Agency funds for Affordable Housing Applications

Recommendation: Resolution approving allocation of HOME and Redevelopment Agency funds in the amounts shown below and authorization for City Manager and Executive Director to execute all necessary documents.

Background: Each year the City receives HOME funds from HUD, the bulk of which are awarded on a competitive basis for affordable housing projects. This year, the City has made available $829,000 in HOME funds for affordable housing projects. In addition there is $355,000 available from the Redevelopment Agency’s 20% Housing Set-Aside fund, which the Agency will be asked to allocate on their agenda on the same date.

Applications were received from six applicants for a total varying between $2.4 million and $4.5 million.

On August 21, a joint meeting was held between the CHCDC and the Redevelopment Agency’s Housing Committee for the purpose of hearing proposals from the six applicants for financial assistance for affordable housing. Additional meetings were held by the Housing Committee of the Redevelopment Advisory Commission on September 24, the Citizen’s Housing and Community Development Committee on September 30, and the Redevelopment Advisory Commission on October 7. The recommendations below reflect those of staff and the committees, unless otherwise noted. Attached is a summary of each application (Exhibit A). The full applications, along with written responses to staff inquiries, is available on file.

EXHIBIT A
1. Eden Housing, Inc.-Eden Housing is proposing to acquire the property at 620 Paradise Road, to demolish the 172 deteriorated units and rebuild 148 units, with some larger units. The project would also include a community center and day care center. They have presented a variety of approaches and financing options, and we believe there are two viable options at this time.

Staff feels that this is the top priority project for a variety of reasons, most of them based on the long and troubled history of the project and the negative impact it continues to have on the neighborhood and the entire West Side. In addition, Eden Housing is a very experienced non-profit developer with a sterling reputation who does very high quality projects. Staff has worked with Eden to reduce the cost and scope of this project, and the summary reflects the revised development and operating pro-formas.

The project is still extremely costly, and may be beyond the ability of the City to finance. The best possible approach at this time is to provide Eden with a commitment of enough funds to allow them to apply for 9% tax credits through the State Tax Credit Allocation Committee. This process is both competitive and largely a matter of luck, as most of the projects are approved in a lottery. However, Eden has been very successful in these competitions.

The City does have enough funds to cover the indicated funding gap in the event of a successful 9% tax credit application. If Eden is successful, this will be a transforming project for both the City and the neighborhood and is too important an opportunity to pass up. Accordingly, staff recommends $606,000 in HOME funds and $215,000 in RDA funds for a total of $821,000. Staff recommends that the Agency also commit that up to $100,000 of the RDA allocation to Eden be available to cover some pre-development expenses necessary to prepare the tax credit application. It is recommended that the Agency agree to reimburse Eden for out-of-pocket expenses paid to third parties for costs associated with the tax credit application. If the project does not come to fruition, these funds would be lost.

If Eden is not successful at the 9% tax credit application round, the alternative means of financing the project is through a tax-exempt bond issue and the use of 4% tax credits. This type of financing is much more secure, but the gap financing required of the City goes from $821,000 to nearly $3 million. At this time, we have not identified how we would raise those extra funds, however there will be some unexpended CDBG funds that the Council will be asked to allocate to eligible projects in the next few months. In addition, the City and Agency will have additional HOME funds next year, and Eden could possibly secure a bridge loan based on a commitment of future funds from the City.
The allocation to Eden should be made subject to the following conditions:

1. Eden to submit copy of purchase agreement no later than December 15, 1998; with copy of appraisal supporting sales price within 60 days of signed purchase agreement;
2. Eden to apply for and receive 9% tax credits.
3. City and Agency loans to be for 40 years, 3% interest, deferred payment loans with residual receipts note.

2. STANCO/Metro Development- There are actually two applications submitted in connection with STANCO. The first, from STANCO directly, is for the acquisition of the 16 unit Byron Lane apartments. In a separate application, Metro Development has requested funds to rehabilitate the 28 unit Candleweed apartments on Tully Drive, but only if the project is to be acquired and managed by STANCO. STANCO has indicated they are willing to buy and manage that property as well. STANCO has received $137,000 from the FY 96-97 CHDO allocation that may be used for one of these projects. It is staff’s recommendation to award the $146,000 CHDO allocation from this year’s allocation to STANCO without designating which project will be finalized, and let the STANCO Board make that decision prior to moving forward with an acquisition.

The allocation would be made subject to the following conditions:

1. Commit to one of the projects in writing prior to December 31, 1998.
2. Assure that the involvement of STANCO with the selected project conforms with HOME conflict of interest provisions.
3. For either project, submit copy of purchase contract and appraisal supporting purchase price.
4. For either project, submit sources and uses table showing all lenders, financing, and uses of funds.
5. For Candlewood project, submit additional inspections and cost estimates as called for in the termite report.
6. For either project, submit proposed rent schedule by unit.
7. Submit FY 1997-98 audited Financial Statement and identify low income board members as required by CHDO regulations.
3. Desarrollo Latino-Americano (DLA)

On September 15, 1998 DLA was designated as a CHDO by the City Council. They have applied for $158,100 in pre-development costs and $210,000 in land acquisition and development costs for the development of a 21 unit self-help homeownership project. Their original application was to acquire a 3.8 acre parcel in the County adjacent to the Tallow plant. After staff raised concerns about that site, DLA indicated that they are no longer interested in that site, and will work to acquire another. As a CHDO, DLA is eligible under HOME rules for an operating grant as well as a loan for pre-development costs associated with finding an alternate site for a project. HOME regulations allow an operating grant not to exceed 50% of the CHDO's operating budget and a pre-development loan not to exceed 10% of the CHDO set-aside. Accordingly, staff recommends an operating grant of $29,000 and a pre-development loan of $14,600 from HOME (not CHDO) funds. The pre-development loan can be used for technical assistance, seed money, or site control. In addition, it is recommended that $23,000 in HOME funds be allocated as a loan towards the eventual purchase of property.

This allocation should be subject to the following conditions:

1. Identify site for project by December 31, 1998.
2. The awarding of the pre-development loan requires that a project be developed. DLA shall have received all required approvals and financings for the selected project by December 31, 1999. (If the project is not completed for reasons within DLA's control, the City is required to re-pay the pre-development loan with non-federal funds.)
3. DLA to execute operating grant agreement.

4. Housing Authority of Stanislaus County- the Housing Authority has made application for an acquisition loan for up to ten units on Randazzo Avenue. Randazzo Avenue is a neighborhood in danger of slipping further into decay, and the Housing Authority already has an ownership interest and is a stabilizing force in the area. Staff would like to support that effort. The Authority has asked for funds to acquire up to 10 duplex units and will use their own funds to rehabilitate them as well as continue to manage them. Staff recommends a total of $90,000 in RDA funds to acquire one of the duplexes (two units) with the Authority responsible for rehabilitating and managing them.
The allocation should be made with the following conditions:

1. Interest rate to be 3%. Loan to be secured with residual receipts note, with excess cash flow to be split between Agency and Authority proportionate to their original investment. Authority to make interest only payments for 20 year term. At the end of twenty years, Agency and Authority to write off remaining principal owed on their separate loans in exchange for extending period of affordability for additional twenty years.

2. Authority will commit to spend an average of $25,000 per unit on the rehabilitation of each unit.

3. Authority will submit purchase contract for units selected.

4. Authority will provide relocation plan acceptable to the City.

5. Habitat for Humanity—requested $85,000 to acquire eight lots on Algen Way and to rezone them and build four Habitat homes. While staff is concerned that there is an existing inventory and backlog of self-help type homes waiting to go into production, Habitat has shown an ability to find participating families to participate in their projects. Accordingly, staff recommends a total of $50,000 be allocated to Habitat for the purchase of lots at Algen Gardens.

These recommendations leave a total of $10,400 in HOME funds unallocated.

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<th></th>
<th>HOME</th>
<th>RDA</th>
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<tr>
<td>Eden Housing</td>
<td>$606,000</td>
<td>$215,000</td>
<td>$821,000</td>
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<tr>
<td>STANCO</td>
<td>$146,000</td>
<td>(CHDO)</td>
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<td>DLA</td>
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<td>Housing Auth.</td>
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<td>Habitat</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$818,600</strong></td>
<td><strong>$355,000</strong></td>
<td><strong>$1,173,600</strong></td>
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Affordable Housing Project Summary - FY 98-99

Exhibit "A"

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<th>(2b)</th>
<th>(3)</th>
<th>(4)</th>
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<td>DLA</td>
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<td>9% Tax Cr.</td>
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<td>AHP Grant</td>
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<td>County Fee Waiver/Deferral</td>
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<td>State HCD Self-Help Grant</td>
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<td>Self-Help Labor/Materials</td>
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<td>Partial Land Sale</td>
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Financing Uses:
- Land/Project Acquisition: $2,700,000
- Off-Site Improvements: $31,336
- Predevelopment/Soft Costs: $2,286,558
- Construction: 10,268,869
- Rehabilitation: 0
- Finacing/TC Fees: $69,53
- Local Permit/Impact Fees: 103,600
- Developer Fee/Sponsor Admin: 276,274

Total Uses: $17,342,691

Unit Cost:
- Total Number of Units: 148
- City Financing Per Unit Cost: $5,547

Cost per Sq. Ft:
- Total Sq. Ft. of Structures: 148,928
- Construction Costs Per Sq. Ft: $68.95
- Rehabilitation Costs Per Sq. Ft: 0
- TDC Per Sq. Ft: 115.79

Total Land Acres: 7.0

Income Target & Unit Mix
- 40% AMI
- 50% AMI
- 55% AMI

Operations Summary:
- Effective Gross Income: $633,257
- Operating Expenses (Includ. reserves): $411,262
- Net Operating Income: $221,995
- Debt Service: $193,039
- Cash Flow: $29,956

Operations Coverage Ratio: 1.15

Annual Per Unit Oper. Expenses: $2,779
MODESTO CITY COUNCIL
RESOLUTION NO. 98-554

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO DOWN PAYMENT ASSISTANCE PROGRAM (DAP) GUIDELINES TO ESTABLISH ADDITIONAL ELIGIBILITY REQUIREMENTS.

WHEREAS, for the past three years, the Office of Housing and Neighborhoods has administered the City’s Down Payment Assistance Program (DAP), to help low and moderate income families purchase homes in Modesto, using a combination of CDBG, HOME, and RDA Housing Set-Aside funds, and

WHEREAS, it has been necessary in the past to review and amend the DAP Guidelines to strengthen the program’s performance, and

WHEREAS, currently, home buyers are assisted through a deferred-payment loan funded by CDBG, and

WHEREAS, issues have been raised recently by City staff in discussions with HUD and other agencies regarding several aspects of the program which involve protection for borrowers, the City’s financial interest, and the community’s desire for long-term home ownership, and

WHEREAS, the Community Development & Housing Committee reviewed these issues on September 23, 1998, and

WHEREAS, the Committee supported all of the staff’s recommendations, and

WHEREAS, any program revisions approved by Council would equally apply to future DAP loans funded with HOME and/or RDA Housing Set-Aside funds,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's Down Payment Assistance Program (DAP) Guidelines are hereby amended to establish additional eligibility requirements to provide protection for borrowers, the City's financial interest, and the community's desire for long-term home ownership as follows:

1. All potential loan applicants are required to complete home buyer education classes from an approved counseling agency as a condition of City loan approval.

2. City funds shall not be used with variable rate loans or paid as discount points on 3-2-1 buydowns. Only one-year buydowns under the CHFA program will be permitted, and the lender must submit a copy of the buydown agreement to City. In addition, all loans must be delivered at par with no rebate or overage to the originator.

3. Only the household composition as originally shown on the City's DAP application will be considered when making eligibility decisions.

4. Any co-signers used by applicants to qualify for the first mortgage shall be required to sign City Promissory Note also.

5. All purchase agreements must include a contingency calling for a 10-day review by buyer on results of home inspection.

6. A standard asset limit for program participation shall be adopted as follows: Households shall not have more than $15,000 in liquid assets to be eligible to participate in the program.

7. Eligibility shall not be restricted based on residency of the applicant. However, if funds for the program become limited, priority in processing loan applications shall
be given to Modesto residents.

8. Existing homes shall be inspected by professional home inspectors as a condition of City loan approval. Home buyers are required to advance the cost of the inspection fees up front, and the fee will be reimbursed to the Home buyer at escrow by including the cost in the DAP loan.

9. Staff shall report to the Council periodically on the number of loans made to non-Modesto residents.

10. Purchase of tenant-occupied properties is prohibited, unless the tenant is to be the home purchaser.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR
THE PROJECT TITLED "CO-COMPOST EXIT ROAD"

WHEREAS, the bids received for Co-Compost Exit Road were opened at 11:00 a.m. on October 6, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Teichert Construction in the amount of $125,020.50 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $42,000 TO FULLY FUND CO-COMPOST EXIT ROAD

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

FROM: Co-Compost Facility 621-480-H011 604; $42,000
TO: Co-Compost Facility Exit Road 621-480-K736 6040; $42,000

The project was designed with the intention of transferring funds from Account 621-480-H011 "Co-Compost Facility" to fully fund the project. Transfer is needed to fully fund the project and for each of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-557

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: AWARDING A CONTRACT TO TEICHERT CONSTRUCTION FOR A PROJECT TO CONSTRUCT A CO-COMPOST EXIT ROAD.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("EIR") (SCH 96042009) for the WasteWater Master Plan, and

WHEREAS, 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 a significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the project, and

WHEREAS, the City’s Engineering and Transportation Department by Environmental Assessment Initial Study, (E&T 98-31), reviewed the proposed construction of an exit road, approximately 0.5 miles in length from the Co-compost facility to Jennings Road, on property that is bounded to the north and south by undeveloped land that is farmed on a seasonal basis; to the west, the Co-compost facility; and to the east, Jennings Road; to determine whether the project is within the scope of the project covered by the WasteWater
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, and

WHEREAS, on October 20, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for awarding a contract to Teichert Construction for the construction of the Co-Compost Exit Road (the 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 within the scope of the Master Plan covered by the WasteWater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the 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 20th day of October, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: JENZAH

JEAN ZAHR, City Clerk

10/19/98

E.A. RESOLUTION

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Rich Ulm
1 E&T Director, Glen Lewis
MODESTO CITY COUNCIL
RESOLUTION NO. 98-558

A RESOLUTION ACCEPTING THE BID OF ACME CONSTRUCTION COMPANY INC. FOR THE PROJECT TITLED "NEW POLICE HEADQUARTERS BUILDING - BID PACKAGE NO. 1"

WHEREAS, the bids received for New Police Headquarters Building - Bid Package No. 1 were opened at 11:00 a.m. on October 13, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Acme Construction Company Inc. in the amount of $599,221.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Acme Construction Company 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 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-559

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO CREATE A NEW CAPITAL IMPROVEMENT PROJECT ENTITLED “STATE ROUTE 132 (EAST) PROJECT STUDY REPORT

WHEREAS, under SB45, Caltrans and regional transportation planning agencies must work together to ensure that Caltrans' limited resources are utilized to develop Project Study Reports (PSR) for appropriate state highway projects; and

WHEREAS, in order for the SR132 (East) project to be included in the upcoming 1998 State Transportation Improvement Program Update, the PSR for the project needs to be completed and delivered to Caltrans by December 31, 1998; and

WHEREAS, a new CIP project and account needs to be established to provide funds for the City’s share of the cost of consultant services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>141 800 8000</td>
<td>8003 Contingency Reserve</td>
</tr>
<tr>
<td>141 430 K009</td>
<td>6010 S.R. 132 Project Study Report</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 City Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and 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. 98-560

A RESOLUTION OF INTENTION TO VACATE AND
ABANDON THREE FEET OF "K" STREET LOCATED
BETWEEN 9TH AND 10TH STREETS AND CONTIGUOUS
TO BLOCK 57.

WHEREAS, the City Council has received and referred to the Planning
Commission a request by the Redevelopment Agency of the City of Modesto to vacate and
abandon three feet of "K" Street located between 9th and 10th Streets and contiguous to Block
57, and

WHEREAS, the three-foot strip of right-of-way has been abandoned by
Caltrans and to further acknowledge said abandonment, the Redevelopment Agency of the City
of Modesto has also been requested to formally process an abandonment of said three feet of
"K" Street located between 9th and 10th Streets and contiguous to Block 57 which vests title
to the three-foot strip of right-of-way in adjacent land owners who are proponents of the
abandonment, and

WHEREAS, notices of an informal public hearing to consider the request to
vacate and abandon three feet of "K" Street located between 9th and 10th Streets and
contiguous to Block 57 were posted in the area and said public hearing was held by the
Planning Commission on September 21, 1998, and

WHEREAS, the Planning Commission by Resolution No. 98-53, adopted
September 21, 1998, found and determined as follows:

1. That the portion of "K" Street, consisting of a three-foot-wide strip
along the southern side of the street between 9th and 10th Streets
contiguous to City of Modesto Block 57 is unnecessary for present or future pedestrian or vehicular use.

2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Assessment No. 98-33 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

3. That the abandonment and vacation of a portion of “K” Street is in conformance with the City of Modesto General Plan.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon three feet of “K” Street located between 9th and 10th Streets and contiguous to Block 57. Said proposed vacation and abandonment is more particularly described in Exhibit “A” and shown on Exhibit “B” attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highway Code, Sections 8300-8363: Public Streets, Highways and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that November 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.
SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57 to be posted conspicuously along "K" Street between 9th and 10th Streets at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of street proposed to be abandoned.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __20th___ day of __October___, 1998, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Dobbs__, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____________________________
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By ____________________________
Community Development Department
Development Services
EXHIBIT "ONE"

The Southeasterly 3 feet of "K" Street - State Highway No. 108 lying adjacent to the Northwesterly line of Block 57 of the City of Modesto, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records.
PROPOSED THREE FOOT ABANDONMENT ON "K" STREET BETWEEN 9TH AND 10TH STS.

Planning Commission Agenda Report
Joint Public Hearing Item F

September 21, 1998
MODESTO CITY COUNCIL
RESOLUTION NO. 98-561

A RESOLUTION APPROVING THE SUBMITTAL OF A PASSENGER FACILITY CHARGE (PFC) APPLICATION FOR MODESTO CITY-COUNTY AIRPORT IN THE AMOUNT OF $233,750 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, Federal Aviation Regulation Part 158, Passenger Facility Charge, established a program that allows the nation’s commercial air carrier airports to pay for eligible needed airport improvements with a charge to enplaned passengers, and

WHEREAS, the regulation requires sponsors (airport owners) to submit an application and receive Federal Aviation Administration (FAA) approval before a collection of the Passenger Facility Charge (PFC) can commence, and

WHEREAS, following the establishment of a PFC the City of Modesto received FAA approval to have the air carriers collect a fee from passengers to pay for a number of airport improvements, and

WHEREAS, the list of approved projects is nearing completion and in order for the airport to continue partially funding airport improvements through a PFC, it is necessary for the City to submit a new application, and

WHEREAS, the new application includes four projects with a combined estimated cost of $2,334,000, and
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember **Friedman**, who moved its adoption, which motion being duly seconded by Councilmember **Dobbs**, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: **Jean Zahr**
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By **Michael D. Milich**, City Attorney

10/19/98
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-562

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PREZONING THE VILLAGE ONE HIGH SCHOOL REORGANIZATION AREA TO A SPECIFIC PLAN OVERLAY (SP-O) ZONE, IN THE VILLAGE ONE SPECIFIC PLAN AREA LOCATED BETWEEN ROSELLE AVENUE AND LITT ROAD, ALONG THE NORTH SIDE OF SYLVAN AVENUE.

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, the City of Modesto proposes to initiate a prezoning of the area designated as the Village One School Reorganization Area for the purpose of determining the zoning that will apply to the property upon annexation, and

WHEREAS, the proposal is to prezone the Village One High School Reorganization Area to a Specific Plan Overlay (SP-O) Zone, and
WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. CDD 98-37, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-63, adopted on October 5, 1998, and City staff, by a report dated October 12, 1998, from the Community Development Department, recommended to the City Council that the City Council initiate a zone boundary change to prezone the Village One High School Reorganization Area (132.4 acres) to a Specific Plan Overlay (SP-O) Zone, property located between Roselle Avenue and Litt road, along the north side of Sylvan Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 20, 1998, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. CDD 98-37, entitled "City of Modesto Initial Study Prezone to Specific Plan Overlay (PSP-O) Zone Village One High School Reorganization Area", and the Council hereby makes the following findings:
1. There are no substantial changes in the proposed prezone (the project) which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the prezone (the project) is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. CDD 98-37, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. CDD 98-37, entitled "City of Modesto Initial Study Prezone (PSP-O) Zone Village One High school Reorganization Area", is attached hereto as Exhibit "A", and incorporated herein by reference.

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 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

Initial Study for Project
I. PURPOSE

On September 11, 1990, the Modesto City Council certified the Final Program EIR for the Village One Specific Plan (SCH# 9020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15162 of the CEQA Guidelines allows the Village One Program EIR, as amended by the Supplemental EIR, to be used for subsequent projects, if the following findings can be made:

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

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

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

The purpose of this Initial Study is to provide the substantial evidence for the above findings.
III. ANALYSIS OF CONFORMANCE WITH CEOA SECTION 21166 FINDINGS

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

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development resulting from the proposed prezoning will result in precisely the same land uses, a high school and community park site, as was analyzed in the EIR. Therefore, impacts to traffic and circulation for this project are within the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Because the air quality impacts of this project are closely associated with traffic impacts, air quality impacts will be the same as those analyzed in the EIR. Therefore, the air quality impacts of this project are within the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The nature and intensity of noise impacts does not change with the development resulting from the proposed prezoning, because the uses are consistent with the adopted Specific Plan which the EIR analyzed. Therefore the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.
8. **Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The proposed prezoning will not result in development on soils not already analyzed by the EIR. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

9. **Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The proposed prezoning will not result in any increase in storm drainage runoff from the levels analyzed in the EIR. Therefore, the impacts to hydrology of this project are presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

10. **Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The proposed prezoning will result in development that is the same intensity as that analyzed in the EIR, which results in the same demand for services as was analyzed by the EIR. Therefore, the impacts to public services of this project are within the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

11. **Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The proposed prezoning would result in fiscal impacts: generation of revenues and demand for services, consistent with the Specific Plan. No change would be necessary to the Finance Plan, financing mechanisms or fees on development. Therefore, fiscal impacts resulting from this project are within the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.
C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

D. This Initial Study provides substantial evidence to support findings A, B and C, above.

Signature:

Steve Nish
Associate Planner
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-563  

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $15,000 FOR AN ADVERTISING CAMPAIGN  

WHEREAS, recently individuals have been taking their groceries home in a shopping cart and the cart is never returned to the store. Wrecked, dismantled and abandoned shopping carts create conditions that reduce property values, promote blight and cause deterioration within our City’s neighborhoods; and  

WHEREAS, in conjunction with writing a city ordinance which will mirror State law, the Neighborhood Preservation Unit is preparing a campaign to educate the public about the law; and  

WHEREAS, the City will also, along with the store owners, be conducting a one-time citywide sweep to collect and return all identifiable cars to their owners and dispose of all others.  

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:  

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 800 8000</td>
<td>8003 Contingency Reserve</td>
</tr>
<tr>
<td>10 140 1405</td>
<td>230 Advertising</td>
</tr>
<tr>
<td>10 140 1405</td>
<td>130 Employee Overtime</td>
</tr>
<tr>
<td></td>
<td>(15,000)</td>
</tr>
<tr>
<td></td>
<td>$13,000</td>
</tr>
<tr>
<td></td>
<td>$2,000</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 City Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following votes:  

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

ATTEST:  
JEAN ZAHR, City Clerk  
(seal)  

APPROVED AS TO SUFFICIENCY:  
By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-564

A RESOLUTION ACCEPTING THE BEYER SKATE PARK PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Engineering & Transportation Director that the Beyer Skate Park project, has been completed by Barham, Inc., in accordance with the contract agreement dated December 9, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Beyer Skate Park project, be accepted from said contractor, Barham, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $146,270.06 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAUZAHN, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 98-565

A RESOLUTION ACCEPTING THE MCHENRY MANSION EXTERIOR PAINTING PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Engineering & Transportation Director that the McHenry Mansion Painting project, has been completed by D. C. Vient, Inc., in accordance with the contract agreement dated October 7, 1997.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion Painting project, be accepted from said contractor, D.C. Vient, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $42,426.00 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 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 98-566

A RESOLUTION AN AGREEMENT WITH THE ESTATE OF A. J. REDMOND FOR THE ACQUISITION OF PROPERTY LOCATED AT 1734 HILLSIDE DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Estate of A. J. Redmond for the acquisition of property located at 1734 Hillside Drive be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-567  

A RESOLUTION AN AGREEMENT WITH JAMES J. AND NELLIE GERBER FOR THE ACQUISITION OF PROPERTY LOCATED AT 1726 HILLSIDE DRIVE  

BE IT RESOLVED by the Council of the City of Modesto that the agreement with James J. and Nellie Gerber for the acquisition of property located at 1726 Hillside Drive be, and is hereby authorized.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:  

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

NOES: Councilmembers: None  

ABSENT: Councilmembers: None  

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk
A RESOLUTION AN AGREEMENT WITH FRANK G. ARROYO FOR THE ACQUISITION OF PROPERTY LOCATED AT 1700 HILLSIDE DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Frank G. Arroyo for the acquisition of property located at 1700 Hillside Drive be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-569

A RESOLUTION AN AGREEMENT WITH DONALD I. STEELY FOR THE ACQUISITION OF PROPERTY LOCATED AT 1742 HILLSIDE DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Donald I. Steely for the acquisition of property located at 1742 Hillside Drive be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAH, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-570  

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH CARROLL, BURDICK & MCDONOUGH FOR SPECIAL COUNSEL SERVICES FOR THE WASTE-TO-ENERGY PROJECT  

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Carroll, Burdick & McDonough for special counsel services for the Waste-to-Energy Project be, and is hereby authorized.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:  

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

NOES: Councilmembers: None  

ABSENT: Councilmembers: None  

ATTEST: ________________________  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-571

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $125,000.00 TO FUND THE PURCHASE OF A CRANE TRUCK WITH MOUNTED COMPRESSOR AND VARIOUS RELATED EQUIPMENT FOR ABOVEGROUND PUMP CONSTRUCTION WORK

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

FROM: Install GAC at Well 32
(610-480-J503 6040) $125,000

TO: Crane Truck
(610-480-5012 6040) $125,000

This purchase will allow the Division to perform aboveground construction work at well sites, which is currently contracted out.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AN AGREEMENT WITH EDGAR AND JUNE TUTTLE TRUST DATED JUNE 12, 1998, AND EDGAR TUTTLE, JR. FOR THE ACQUISITION OF PROPERTY LOCATED AT 742 KERR AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Edgar and June Tuttle Trust dated June 12, 1998, and Edgar Tuttle, Jr. for the acquisition of property located at 742 Kerr Avenue be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-573

A RESOLUTION APPROVING THE FINAL MAP OF THE 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 10.58 acres, known as TUSCANY 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 TUSCANY 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 subdivider have taken all actions reasonably necessary to form or annex to a City of Modesto Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-month appointment of a representative to act for it in a CFD
election, which is in a form acceptable to the City Attorney; 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 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-574

A RESOLUTION APPROVING AN AGREEMENT WITH UNITED CEREBRAL PALSY ASSOCIATION OF STANISLAUS COUNTY FOR AN EXCLUSIVE LEASE TO ADVERTISE IN THE CARD RACK SPACE INSIDE MODESTO AREA EXPRESS (MAX) BUSES

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with United Cerebral Palsy Association of Stanislaus County for an exclusive lease to advertise in the card rack space inside Modesto Area Express (MAX) buses be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, CITY CLERK

WHEREAS, City staff has recommended to the Council the adoption of an Equal Opportunity Plan for fiscal years 1997-98 through 2001-02, a copy of said plan is on file in the office of the City Clerk, and

WHEREAS, said plan contains the City's plans and goals which have been developed in accordance with existing laws in an effort to ensure that minorities, women, disabled individuals and other groups are afforded equal opportunity, and

WHEREAS, the Equal Opportunity Plan is provided to Council as a five year blueprint for workforce statistics relative to ethnicity and gender. This report sets forth the guidelines to be used by the City to measure annual progress towards goals set for fiscal year 1997-98 through 2001-02, and

WHEREAS, the City is fully committed to the effective implementation of the Equal Opportunity Plan, and to continued progress toward the achievement of its goals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the City of Modesto's Equal Opportunity Plan for fiscal years 1997-98 through 2001-02.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF SHOEMATE BUILDINGS, INC. FOR THE MODESTO AMTRAK STATION PROJECT FOR $1,762,345.00

WHEREAS, bids received for the Modesto Amtrak Station project were opened at 11:00 a.m. on October 13, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Shoemate Buildings, Inc. for $1,762,345.00 be accepted as the lowest responsible bid; and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $25,000 TO FULLY FUND THE PROJECT TITLED “MODESTO AMTRAK STATION”

WHEREAS, this project will construct a 3,000 square foot station building, a 700 foot platform with covered areas and a 100 stall parking area and related site work to serve as the new Amtrak Station; and

WHEREAS, funds are partially budgeted in Account #051-430-F654. The additional funding of $25,000 is needed because right-of-way costs were slightly higher than originally anticipated.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>51 800 8000</td>
<td>8003</td>
<td>Contingency Reserve</td>
</tr>
<tr>
<td>51 430 F654</td>
<td>6030</td>
<td>Amtrak Station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(25,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$25,000</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 City Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION ACCEPTING THE BID OF DULEY’S LANDSCAPE FOR THE PROJECT TITLED EISENHUT PARK

WHEREAS, the bids received for Eisenhut Park were opened at 11:00 a.m. on October 6, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $352,582.25 from Duley’s Landscape be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $26,000 TO FULLY FUND THE PROJECT TITLED “EISENHUT PARK”

WHEREAS, this project will construct a five-acre neighborhood park on the northeast corner of Sheldon Drive and Shawnee Drive; and

WHEREAS, funds are partially budgeted in Account #135-310-J303. The additional funding of $26,000 is needed to allow the City to award Alternate 1-3, which include softball facilities, play apparatus and path lighting.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures

| 135 800 | 8003 | Contingency Reserve | (26,000) |
| 135 310 | J303 | 6040 | Eisenhut Park | $26,000 |

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 City Council of the City of Modesto held on the 3rd day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and 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
A RESOLUTION ACCEPTING THE PROJECT TITLED COFFEE ROAD – ROAD CONSTRUCTION AND STORM DRAIN AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Coffee Road – Road Construction and Storm Drain, has been completed by George Reed Inc., in accordance with the contract agreement dated September 16, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Coffee Road - Road Construction and Storm Drain 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 $1,166,458.76 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 98-582

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 1998-2, AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT  
(Carver-Bangs/Pelandale-Snyder)

WHEREAS, pursuant to Chapter 2.5 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 the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (the "City"), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to finance the construction and/or acquisition of certain public facilities having a useful life of five years or longer (the "Facilities"), more particularly described in Exhibit "A", including expenses incidental thereto, and

WHEREAS, this Council also determines that it is in the best interests of the City that the above-mentioned community facilities district be established pursuant to Section 53313 of the Act in order to pay for certain services (the "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district ("District") is established, it is the intention of the Council to finance the costs of both the Facilities and the
Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act,

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

SECTION 1. The above recitals are true and correct. The document entitled "Policies and Procedures for the Use of Mello-Roos Community Facilities Act of 1982", ["Policies & Procedures"] (a copy of which is on file with the City Clerk), adopted by the City Council on September 3, 1996, and as amended from time to time, was adopted by the City Council, pursuant to Section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this City Council. It is the intention of the City Council that its Policies & Procedures be adhered to to the greatest extent practicable with respect both to the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. The name proposed for the community facilities district is "Community Facilities District No. 1998-2" and is referred to in this Resolution as the "District."
SECTION 3.

(a) The boundaries of the District are shown on a map, entitled "Boundary Map of Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) a copy of which is attached hereto as Exhibit "B". Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in the City Clerk's office and, within fifteen (15) days after the adoption of this Resolution and not later than fifteen (15) days prior to the date of the public hearing referred to in Section 9, file a copy of the map with the County Recorder of the County of Stanislaus.

(b) The Council finds that no land proposed to be included in the District is devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber or livestock products.

SECTION 4.

(a) The Facilities proposed to be provided by the District are public facilities authorized to be acquired or constructed under the Act that have a useful life of five (5) years or longer. The proposed Facilities are governmental facilities which the Council is authorized by law to contribute revenue to, or construct, own, operate or administer; or which a local public agency is authorized by law to own, construct, operate, administer or provide.

(b) The Facilities are proposed to include any and all incidental expenses related hereto, as authorized by the Act.
SECTION 5. The Services proposed to be financed by the District are more particularly set forth in Exhibit "A" attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Services are governmental services which a local public agency is authorized by law to provide to the extent that they are in addition to those provided in the territory of the district before the district was created.

SECTION 6. The Council determines that the public interest will not be served by allowing property owners to enter into a contract in accordance with subdivision (c) of Section 53329.5 of the Act.

SECTION 7.

(a) It is the intention of the Council that, except where funds are otherwise available to pay for the Facilities and the Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment and manner of collection of such proposed special tax is set forth in Exhibit "A". Exhibit "A" provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Facilities and the Services. 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 District at an election to be held subsequent to the approval of this Resolution of Formation, that then, and in that sole event, the Formation of the District approved herein shall be a nullity, and void from the
date this Resolution is approved.

(b) The component of the special tax to be levied in order to finance the costs of the Facilities will not be levied on "any parcel used for private residential purposes," as defined in Section 53321(d) of the Act.

(c) As permitted by Section 53325.3 of the Act, the special tax as apportioned to each parcel pursuant to Exhibit "A" is based on the cost of making facilities and authorized services available to each parcel in the district and not on the ownership of real property.

SECTION 8. The landowners within the District who have advanced funds or provided work-in-kind shall be reimbursed through tax credits or, in some cases, cash, and the District also shall be reimbursed for money and services advanced for the formation of the District and the acquisition, purchase, modification, expansion, improvement, rehabilitation, leasing and/or construction of the Facilities, all in accordance with and subject to the Act (including without limitation Section 53314.9 of the Act), this Resolution, the Policies & Procedures, the Public Report and other applicable law. In no event shall reimbursable advances or work-in-kind become either a debt of the City, or a debt in excess of tax receipts, of the District. All such reimbursement shall only be made or had pursuant to a valid, executed facility/services acquisition agreement in a form approved by the District Administrator.

SECTION 9. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 7:00 p.m., or as soon thereafter as practicable, on Tuesday, December 1, 1998, at the
regular meeting place of the City Council, City Council Chambers 801-11th Street, 1st Floor, Modesto, California, 95354, such time being not less than thirty (30) or more than sixty (60) days following the adoption hereof.

SECTION 10. The District Administrator will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established. The District Administrator is directed to study the proposed District, and, at or before the time of the hearing on the Resolution of Formation of the District, cause to be prepared and filed with the Council a report containing:

(a) a brief description of the Facilities by type which will in the opinion of the District Administrator be required to adequately meet the needs of the District;

(b) an estimate of the cost of providing the Facilities;

(c) an estimate of the fair and reasonable cost of any of the Facilities to be purchased;

(d) a brief description of the Services by type which will in the District Administrator’s opinion be required to adequately meet the needs of the District;

(e) an estimate of the cost of providing the Services; and

(f) an estimate of the fair and reasonable cost of incidental expenses (as defined in Section 53317(e)) to be incurred in connection with providing both the Facilities and the Services, including said costs and advances or work-in-kind, including but not limited to planning and engineering, as provided in Sections 53314.9, 53313.5(g) and 53318(d) of the Act.
The report shall be made a part of the record of the hearing to be held pursuant to Section 9 hereof.

SECTION 11. Where incidental expenses as contemplated in Section 10(a) above are proposed for inclusion in the public report, and these expenses are in the form of work-in-kind provided by an applicant, such expense may be included in the tax base of the District where the following conditions are met:

(a) A reasonable estimate of the work-in-kind to be reimbursed through tax credits is included in the tax base in the public report.

(b) The District Administrator enters into an agreement with the applicant furnishing such work-in-kind to reimburse it to the applicant solely through available tax credits after first having examined and approved suitable documentation supporting the claim for reimbursement of work-in-kind.

(c) Any such reimbursement is calculated by the District Administrator without interest thereon.

(d) The special tax proposed to be levied in the District is approved by the qualified electors of the District in accordance with the Act.

(e) The District Administrator finds that the work-in-kind was performed as if it had been performed under the direction and supervision, or under the authority of the District Administrator.

SECTION 12. At the time and place set forth in this Resolution for the hearing, any interested persons, including taxpayers, property owners and registered voters
residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Facilities and Services, or the proposed rate, method of apportionment and manner of collection of the special tax 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 13. The City Clerk is directed to publish a notice (the "Notice") of the hearing described in Section 9, in the form required by the Act, not later than seven (7) days prior thereto, 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.

SECTION 14. The City Clerk may also send a copy of the notice of the hearing not later than fifteen (15) days prior thereto, by first-class United States mail, postage prepaid, to each registered voter and to each landowner within the proposed District. The content of the mailed Notice shall be as nearly as practicable identical to the content of the published Notice.
SECTION 15.

(a) If fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of 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 create the District, or to levy the specified special tax, shall be taken for a period of one year from the date of the decision of the Council.

(b) If the majority protests of the registered voters or the landowners are only against the furnishing of a specified type or types of the Facilities or Services within the District, or against levying a specified special tax, those types of Facilities or Services or the specified special tax shall be eliminated from the District proceedings.

At the conclusion of the hearing, if the Council determines to establish the District, it shall adopt a resolution of formation and then submit the levy of any special taxes to the qualified electors of the District in a special election.

SECTION 16.

(a) If, after the hearing described in Section 9, the Council adopts a resolution of formation establishing the District and submits the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the
resolution of formation. The City Clerk shall, within three (3) business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow the election official to determine the boundaries of the District, to the official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing district's boundaries and if requested by the official conducting the election.

(b) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the election official conducting the election shall be required.

(c) Such time limits, or requirements pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the election official conducting the election.

(d) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the close of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one vote.

(e) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by
a particular landowner shall be specified on the ballot provided to that landowner.

(f) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The official conducting the election may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(g) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(h) If the election is to be conducted by mail ballot, the election official conducting the election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the
landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(i) The procedures set forth in this Section 16 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.
SECTION 17. The Council hereby determines that the facilities to be financed by the District are necessary to meet increased demands placed upon local infrastructure as the result of development occurring in the District.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___ day of November, 1998, by Councilmember ___________.

Friedman ___________, who moved its adoption, which motion being duly seconded by Councilmember ___________, Smith ___________, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ___________
MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

A special tax applicable to each Assessor’s Parcel in Community Facilities District No. 1998-2 (herein “CFD No. 1998-2”) shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1998-2 unless a separate Rate and Method of Apportionment of Special Tax and Reimbursements is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

“Administration Component” means that portion of the Facilities Special Tax which must be paid (i.e., is not subject to fee credits) prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure. The revenue collected from the Administration Component will be used by the City to pay annual expenses, consultants’ fees, and staff time associated with administering the CFD, monitoring the Authorized Facilities and effecting reimbursements, including but not limited to the following: (i) tracking development in the CFD, (ii) preparing the tax roll for the Annual Maintenance Special Tax, (iii) calculating and collecting the Facilities Special Tax, (iv) engineering, (v) planning, (vi) legal services, and (vii) acquisition and construction of land and improvements associated with the Authorized Facilities.

“Administrator” shall mean the person(s) or firm(s) designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax and Reimbursements.

“Annual Maintenance Special Tax” means a Special Tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.
“**Assessor’s Parcel**” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“**Assessor’s Parcel Map**” means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor’s Parcel number.

“**Authorized Facilities**” or “**Authorized Facility**” means those public improvements (including portions of such public improvements) to be funded by CFD No. 1998-2 as identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements, including appurtenant expenses such as planning, design, engineering and inspection.

“**Buildable Lot**” means an individual numbered lot which is in its final configuration and for which a building permit may be issued.

“**CFD Costs**” means the total amount shown in the CFD Public Report to cover costs associated with CFD formation, CFD administration, and engineering, legal services, planning and geotechnical studies related to the Authorized Facilities.

“**CFD Public Report**” means the report filed with the City Clerk on behalf of CFD No. 1998-2 pursuant to Section 53321.5 of the Mello-Roos Community Facilities Act of 1982.

“**Church Property**” means any Parcel within the CFD that is exempt from ad valorem property taxes because it is owned by a religious organization.

“**City**” means the City of Modesto.

“**Council**” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-2.

“**Credit/Reimbursement Amount**” means the sum of the portion of the CFD Costs and the costs of Authorized Facilities that have been paid in advance by a builder/developer and have not yet been reimbursed to that builder/developer through one of the following: (i) the application of Special Tax Credits (as defined below) or (ii) payments to the builder/developer from Facilities Special Taxes collected from other builders/developers in the CFD. The Credit/Reimbursement Amount outstanding at any point in time will be determined pursuant to Section D below.

“**Facilities Special Tax**” means a Special Tax collected by the City to pay for one or more of the following: (i) the costs of Authorized Facilities and CFD Costs, (ii) to reimburse a builder/developer who has an outstanding Credit/Reimbursement Amount, and (iii) if all Authorized Facilities have been completed, to pay for maintenance authorized to be funded by the CFD.

“**Final Map**” means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.).
“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Maintenance Special Tax Requirement” means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

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

"Non-Residential Property” means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

“Order of Priority” means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority. The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

“Original Parcel” means an Assessor’s Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

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

“Reimbursable Cost” means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

“Special Tax Credit” means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

“Subdivided Property” means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

“Successor Parcel” means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.
“Taxable Property” means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

“Tax Area A” means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

“Tax Area B” means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor’s Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor’s Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map;
Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel's share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. Annual Maintenance Special Tax

All Subdivided Property within the CFD shall be subject to an Annual Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Tax Area A (Carver-Bangs)</th>
<th>Tax Area B (Pelandale-Snyder)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$215 per unit</td>
<td>$200 per unit</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$1,716 per Acre</td>
<td>$1,598 per Acre</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>$1,716 per Acre</td>
<td>$1,598 per Acre</td>
</tr>
</tbody>
</table>

*Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by (4%) of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.
D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.

The following steps shall be applied to implement the credit/reimbursement program:

On an Ongoing Basis

- On January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.

- The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

- The Administrator will keep track of which Authorized Facilities shown in Attachment 1 have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

- For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the “Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2” (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.
When a Final Map is Approved by the City Council:

**Step 1.** The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

**Step 2.** The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

**Step 3.** By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

**Step 4.** Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.

Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

**Step 1.** If there is an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

**Step 1a.** Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;
Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

- If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

- If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared for multiple Parcels at one time, the builder/developer may use up the remaining Credit/Reimbursement Amount by taking Special Tax Credits against the first lots to develop and pay the remaining balance when the subsequent lots develop. The Administrator shall update the CFD records to reflect a zero Credit/Reimbursement Amount for that builder/developer.

Step 2. If there is not an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);
Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- **If there are outstanding Credit/Reimbursement Amounts**, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the “Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2” (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a “Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2” was issued to each builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

- **If there are no outstanding Credit/Reimbursement Amounts due any builder/developer**, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.
E.  **METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

1.  **Facilities Special Tax**

   The maximum Facilities Special Tax determined pursuant to Section C above shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure within CFD No. 1998-2 and shall be immediately delinquent if not so paid.

2.  **Annual Maintenance Special Tax**

   Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

   **Step 1:** Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

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

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

   **Step 4:** If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

   The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes levied on the County tax roll.

*City of Modesto CFD No. 1998-2  
October 28, 1998*
In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of 1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority
- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority
- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modesto Irrigation District lateral No. 6

Third Priority
- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority
- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)
- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modesto Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)
- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal
## ATTACHMENT 2

**CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2**

(CARVER-BANGS/PELANDALE-SNYDER)

### MAXIMUM FACILITIES SPECIAL TAX

<table>
<thead>
<tr>
<th>Infrastructure Costs, other than Storm Drainage</th>
<th>Carver-Bangs</th>
<th>Pelandale-Snyder</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$986,097</td>
<td>$3,043,306</td>
</tr>
<tr>
<td>Plus: Administration 7.00%</td>
<td>$69,027</td>
<td>$213,021</td>
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<tr>
<td>Subtotal, Costs other than Storm Drainage</td>
<td>$1,055,124</td>
<td>$3,256,327</td>
</tr>
</tbody>
</table>

| Storm Drainage Costs                          | $1,494,750   | $4,389,042      |
| Plus: Administration 7.00%                    | $104,633     | $307,233        |
| Subtotal, Storm Drainage Costs                | $1,599,383   | $4,696,275      |

**Total Costs Assigned to Tax Area**

| $2,654,506 | $7,952,612 |

| Total Net Acreage Contributing to Non-Drainage Facilities | 137.44 | 298.40 |
| One-Time Special Tax per Net Acre for non-Drainage     | $7,677 | $10,913 |
| Total Net Acreage Contributing to Storm Drainage       | 137.44 | 317.73 |
| One-Time Special Tax per Net Acre for Storm Drainage   | $11,637 | $14,781 |

<table>
<thead>
<tr>
<th>Assessor Parcel No.</th>
<th>Property Owner</th>
<th>Net Acreage</th>
<th>1998 Maximum Facilities Special Tax</th>
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<tbody>
<tr>
<td>78 12 02</td>
<td>Calvary Chapel</td>
<td>0.89</td>
<td>$17,189</td>
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<td>78 18 23</td>
<td>Calvary Chapel</td>
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<td>78 18 24</td>
<td>William Han</td>
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<tr>
<td>78 18 14</td>
<td>Lowry, Luscher, Donovan</td>
<td>22.60</td>
<td>$436,495</td>
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<tr>
<td>46 07 15</td>
<td>Kaufman &amp; Broad</td>
<td>16.39</td>
<td>$316,555</td>
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<td>46 07 16</td>
<td>Elaine Fowler</td>
<td>18.11</td>
<td>$349,775</td>
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<td>46 07 18</td>
<td>Ronald Malik</td>
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<td>46 07 19</td>
<td>Ronald Malik</td>
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<td>46 07 20</td>
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<td><strong>Total, Carver-Bangs</strong></td>
<td></td>
<td><strong>137.44</strong></td>
<td><strong>$2,654,506</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Tax Area B Pelandale-Snyder</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Assessor Parcel No.</th>
<th>Property Owner</th>
<th>Net Acreage</th>
<th>1998 Maximum Facilities Special Tax</th>
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</thead>
<tbody>
<tr>
<td>78 18 06</td>
<td>TRS Enterprises</td>
<td>35.45</td>
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<tr>
<td>78 18 7</td>
<td>Vossoughi Investments</td>
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<td>78 18 22</td>
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<td>78 18 28</td>
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<tr>
<td>78 18 12</td>
<td>Resource Development</td>
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<td>$618,696</td>
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<tr>
<td>46 07 17</td>
<td>Marlene Johnston, et. al.</td>
<td>16.22</td>
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<tr>
<td>46 07 11</td>
<td>Verna Mae Johnson Trust</td>
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<td>William P. Couture</td>
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<td>Red Rock Ranch</td>
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<td>18.62</td>
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<td>46 03 02</td>
<td>Big Valley Grace Comm. Church</td>
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<td>46 03 06</td>
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<td>Big Valley Grace Comm. Church</td>
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<td>46 03 09</td>
<td>Big Valley Grace Comm. Church</td>
<td>19.33</td>
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<td><strong>Total, Pelandale-Snyder</strong></td>
<td></td>
<td><strong>317.73</strong></td>
<td><strong>$7,952,612</strong></td>
</tr>
</tbody>
</table>

/1 Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.

---

David Taussig & Associates, Inc.

10/29/98
CARVER / BANGS (TAX AREA A)  
SPECIFIC PLAN AREA  
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2  
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS $2,424,418

A. C.F.D. FEE PER NET ACRE

$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE $17,640

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE $715

CARVER / BANGS (TAX AREA A)  
SPECIFIC PLAN AREA  
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYVENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
### CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)
#### COMMUNITY FACILITIES
#### DISTRICT FORMATION
#### COST SUMMARY

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. STORM DRAINAGE</td>
<td>$1,438,321</td>
</tr>
<tr>
<td>B. PRESCOTT ROAD</td>
<td>$145,422</td>
</tr>
<tr>
<td>C. AMERICAN AVENUE</td>
<td>$24,033</td>
</tr>
<tr>
<td>D. BANGS AVENUE</td>
<td>$254,305</td>
</tr>
<tr>
<td>E. CARVER ROAD</td>
<td>$57,270</td>
</tr>
<tr>
<td>F. AMERICAN AVENUE CANAL CROSSING</td>
<td>$295,066</td>
</tr>
<tr>
<td>G. CLASS I BIKE TRAIL</td>
<td>$142,500</td>
</tr>
<tr>
<td>H. FORMATION COSTS</td>
<td>$67,500</td>
</tr>
</tbody>
</table>

**TOTAL CFD COSTS = $2,424,418**

**NOTE:**

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.
CARVER-BANGS SPECIFIC PLAN AREA  
COMMUNITY FACILITIES DISTRICT  
PRELIMINARY ENGINEER'S ESTIMATE  
FOR  
STORM DRAIN TRUNK LINES  
AND  
PROPORTIONATE SHARE OF PELANDALE-SNYDER  
STORM DRAIN BASIN AND APPURtenANCES  
(REFERENCE FIGURE 1)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 30&quot; STORM</td>
<td></td>
<td>2,549</td>
<td>LF</td>
<td>$100.00</td>
<td>$254,900</td>
</tr>
<tr>
<td>2. 36&quot; STORM</td>
<td></td>
<td>1,279</td>
<td>LF</td>
<td>$121.00</td>
<td>$154,759</td>
</tr>
<tr>
<td>3. 48&quot; STORM</td>
<td></td>
<td>597</td>
<td>LF</td>
<td>$161.00</td>
<td>$96,117</td>
</tr>
<tr>
<td>4. SHARE OF 54&quot; STORM DRAIN TO BASIN</td>
<td></td>
<td>46</td>
<td>LF</td>
<td>$182.00</td>
<td>$8,372</td>
</tr>
<tr>
<td>5. MANHOLES</td>
<td></td>
<td>14</td>
<td>EA</td>
<td>$5,750.00</td>
<td>$80,500</td>
</tr>
</tbody>
</table>

**SUB-TOTAL STORM DRAIN TRUNK LINES =*=*==>** $594,648

10% CONTINGENCY =*=*==> **$59,465**

**TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =*=*==>** $654,113

II. STORM DRAINAGE BASIN FACILITIES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. STORM DRAIN BASIN EXCAVATION</td>
<td></td>
<td>42,628</td>
<td>CY</td>
<td>$6.00</td>
<td>$255,768</td>
</tr>
<tr>
<td>2. STORM DRAIN PUMP STATION</td>
<td></td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$165,445.00</td>
<td>$165,445</td>
</tr>
<tr>
<td>3. STORM DRAIN PIPING (PLUS JACK &amp; BORE)</td>
<td></td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$8,943.00</td>
<td>$8,943</td>
</tr>
<tr>
<td>4. FENCING</td>
<td></td>
<td>1,227</td>
<td>LF</td>
<td>$16.00</td>
<td>$19,632</td>
</tr>
<tr>
<td>5. LANDSCAPING</td>
<td></td>
<td>10,433</td>
<td>SF</td>
<td>$2.80</td>
<td>$29,212</td>
</tr>
<tr>
<td>6. INLETS</td>
<td></td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,981.00</td>
<td>$2,981</td>
</tr>
<tr>
<td>7. STRIPPING / CLEARING / DISCING</td>
<td></td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,981.00</td>
<td>$2,981</td>
</tr>
</tbody>
</table>

**SUB-TOTAL STORM DRAIN BASIN FACILITIES =*=*==>** $484,962

10% CONTINGENCY =*=*==> **$48,496**

**TOTAL STORM DRAIN BASIN FACILITIES =*=*==>** $533,459

B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ENGINEERING</td>
<td></td>
<td>1</td>
<td>EST</td>
<td>$29,808.00</td>
<td>$29,808</td>
</tr>
<tr>
<td>2. STAKING</td>
<td></td>
<td>1</td>
<td>EST</td>
<td>$14,755.00</td>
<td>$14,755</td>
</tr>
<tr>
<td>3. CONSTRUCTION MANAGEMENT</td>
<td></td>
<td>1</td>
<td>EST</td>
<td>$19,873.00</td>
<td>$19,873</td>
</tr>
<tr>
<td>4. GEOTECHNICAL</td>
<td></td>
<td>1</td>
<td>EST</td>
<td>$5,365.00</td>
<td>$5,365</td>
</tr>
</tbody>
</table>

**TOTAL FEES =*=*==>** $64,436
## Carver-Bangs Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.</td>
<td>LAND ACQUISITION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>LAND PURCHASE</td>
<td>3.825</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$248,625</td>
</tr>
<tr>
<td>2.</td>
<td>ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,125.00</td>
<td>$2,125</td>
</tr>
</tbody>
</table>

**TOTAL LAND ACQUISITION ===> $250,750**

**GRAND TOTAL ===> $1,438,321**

### NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTEANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

#### A. GROSS ACREAGE SUMMARY

<table>
<thead>
<tr>
<th>PELANALE / SNYDER</th>
<th>CARVER / BANGS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>357.46</td>
<td>151.80</td>
<td>509.26</td>
</tr>
</tbody>
</table>

**TOTAL GROSS ACRES ===>**

#### B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 = 29.81%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOWN DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM DESCRIPTION QUAN. UNIT UNIT COST AMOUNT

<table>
<thead>
<tr>
<th>A. CONSTRUCTION (20' CFD PORTION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. CLEARING AND GRADING</td>
</tr>
<tr>
<td>2. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)</td>
</tr>
<tr>
<td>3. STORM DRAINAGE</td>
</tr>
<tr>
<td>a. CATCH BASINS</td>
</tr>
<tr>
<td>b. 12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
</tr>
<tr>
<td>c. MANHOLES</td>
</tr>
<tr>
<td>4. PRIME COAT</td>
</tr>
<tr>
<td>5. STRIPING / SIGNAGE</td>
</tr>
</tbody>
</table>

|                             | CONSTRUCTION TOTAL | $81,856 |
|                             | 15% CONTINGENCY     | $12,278 |
|                             | TOTAL PRESCOTT ROAD CONSTRUCTION | $94,135 |

<table>
<thead>
<tr>
<th>B. FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
</tr>
<tr>
<td>2. STAKING (3% OF CONSTRUCTION TOTAL)</td>
</tr>
<tr>
<td>3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
</tr>
</tbody>
</table>

|                       | TOTAL FEES | $12,238 |

<table>
<thead>
<tr>
<th>C. LAND ACQUISITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. RIGHT-OF-WAY DEDICATION</td>
</tr>
<tr>
<td>2. RIGHT-OF-WAY ADMINISTRATION</td>
</tr>
</tbody>
</table>

|                       | TOTAL LAND ACQUISITION | $39,050 |
|                       | GRAND TOTAL | $145,422 |

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
CARVER·BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE (2' CFD PORTION HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 3)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. CONSTRUCTION (CFD PORTION)</td>
<td>1. CLEARING AND GRADING</td>
<td>2,535</td>
<td>SF</td>
<td>$0.35</td>
<td>$887</td>
</tr>
<tr>
<td></td>
<td>2. PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)</td>
<td>2,535</td>
<td>SF</td>
<td>$1.75</td>
<td>$4,436</td>
</tr>
<tr>
<td></td>
<td>3. STORM DRAINAGE</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>b. 12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>c. MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td></td>
<td>4. PRIME COAT</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$100.00</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>5. STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$300.00</td>
<td>$300</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL = $14,724

15% CONTINGENCY = $2,209

TOTAL PRESCOTT ROAD CONSTRUCTION = $16,932

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 | EST | $1,015.92 | $1,016 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $507.96 | $508 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $677.28 | $677 |

TOTAL FEES = $2,201

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 0.06 | AC | $65,000.00 | $3,900 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $1,000.00 | $1,000 |

TOTAL LAND ACQUISITION = $4,900

GRAND TOTAL = $24,033

NOTES:
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 3).
2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.
3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
# CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
BANGS AVENUE (9’ CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350’ C.L. TO C.L.)
(REFERENCE FIGURE 4)

### ITEM DESCRIPTION

<table>
<thead>
<tr>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### A. CONSTRUCTION (CFD PORTION)

1. CLEARING AND GRADING
   - QUAN.: 48,150
   - UNIT: SF
   - COST: $0.35
   - AMOUNT: $16,853

2. PAVEMENT (0.40’ A.C. OVER 0.45’ A.B., T.I. = 8
   R.V. = 50)
   - QUAN.: 48,150
   - UNIT: SF
   - COST: $1.75
   - AMOUNT: $84,263

3. STORM DRAINAGE
   a. CATCH BASINS
      - QUAN.: 7
      - UNIT: EA
      - COST: $1,000.00
      - AMOUNT: $7,000
   b. 12” CATCH BASIN RUNS (50 L.F. PER C.B.)
      - QUAN.: 350
      - UNIT: LF
      - COST: $30.00
      - AMOUNT: $10,500
   c. MANHOLES
      - QUAN.: 7
      - UNIT: EA
      - COST: $2,000.00
      - AMOUNT: $14,000

4. PRIME COAT
   - QUAN.: 48,150
   - UNIT: SF
   - COST: $0.02
   - AMOUNT: $963

5. STRIPING / SIGNAGE
   (5% OF GRADING AND PAVEMENT COSTS)
   - QUAN.: 1
   - UNIT: EST
   - COST: $5,055.75
   - AMOUNT: $5,056

CONSTRUCTION TOTAL =====> $138,634
15% CONTINGENCY =====> $20,795

TOTAL PRESCOTT ROAD CONSTRUCTION =====> $159,429

### B. FEES

1. ENGINEERING (6% OF CONSTRUCTION TOTAL)
   - QUAN.: 1
   - UNIT: EST
   - COST: $9,565.73
   - AMOUNT: $9,566

2. STAKING (3% OF CONSTRUCTION TOTAL)
   - QUAN.: 1
   - UNIT: EST
   - COST: $4,782.86
   - AMOUNT: $4,783

3. CONSTRUCTION MANAGEMENT (4% OF
   CONSTRUCTION TOTAL)
   - QUAN.: 1
   - UNIT: EST
   - COST: $6,377.15
   - AMOUNT: $6,377

TOTAL FEES =====> $20,726

### C. LAND ACQUISITION

1. RIGHT-OF-WAY DEDICATION
   - QUAN.: 1.11
   - UNIT: AC
   - COST: $65,000.00
   - AMOUNT: $72,150

2. RIGHT-OF-WAY ADMINISTRATION
   - QUAN.: LUMP SUM
   - UNIT: LS
   - COST: $2,000.00
   - AMOUNT: $2,000

TOTAL LAND ACQUISITION =====> $74,150

GRAND TOTAL =====> $254,305

### NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE
   AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60’ WIDE) AND WHICH IS NOT FUNDED
   THROUGH THE CITY’S CFF PROGRAM. (SEE FIGURE 4).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM
   DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE
   SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE
   INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.
   FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
CARVER-Bangs SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CARVER ROAD (9' CFD PORTION, HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE
(REFERENCE FIGURE 5)

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. CONSTRUCTION (6' CFD PORTION)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. CLEARING AND GRADING</td>
<td>9,900</td>
<td>SF</td>
<td>$0.35</td>
<td>$3,465</td>
</tr>
<tr>
<td>2. PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)</td>
<td>9,900</td>
<td>SF</td>
<td>$1.75</td>
<td>$17,325</td>
</tr>
<tr>
<td>3. STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>b. 12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td>c. MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td>4. PRIME COAT</td>
<td>9,900</td>
<td>SF</td>
<td>$0.02</td>
<td>$198</td>
</tr>
<tr>
<td>5. STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>1</td>
<td>EST</td>
<td>$1,039.50</td>
<td>$1,040</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL =====> $31,028
15% CONTINGENCY =====> $4,654
TOTAL PRESCOTT ROAD CONSTRUCTION =====> $35,682

B. FEES |
| 1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 | EST | $2,140.90 | $2,140 |
| 2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $1,070.45 | $1,070 |
| 3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $1,427.27 | $1,427 |

TOTAL FEES =====> $4,639

C. LAND ACQUISITION |
| 1. RIGHT-OF-WAY DEDICATION | 0.23 | AC  | $65,000.00 | $14,950 |
| 2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS  | $2,000.00  | $2,000  |

TOTAL LAND ACQUISITION =====> $16,950
GRAND TOTAL =====> $57,270

NOTES:
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td></td>
<td>LS</td>
<td>$15,000.00</td>
<td>$15,000</td>
</tr>
<tr>
<td>2.</td>
<td>EARTHWORK</td>
<td></td>
<td>LS</td>
<td>$23,750.00</td>
<td>$23,750</td>
</tr>
<tr>
<td>3.</td>
<td>CAST-IN-PLACE REINFORCED CONCRETE</td>
<td></td>
<td>LS</td>
<td>$125,000.00</td>
<td>$125,000</td>
</tr>
<tr>
<td></td>
<td>4.5' x 12' DOUBLE BOX CULVERT</td>
<td></td>
<td>LS</td>
<td>$125,000.00</td>
<td>$125,000</td>
</tr>
<tr>
<td>4.</td>
<td>INLET STRUCTURE</td>
<td>1</td>
<td>EA</td>
<td>$21,200.00</td>
<td>$21,200</td>
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<tr>
<td>5.</td>
<td>OUTLET STRUCTURE</td>
<td>1</td>
<td>EA</td>
<td>$21,200.00</td>
<td>$21,200</td>
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<tr>
<td>6.</td>
<td>FENCING</td>
<td></td>
<td>LS</td>
<td>$4,370.00</td>
<td>$4,370</td>
</tr>
<tr>
<td>7.</td>
<td>UTILITY RELOCATION</td>
<td>1</td>
<td>EST</td>
<td>$10,000.00</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL ===> $220,520

15% CONTINGENCY ===> $33,078

TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING ===> $253,598

B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$15,215.88</td>
<td>$15,216</td>
</tr>
<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$7,607.94</td>
<td>$7,608</td>
</tr>
<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$10,143.92</td>
<td>$10,144</td>
</tr>
<tr>
<td>4.</td>
<td>GEOTECHNICAL</td>
<td>1</td>
<td>EST</td>
<td>$5,000.00</td>
<td>$5,000</td>
</tr>
<tr>
<td>5.</td>
<td>MID PERMITTING</td>
<td>1</td>
<td>EST</td>
<td>$3,500.00</td>
<td>$3,500</td>
</tr>
</tbody>
</table>

TOTAL FEES ===> $41,468

GRAND TOTAL ===> $295,066

NOTES:

1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN.
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. DESIGN PARAMETERS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>TOTAL LENGTH 2180 L.F. OR 0.413 MILES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>THE CITY'S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Existing CFF Portion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.413 Miles x $105,600 =</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$43,613</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. CLASS I BIKE TRAIL

A. CONSTRUCTION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>8' BIKE PATH</td>
<td>17,440</td>
<td>SF</td>
<td>$2.00</td>
<td>$34,880</td>
</tr>
<tr>
<td>2.</td>
<td>2' GRAVEL SHOULDER EACH SIDE (2&quot; DECOMPOSED GRANITE)</td>
<td>8,720</td>
<td>SF</td>
<td>$0.30</td>
<td>$2,616</td>
</tr>
<tr>
<td>3.</td>
<td>4-6' FENCE</td>
<td>2,180</td>
<td>LF</td>
<td>$16.00</td>
<td>$34,880</td>
</tr>
<tr>
<td>4.</td>
<td>PEDESTRIAN ACCESS CROSSING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$50,000.00</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL = $122,376
10% CONTINGENCY = $12,238
TOTAL BIKE PATH = $134,614

B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$8,076.82</td>
<td>$8,077</td>
</tr>
<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$4,038.41</td>
<td>$4,038</td>
</tr>
<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$5,384.54</td>
<td>$5,385</td>
</tr>
</tbody>
</table>

TOTAL FEES = $17,500

C. LAND ACQUISITION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>RIGHT-OF-WAY DEDICATION (10' WIDE; ASSUME 2' JOINT USE OF EXISTING MID RIGHT-OF-WAY)</td>
<td>0.50</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$32,500</td>
</tr>
<tr>
<td>2.</td>
<td>RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$1,500.00</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

TOTAL LAND ACQUISITION = $34,000
GRAND TOTAL = $186,113
CFF PORTION = $43,613
TOTAL CARVER BANGS CFD PORTION = $142,500
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
FORMATION COSTS
AND
LANDSCAPE AREAS
TO BE INCLUDED IN THE
ANNUAL MAINTENANCE COSTS
AND CITY ANNUAL ADMINISTRATION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>FORMATION COSTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>INITIAL FEES ASSOCIATED WITH FORMATION OF DISTRICT</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$67,500.00</td>
<td>$67,500</td>
</tr>
<tr>
<td></td>
<td>TOTAL ESTIMATED FORMATION COSTS</td>
<td></td>
<td></td>
<td></td>
<td>$67,500</td>
</tr>
</tbody>
</table>

B. LANDSCAPE FACILITIES FOR ANNUAL MAINTENANCE

<table>
<thead>
<tr>
<th></th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>BANGS AVENUE (SOUTH SIDE) 8' LANDSCAPE STRIP (4,680 LF x 8' = 37,440 SF)</td>
<td>37,440</td>
<td>SF</td>
<td>$0.72</td>
<td>$26,957</td>
</tr>
<tr>
<td>2.</td>
<td>AMERICAN AVENUE (EAST SIDE) 8' LANDSCAPE STRIP (1,200 LF x 8' = 9,600 SF)</td>
<td>9,600</td>
<td>SF</td>
<td>$0.72</td>
<td>$6,912</td>
</tr>
<tr>
<td>3.</td>
<td>PRESCOTT ROAD 16' CENTER MEDIAN</td>
<td>10,750</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,740</td>
</tr>
<tr>
<td>4.</td>
<td>PRESCOTT ROAD TREEWELL AND VINE BLOCKOUTS WITH 10' SIDEWALK AND MASONRY WALL (56 EACH 5' x 5' TREEWELLS + 56 EACH 3' x 10' VINE BLOCKOUTS)</td>
<td>3,080</td>
<td>SF</td>
<td>$0.72</td>
<td>$2,218</td>
</tr>
<tr>
<td>5.</td>
<td>CLASS I BIKE TRAIL (2,180 LF x 12' = 26,160 SF)</td>
<td>26,160</td>
<td>SF</td>
<td>$0.72</td>
<td>$18,835</td>
</tr>
<tr>
<td>6.</td>
<td>PELANDALE AVENUE (NORTH SIDE) 12.5' LANDSCAPE STRIP WITH 4' SIDEWALK (4,990 L.F. x 8' = 39,920 S.F.)</td>
<td>39,920</td>
<td>SF</td>
<td>$0.72</td>
<td>$26,742</td>
</tr>
<tr>
<td>7.</td>
<td>CARVER ROAD (WEST SIDE) (1,194 L.F. x 8' = 9,552 S.F.)</td>
<td>9,552</td>
<td>SF</td>
<td>$0.72</td>
<td>$6,877</td>
</tr>
</tbody>
</table>

TOTAL ANNUAL LANDSCAPE MAINTENANCE COSTS | | | | | $98,281 |

SUMMARY ANNUAL LANDSCAPE MAINTENANCE COSTS AND ADMINISTRATION COSTS:

ESTIMATED COST PER NET ACRE PER YEAR | $715 |
EXCLUDING CHURCH PROPERTY (122.36 ACRES)
PELANDALE / SNYDER (TAX AREA B)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. PELANDALE / SNYDER SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS (EXCLUDING STORM DRAIN) $3,043,306
TOTAL ESTIMATED CFD STORM DRAIN $4,000,232
TOTAL CFD COSTS $7,043,538

A. C.F.D. FEE PER NET ACRE

$3,043,306 / 298.40 NET ACRES COST PER NET ACRE $10,199
(INCLUDING A.P.N. 46-03-09 EXISTING BIG VALLEY PARCEL)

$4,000,232 / 317.73 NET ACRES COST PER NET ACRE $12,590
(INCLUDING A.P.N. 46-03-09 EXISTING BIG VALLEY PARCEL)
TOTAL $22,789

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

$852

PELANDALE / SNYDER (TAX AREA B)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. DALE ROAD.
3. PRESCOTT ROAD.
4. TULLY ROAD.
5. SNYDER AVENUE (OPPOSITE).
6. TULLY / SNYDER TRAFFIC SIGNAL.

EXHIBIT A
PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. STORM DRAINAGE</td>
<td>$4,000,232</td>
</tr>
<tr>
<td>B. DALE ROAD</td>
<td>$531,075</td>
</tr>
<tr>
<td>C. PRESCOTT ROAD</td>
<td>$628,297</td>
</tr>
<tr>
<td>D. TULLY ROAD</td>
<td>$1,011,016</td>
</tr>
<tr>
<td>E. SNYDER AVENUE</td>
<td>$52,743</td>
</tr>
<tr>
<td>F. CLASS I BIKE TRAIL</td>
<td>$752,675</td>
</tr>
<tr>
<td>G. FORMATION COSTS</td>
<td>$67,500</td>
</tr>
</tbody>
</table>

TOTAL CFD COSTS $7,043,538

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 36&quot; STORM</td>
<td></td>
<td>400</td>
<td>LF</td>
<td>$121.00</td>
<td>$48,400</td>
</tr>
<tr>
<td>2. 42&quot; STORM</td>
<td></td>
<td>1,874</td>
<td>LF</td>
<td>$155.00</td>
<td>$290,470</td>
</tr>
<tr>
<td>3. 48&quot; STORM</td>
<td></td>
<td>3,661</td>
<td>LF</td>
<td>$161.00</td>
<td>$589,421</td>
</tr>
<tr>
<td>4. 54&quot; STORM</td>
<td></td>
<td>5,242</td>
<td>LF</td>
<td>$182.00</td>
<td>$954,044</td>
</tr>
<tr>
<td>5. PROPORTIONATE SHARE 54&quot; TO BASIN</td>
<td></td>
<td>108</td>
<td>LF</td>
<td>$182.00</td>
<td>$19,656</td>
</tr>
<tr>
<td>6. MANHOLES</td>
<td></td>
<td>29</td>
<td>EA</td>
<td>$5,750.00</td>
<td>$166,750</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SUB-TOTAL STORM DRAIN TRUNK LINES =====&gt;</td>
<td>$2,068,741</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10% CONTINGENCY =====&gt;</td>
<td>$206,874</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====&gt;</td>
<td>$2,275,615</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. STORM DRAINAGE BASIN FACILITIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. STORM DRAIN BASIN EXCAVATION</td>
<td></td>
<td>100,372</td>
<td>CY</td>
<td>$6.00</td>
<td>$602,232</td>
</tr>
<tr>
<td>2. STORM DRAIN PUMP STATION</td>
<td></td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$389,555.00</td>
<td>$389,555</td>
</tr>
<tr>
<td>3. STORM DRAIN PIPING (PLUS JACK &amp; BORE)</td>
<td></td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$21,057.00</td>
<td>$21,057</td>
</tr>
<tr>
<td>4. FENCING</td>
<td></td>
<td>2,890</td>
<td>LF</td>
<td>$16.00</td>
<td>$46,240</td>
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<td>5. LANDSCAPING</td>
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<td>6. INLETS</td>
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<td>LS</td>
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<tr>
<td>6. CLEARING / DISCING / STRIPPING</td>
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<td>LS</td>
<td>$7,019.00</td>
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<table>
<thead>
<tr>
<th>ITEM</th>
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</tr>
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<tbody>
<tr>
<td></td>
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<tr>
<td></td>
<td>SUB-TOTAL</td>
<td>$1,109,998</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>10% CONTINGENCY =====&gt;</td>
<td>$111,000</td>
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<td></td>
<td>TOTAL STORM DRAIN BASIN FACILITIES =====&gt;</td>
<td>$1,220,998</td>
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Pelândale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer’s Estimate
October 23, 1998

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td></td>
<td>C. FEES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>ENGINEERING</td>
<td>1 EST</td>
<td>$70,192.00</td>
<td>$70,192</td>
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</tr>
<tr>
<td>2.</td>
<td>STAKING</td>
<td>1 EST</td>
<td>$34,746.00</td>
<td>$34,746</td>
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</tr>
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<td>3.</td>
<td>CONSTRUCTION MANAGEMENT</td>
<td>1 EST</td>
<td>$46,796.00</td>
<td>$46,796</td>
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<td>4.</td>
<td>GEOTECHNICAL</td>
<td>1 EST</td>
<td>$12,635.00</td>
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TOTAL FEES = $164,369

D. LAND ACQUISITION

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<tbody>
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<td>LAND PURCHASE</td>
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<td>2.</td>
<td>ADMINISTRATION</td>
<td>LUMP SUM</td>
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<td>$2,875.00</td>
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</table>

TOTAL LAND ACQUISITION = $339,250

PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL = $4,000,232

NOTES:

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER
CARVER / BANGS

357.46
151.80

TOTAL GROSS ACRES = 509.26

B. PELANDALE / SNYDER PROPORTIONATE SHARE

357.46 / 509.26 = 70.19%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOWN DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
Snyder Avenue to Pelandale Avenue (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. DALE ROAD CENTER 20 FEET</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. SAWCUT AND REMOVE EXISTING PAVEMENT</td>
<td>26,400</td>
<td>SF</td>
<td>$1.50</td>
<td>$39,600</td>
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</tr>
<tr>
<td>2. MEDIAN CURB</td>
<td>2,690</td>
<td>LF</td>
<td>$15.00</td>
<td>$40,350</td>
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</tr>
<tr>
<td>3. MEDIAN COVER</td>
<td>17,520</td>
<td>SF</td>
<td>$3.50</td>
<td>$61,320</td>
<td></td>
</tr>
<tr>
<td>4. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)</td>
<td>5,280</td>
<td>SF</td>
<td>$2.00</td>
<td>$10,560</td>
<td></td>
</tr>
<tr>
<td>5. STRIPING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$5,000.00</td>
<td>$5,000</td>
<td></td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL ===> $156,830

10% CONTINGENCY ===> $15,683

TOTAL DALE ROAD CONSTRUCTION ===> $172,513

B. FEES | | | | | |
| 1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 | EST | $10,350.78 | $10,351 |
| 2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $5,175.39 | $5,175 |
| 3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $6,900.52 | $6,901 |

TOTAL FEES ===> $22,427

DALE ROAD CENTER 20 FEET GRAND TOTAL ===> $194,940
Pel andale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>30,492</td>
<td>SF</td>
<td>$0.60</td>
<td>$18,295</td>
</tr>
<tr>
<td>A.</td>
<td>CONSTRUCTION</td>
<td>22,104</td>
<td>SF</td>
<td>$2.00</td>
<td>$44,208</td>
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<tr>
<td></td>
<td>CLEARING AND GRADING</td>
<td>30,492</td>
<td>SF</td>
<td>$0.60</td>
<td>$18,295</td>
</tr>
<tr>
<td></td>
<td>PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)</td>
<td>22,104</td>
<td>SF</td>
<td>$2.00</td>
<td>$44,208</td>
</tr>
<tr>
<td></td>
<td>STORM DRAINAGE</td>
<td>800</td>
<td>LF</td>
<td>$30.00</td>
<td>$24,000</td>
</tr>
<tr>
<td></td>
<td>12&quot; STORM DRAIN</td>
<td>420</td>
<td>LF</td>
<td>$37.00</td>
<td>$15,540</td>
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<tr>
<td></td>
<td>CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>12&quot; CATCH BASIN RUNS</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td></td>
<td>10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS</td>
<td>12,300</td>
<td>SF</td>
<td>$3.00</td>
<td>$36,900</td>
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<tr>
<td></td>
<td>6&quot; VERTICAL CURB AND GUTTER</td>
<td>1,230</td>
<td>LF</td>
<td>$9.00</td>
<td>$11,070</td>
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<tr>
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<td>RETURN AT PELANDALE AVENUE</td>
<td>1</td>
<td>EA</td>
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<td>$1,000</td>
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<td></td>
<td>ELECTROLIERS</td>
<td>3</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$10,500</td>
</tr>
<tr>
<td></td>
<td>LANDSCAPING (12' WIDE STRIP)</td>
<td>14,760</td>
<td>SF</td>
<td>$2.80</td>
<td>$41,328</td>
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<tr>
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<td>SIGNAGE AND STRIPING</td>
<td>1</td>
<td>EST</td>
<td>$3,125.16</td>
<td>$3,125</td>
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<tr>
<td></td>
<td>TRAFFIC CONTROL</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$4,500.00</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>TRAFFIC SIGNAL INTERCONNECT</td>
<td>1,230</td>
<td>LF</td>
<td>$10.00</td>
<td>$12,300</td>
</tr>
<tr>
<td></td>
<td>PRIMECOAT</td>
<td>22,104</td>
<td>SF</td>
<td>$0.02</td>
<td>$442</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL ===> $232,208

10% CONTINGENCY ===> $23,221

TOTAL DALE ROAD CONSTRUCTION ===> $255,429

B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$15,325.76</td>
<td>$15,326</td>
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<tr>
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<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$7,662.88</td>
<td>$7,663</td>
</tr>
<tr>
<td></td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$10,217.17</td>
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TOTAL FEES ===> $33,206

C. LAND ACQUISITION

<table>
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<tr>
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<tr>
<td></td>
<td>RIGHT-OF-WAY DEDICATION</td>
<td>0.70</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$45,500</td>
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<tr>
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<td>RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000</td>
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</tbody>
</table>

TOTAL LAND ACQUISITION ===> $47,500

DALE ROAD FRONTAGE GRAND TOTAL ===> $336,135

DALE ROAD GRAND TOTAL ===> $531,075

NOTE:

1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT
TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

<table>
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<th>AMOUNT</th>
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<tbody>
<tr>
<td>I.</td>
<td>PReSCoN ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>A.</td>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>37,530</td>
<td>SF</td>
<td>$0.60</td>
<td>$22,518</td>
</tr>
<tr>
<td>2.</td>
<td>PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)</td>
<td>18,525</td>
<td>SF</td>
<td>$2.00</td>
<td>$37,050</td>
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<tr>
<td>3.</td>
<td>2&quot; A.C. OVERLAY (EXISTING INTERIM PRESCOTT)</td>
<td>17,100</td>
<td>SF</td>
<td>$0.60</td>
<td>$10,260</td>
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<td>4.</td>
<td>STORM DRAINAGE</td>
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<tr>
<td>a.</td>
<td>CATCH BASINS</td>
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<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>b.</td>
<td>12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td>c.</td>
<td>MANHOLES</td>
<td>1</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>5.</td>
<td>6&quot; VERTICAL CURB AND GUTTER</td>
<td>1,200</td>
<td>LF</td>
<td>$9.00</td>
<td>$10,800</td>
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<tr>
<td>6.</td>
<td>10' SIDEWALK</td>
<td>12,000</td>
<td>SF</td>
<td>$3.00</td>
<td>$36,000</td>
</tr>
<tr>
<td>7.</td>
<td>RETURNS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>8.</td>
<td>ELECTROLIERS</td>
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<td>EA</td>
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<td>$14,000</td>
</tr>
<tr>
<td>9.</td>
<td>PRIMECOAT</td>
<td>18,525</td>
<td>SF</td>
<td>$0.02</td>
<td>$371</td>
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</tbody>
</table>

CONSTRUCTION TOTAL ===> $139,999
10% CONTINGENCY ===> $14,000
TOTAL PRESCOTT ROAD CONSTRUCTION ===> $153,998

B. FEES
1. ENGINEERING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $9,239.90 | $9,240 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $4,619.95 | $4,620 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $6,159.93 | $6,160 |

TOTAL FEES ===> $20,020

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 1.20 | AC | $55,000.00 | $78,000 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $2,000.00 | $2,000 |

TOTAL LAND ACQUISITION ===> $80,000

PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL ===> $254,018
Pel andale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

<table>
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<th>ITEM</th>
<th>DESCRIPTION</th>
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<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
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<td>II. PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS</td>
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</tr>
<tr>
<td>A. CONSTRUCTION</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. CLEARING AND GRADING</td>
<td></td>
<td>37,530</td>
<td>SF</td>
<td>$0.60</td>
<td>$22,518</td>
</tr>
<tr>
<td>2. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10)</td>
<td></td>
<td>41,400</td>
<td>SF</td>
<td>$2.00</td>
<td>$82,800</td>
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<tr>
<td>3. STORM DRAINAGE</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. CATCH BASINS</td>
<td></td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>b. 12' CATCH BASIN RUNS</td>
<td></td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td>c. MANHOLES</td>
<td></td>
<td>1</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>4. 6&quot; VERTICAL CURB AND GUTTER</td>
<td></td>
<td>1,200</td>
<td>LF</td>
<td>$9.00</td>
<td>$10,800</td>
</tr>
<tr>
<td>5. 10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS</td>
<td></td>
<td>12,000</td>
<td>SF</td>
<td>$3.00</td>
<td>$36,000</td>
</tr>
<tr>
<td>6. RETURNS</td>
<td></td>
<td>4</td>
<td>EA</td>
<td>$800.00</td>
<td>$3,200</td>
</tr>
<tr>
<td>7. ELECTROLIERS</td>
<td></td>
<td>3</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$10,500</td>
</tr>
<tr>
<td>8. LANDSCAPING (12' WIDE STRIP)</td>
<td></td>
<td>14,400</td>
<td>SF</td>
<td>$2.80</td>
<td>$40,320</td>
</tr>
<tr>
<td>9. SIGNAGE ANDSTRIPING</td>
<td>(5% OF GRADING AND PAVEMENT COST)</td>
<td>1 EST</td>
<td></td>
<td>$5,265.90</td>
<td>$5,266</td>
</tr>
<tr>
<td>10. TRAFFIC CONTROL</td>
<td>LUMP SUM</td>
<td></td>
<td></td>
<td>$2,500.00</td>
<td>$2,500</td>
</tr>
<tr>
<td>11. TRAFFIC SIGNAL INTERCONNECT</td>
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<td>1,200</td>
<td>LF</td>
<td>$10.00</td>
<td>$12,000</td>
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<tr>
<td>12. PRIMECOAT</td>
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<td>SF</td>
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<td>$828</td>
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CONSTRUCTION TOTAL ======> $233,732

10% CONTINGENCY ======> $23,373

TOTAL PRESCOTT ROAD CONSTRUCTION ======> $257,105

B. FEES

1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 EST | $15,426.31| $15,426|
2. STAKING (3% OF CONSTRUCTION TOTAL)    | 1 EST | $7,713.15 | $7,713 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 EST | $10,284.20 | $10,284|

TOTAL FEES ======> $33,424

C. LAND ACQUISITION

1. RIGHT-OF-WAY DEDICATION | 1.25 AC | $65,000.00| $81,250|
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $2,500.00 | $2,500 |

TOTAL LAND ACQUISITION ======> $83,750

PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL ======> $374,279

PRESCOTT ROAD GRAND TOTAL ======> $628,297
NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PELANDALE AVENUE (1,450' C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
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<tr>
<td>I. TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)</td>
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<tr>
<td><strong>A. CONSTRUCTION</strong></td>
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<td></td>
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<tr>
<td>1. CLEARING AND GRADING</td>
<td>87,245</td>
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<td>2. PAVEMENT (0.50' A.C. OVER '0.65' A.B., T.I. = 10, R.V. = 50)</td>
<td>81,410</td>
<td>SF</td>
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<td>$162,820</td>
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<td>3. STORM DRAINAGE</td>
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<tr>
<td>a. CATCH BASINS</td>
<td>4</td>
<td>EA</td>
<td>$1,000.00</td>
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<tr>
<td>b. 12&quot; STORM DRAIN</td>
<td>600</td>
<td>LF</td>
<td>$30.00</td>
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<tr>
<td>c. 12&quot; CATCH BASIN RUNS</td>
<td>200</td>
<td>LF</td>
<td>$30.00</td>
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<td>d. MANHOLES</td>
<td>3</td>
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<tr>
<td>4. 6&quot; VERTICAL CURB AND GUTTER</td>
<td>2,432</td>
<td>LF</td>
<td>$9.00</td>
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<tr>
<td>5. 10' SIDEWALK</td>
<td>24,320</td>
<td>SF</td>
<td>$3.00</td>
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<td>6. REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD</td>
<td>717</td>
<td>LF</td>
<td>$20.00</td>
<td>$14,340</td>
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<td>7. CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.)</td>
<td>LUMP SUM</td>
<td>LS</td>
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<td>8. ELECTROLIERS</td>
<td>9</td>
<td>EA</td>
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<td>$31,500</td>
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<td>9. SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)</td>
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<td>EST</td>
<td>$10,758.35</td>
<td>$10,758</td>
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<td>10. TRAFFIC CONTROL</td>
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<td>LS</td>
<td>$7,000.00</td>
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<td>11. TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY)</td>
<td>1,400</td>
<td>LF</td>
<td>$10.00</td>
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<td>12. RELOCATE OVERHEAD POWER LINES</td>
<td>4</td>
<td>EA</td>
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<td>13. LANDSCAPING (12' WIDE STRIP BOTH SIDES)</td>
<td>36,996</td>
<td>SF</td>
<td>$2.80</td>
<td>$103,589</td>
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<tr>
<td>14. PRIMECOAT</td>
<td>81,410</td>
<td>SF</td>
<td>$0.02</td>
<td>$1,628</td>
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<tr>
<td><strong>CONSTRUCTION TOTAL ==&gt;&gt;&gt;</strong></td>
<td><strong>$574,830</strong></td>
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<tr>
<td><strong>15% CONTINGENCY ==&gt;&gt;&gt;</strong></td>
<td><strong>$86,225</strong></td>
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<tr>
<td><strong>TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE ==&gt;&gt;&gt;</strong></td>
<td><strong>$661,055</strong></td>
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## Pelandale-Snyder Specific Plan Area Community Facilities District

### Preliminary Engineer’s Estimate

**October 23, 1998**

<table>
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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td><strong>B. FEES</strong></td>
<td></td>
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<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
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<td>$39,663.29</td>
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<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
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<td>EST</td>
<td>$19,831.65</td>
<td>$19,832</td>
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<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
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<td>$26,442.20</td>
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<td><strong>TOTAL FEES</strong></td>
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<td><strong>$85,937</strong></td>
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<td><strong>C. LAND ACQUISITION</strong></td>
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<tr>
<td>1.</td>
<td>RIGHT-OF-WAY DEDICATION</td>
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<td>2.</td>
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<td>LUMP SUM LS</td>
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<td><strong>TOTAL LAND ACQUISITION</strong></td>
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<td><strong>$52,440</strong></td>
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<td><strong>TOTAL TULLY ROAD FRONTAGE</strong></td>
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<td><strong>$799,432</strong></td>
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</table>

### II. TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF

| A. CONSTRUCTION | | | | | |
| 1. | SAWCUT AND REMOVE EXISTING PAVEMENT | 27,360 SF | SF | $1.50 | $41,040 |
| 2. | MEDIAN CURB | 3,090 LF | LF | $15.00 | $46,350 |
| 3. | MEDIAN LANDSCAPING | 23,120 SF | SF | $3.50 | $80,920 |
| 4. | PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50) | 27,360 SF | SF | $2.00 | $54,720 |
| 5. | STRIPING | LUMP SUM LS | LS | $6,000.00 | $6,000 |
| **CONSTRUCTION TOTAL** | | | | | **$229,030** |
| 10% CONTINGENCY | | | | | **$22,903** |
| **TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34’ FEET** | | | | | **$251,933** |
| **B. FEES** | | | | | |
| 1. | ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 EST | EST | $15,115.98 | $15,116 |
| 2. | STAKING (3% OF CONSTRUCTION TOTAL) | 1 EST | EST | $7,557.99 | $7,558 |
| 3. | CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 EST | EST | $10,077.32 | $10,077 |
| **TOTAL FEES** | | | | | **$32,751** |
| **TOTAL TULLY ROAD CENTER 34 FEET** | | | | | **$284,684** |
| **TOTAL AMOUNT FUNDED BY CFF** | | | | | **$220,000** |
| **TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDALE-SNYDER CFD** | | | | | **$64,684** |

### III. TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE

| A. CONSTRUCTION | | | | | |
| 1. | TRAFFIC SIGNAL | LUMP SUM LS | LS | $130,000.00 | $130,000 |
| **CONSTRUCTION TOTAL** | | | | | **$130,000** |
ITEM DESCRIPTION QUAN. UNIT COST AMOUNT

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) 1 EST $7,800.00 $7,800
2. STAKING (3% OF CONSTRUCTION TOTAL) 1 EST $3,900.00 $3,900
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) 1 EST $5,200.00 $5,200

TOTAL FEES ===> $16,900

TOTAL TRAFFIC SIGNAL TULLY AND SNYDER ===> $146,900

TULLY ROAD GRAND TOTAL ===> $1,011,016

NOTES:

1. THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS. THE CENTER 34 FEET OF IMPROVEMENTS ON TULLY ROAD ARE FUNDED BY THE CFF PROGRAM, HOWEVER, THE FUNDS ARE NOT AVAILABLE FOR THE ENTIRE PROJECT SO A PORTION OF THE PROJECT NOT FUNDED BY CFF WILL BE FUNDED BY THE PELANDALE-SNYDER CFD.

2. THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26+/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.

3. THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.

4. THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50' EXISTING TO 57' CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.

5. THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.

6. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
Snyder Avenue
North Side adjacent to Storm Drain Basin,
West of Prescott Road (352’), South Side
Adjacent to Bike Trail from
Prescott Road to Carver Road (2,639’ C.L. to C.L.)
(REFERENCE FIGURES 5, 5A, 5B, AND 5C)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
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<tr>
<td>I. Snyder Avenue adjacent to storm drain basin</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>A. Construction</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1. Clearing and Grading</td>
<td>4,960</td>
<td>SF</td>
<td>$0.35</td>
<td>$1,736</td>
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</table>
| 2. Pavement (0.40’ A.C. OVER 0.55’ A.B., T.I. = 8
R.V. = 46) | 4,085 | SF | $2.00 | $8,170 |
| 3. 6” Vertical Curb and Gutter | 352 | LF | $9.00 | $3,168 |
| 4. 5’ Sidewalk | 1,760 | SF | $3.00 | $5,280 |
| 5. Storm Drainage | | | | | |
| a. 12” Storm Drain | 265 | LF | $30.00 | $7,950 |
| b. Catch Basin | 1 | EA | $1,000.00 | $1,000 |
| c. Storm Manhole | 1 | EA | $2,500.00 | $2,500 |
| 6. Signing / Striping
(5% of Grading and Pavement Cost) | 1 | EST | $495.30 | $495 |
| 7. Traffic Control | LUMP SUM | LS | $1,000.00 | $1,000 |
| 8. Irrigation Removal | 316 | LF | $10.00 | $3,160 |

CONSTRUCTION TOTAL ===> $34,459
10% CONTINGENCY ===> $3,446
TOTAL SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN CONSTRUCTION ===> $37,905

B. Fees

<table>
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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
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<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<td>EST</td>
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<td>2. Staking (3% of Construction Total)</td>
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<tr>
<td>3. Construction Management (4% of Construction Total)</td>
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TOTAL FEES ===> $4,928

C. Land Acquisition

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<th>AMOUNT</th>
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<td>2. Right-of-Way Administration</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,500.00</td>
<td>$2,500</td>
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TOTAL LAND ACQUISITION ===> $9,910

SNYDER AVENUE ADJACENT TO THE STORM DRAIN BASIN TOTAL ===> $52,743
II. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

A. CONSTRUCTION

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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<td>4.</td>
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<td>5.</td>
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<tr>
<td>a.</td>
<td>12'' CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>250</td>
<td>LF</td>
<td>$30.00</td>
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<tr>
<td>b.</td>
<td>CATCH BASINS</td>
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<td>$1,000.00</td>
<td>$5,000</td>
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<td>c.</td>
<td>STORM MANHOLE</td>
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<td>6.</td>
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<td>7.</td>
<td>SIGNING / STRIPING</td>
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<td>8.</td>
<td>TRAFFIC CONTROL</td>
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<td>9.</td>
<td>ABANDON EXISTING PUMP STATION NO. 47</td>
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<td>LUMP SUM</td>
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CONSTRUCTION TOTAL ==>>> $278,633
10% CONTINGENCY ==>>> $27,863
TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION ==>>> $306,496

B. FEES

<table>
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<tr>
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<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
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TOTAL FEES ==>>> $39,844

C. LAND ACQUISITION

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<th>UNIT COST</th>
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TOTAL LAND ACQUISITION ==>>> $105,200

SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL ==>>> $451,541

SNYDER AVENUE GRAND TOTAL ==>>> $504,283
NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8 +/- FEET TO 12.5 +/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
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<tbody>
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<tr>
<td>I. DESIGN PARAMETERS</td>
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<tr>
<td>1.</td>
<td>INSTALL 18' BIKE TRAIL SYSTEM (8' PATH, 10' LANDSCAPING, AND 4-6' FENCE) ALONG SNYDER AVENUE FROM PRESCOTT ROAD TO CARVER ROAD.</td>
<td>1.567 MILES</td>
<td>$105,600.00</td>
<td>$165,475</td>
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</tr>
<tr>
<td>2.</td>
<td>INSTALL 25' BIKE TRAIL SYSTEM (8' PATH, 17' LANDSCAPING, AND 4-6' FENCE) ALONG MODESTO IRRIGATION DISTRICT LATERAL NO. 6 FROM CARVER ROAD TO THE UNION PACIFIC RAILROAD.</td>
<td></td>
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<tr>
<td>3.</td>
<td>TOTAL LENGTH 8276 L.F. OR 1.567 MILES</td>
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</tbody>
</table>

II. CLASS I BIKE TRAIL

A. CONSTRUCTION
1. 8' BIKE PATH WITH 2' GRAVEL SHOULDER (8,276 L.F. x 8')
   66,208 SF | $2.00 | $132,416
2. 4'-6' FENCE
   8,276 LF | $16.00 | $132,416
3. LANDSCAPING (6' AREA FROM PRESCOTT TO CARVER (2,770 L.F.); 13' AREA FROM CARVER TO UNION PACIFIC RAILROAD (5,506 L.F.))
   88,198 SF | $2.80 | $246,954

CONSTRUCTION TOTAL = $511,786
10% CONTINGENCY = $51,179
TOTAL BIKE PATH = $562,965

B. FEES
1. ENGINEERING (5% OF CONSTRUCTION TOTAL)
   1 EST $33,777.90 $33,778
2. STAKING (3% OF CONSTRUCTION TOTAL)
   1 EST $16,888.95 $16,889
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)
   1 EST $22,518.60 $22,519

TOTAL FEES = $73,185
Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION
   QUAN.  UNIT  COST
   4.30  AC  $65,000.00  $279,500
2. RIGHT-OF-WAY ADMINISTRATION
   LUMP SUM  LS  $2,500.00  $2,500

TOTAL LAND ACQUISITION = $282,000
BIKE PATH GRAND TOTAL = $918,150
CFF PORTION TOTAL = $165,475
TOTAL PELANDALE-SNYDER CFD PORTION = $752,675

NOTES:
1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS Follows:
   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8 +/- FEET TO 12.5 +/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.
   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.
2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
FORMATION COSTS
AND
LANDSCAPE AREAS
'TO BE INCLUDED IN THE
ANNUAL MAINTENANCE COSTS
AND ANNUAL ADMINISTRATION COSTS

<table>
<thead>
<tr>
<th>ITEM</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A. FORMATION COSTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>INITIAL FEES ASSOCIATED WITH FORMATION OF DISTRICT</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$67,500.00</td>
<td>$67,500</td>
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<tr>
<td>B. LANDSCAPE FACILITIES FOR ANNUAL MAINTENANCE</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1.</td>
<td>DALE ROAD (EAST SIDE), 12' WIDE LANDSCAPE STRIP (1,225 LF x 12' = 14,700 SF)</td>
<td>14,700</td>
<td>SF</td>
<td>$0.72</td>
<td>$10,584</td>
</tr>
<tr>
<td>2.</td>
<td>PRESCOTT ROAD (EAST SIDE), 12' WIDE LANDSCAPE STRIP (1,225 LF x 12' = 14,700 SF)</td>
<td>14,700</td>
<td>SF</td>
<td>$0.72</td>
<td>$10,584</td>
</tr>
<tr>
<td>3.</td>
<td>PRESCOTT ROAD 16' CENTER MEDIAN</td>
<td>10,750</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,740</td>
</tr>
<tr>
<td>4.</td>
<td>TULLY ROAD (BOTH SIDES), 12' WIDE LANDSCAPE STRIP (2,650 LF x 12' = 31,800 SF)</td>
<td>31,800</td>
<td>SF</td>
<td>$0.72</td>
<td>$22,896</td>
</tr>
<tr>
<td>5.</td>
<td>TULLY ROAD 16' CENTER MEDIAN</td>
<td>10,750</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,740</td>
</tr>
<tr>
<td>6.</td>
<td>CLASS I BIKE TRAIL</td>
<td>88,198</td>
<td>SF</td>
<td>$0.72</td>
<td>$63,503</td>
</tr>
<tr>
<td>7.</td>
<td>PELANDALE AVENUE (SOUTH SIDE) 12.5' WIDE LANDSCAPE STRIP WITH 4' SIDEWALK (13,000 LF x 8' = 104,000 S.F.)</td>
<td>104,000</td>
<td>SF</td>
<td>$0.72</td>
<td>$74,880</td>
</tr>
<tr>
<td>8.</td>
<td>CARVER WEST SIDE BACK-UP LOTS SOUTH OF PELANDALE AVENUE (515 LF x 5' = 2,575)</td>
<td>2,575</td>
<td>SF</td>
<td>$0.72</td>
<td>$1,854</td>
</tr>
<tr>
<td>9.</td>
<td>LANDSCAPING SURROUNDING STORM DRAIN BASINS</td>
<td>35,000</td>
<td>SF</td>
<td>$0.72</td>
<td>$25,200</td>
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</tbody>
</table>

SUMMARY ANNUAL LANDSCAPE MAINTENANCE COSTS AND ADMINISTRATION COSTS:

ESTIMATED COST PER NET ACRE PER YEAR | $852
EXCLUDING CHURCH PROPERTY (264.03 ACRES)
PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

PROPOSED FORMATION
APN 46-07-15
PROPOSED FORMATION
APN 46-07-16
PROPOSED FORMATION
APN 46-07-17
PROPOSED FORMATION
APN 46-07-18
PROPOSED FORMATION
APN 46-07-19
PROPOSED FORMATION
APN 46-07-20
PROPOSED FORMATION
APN 46-07-21
PROPOSED FORMATION
APN 46-07-22
PROPOSED FORMATION
APN 46-07-23
PROPOSED FORMATION
APN 46-07-24
PROPOSED FORMATION
APN 46-07-25
PROPOSED FORMATION
APN 46-07-26

SURVEYOR'S STATEMENT:
THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS BASED ON INFORMATION OF RECORD AS NOTED ON THE MAP. I HEREBY DECLARE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS FOR A COMMUNITY FACILITIES DISTRICT MAP AS PRESCRIBED IN DIVISION 4.5 OF THE STREETS AND HIGHWAYS CODE.
DATED THIS _ Day of __________, 1998
ROY A. GALL, R.G.E. 1982

RECORER'S STATEMENT:

JEAN ZAHN, CITY CLERK

RECORER'S STATEMENT:

KAREN MATHERS, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: __________ DEPUTY
PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-Snyder)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

A-P.N. 78-18-12
22.67 ACRES
PART 1
31-FM-2

A-P.N. 78-18-12
23.50 ACRES NET

S 657'7½" W 1008'7½"
3.5% WIDEBAND RESERVATION
AS PER VOLUME 31 OF PARCEL
MAPS, PAGE 2

PART 2
31-FM-2
PROPOSED SCHOOL SITES

PART 3
31-FM-2
CITY OF
H ARMSTRONG PARK SITES

PRESCOTT AVENUE
SOOF BENCAGD RIGHT-OF-WAY

PELANDALE AVENUE
65.50 ROAD RIGHT-OF-WAY
A-P.N. 78-18-12
23.50 ACRES NET

PRESIDENTS HILL
PARK SITES

AMSTERDAM LN

mid-valley
engineering

LAND PLANNING • ENGINEERING • SURVEYING

DRAWN BY: JAMES T. JACOBI
CHECKED BY: RAY RUSSELL, P.E.

DHI. 3 OF 5
PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

LAND PLANNING • ENGINEERING • SURVEYING
2201 S. SPURWAY AVENUE • MODesto, CA 95356 • PHONE 209-527-1700 • FAX 209-527-3322

Sheet 1 of 1
PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 1998–2
(CARVER–BANGS/PELANDALE–SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
MODESTO CITY COUNCIL
RESOLUTION NO. 98-583

A RESOLUTION ENDORSING AN UPCOMING ELECTION FOR A ONE-EIGHTH (1/8) CENT SALES TAX MEASURE THAT SUPPORTS THE STANISLAUS COUNTY LIBRARY AND OTHER LIBRARY EVENTS

WHEREAS, pursuant to a letter dated November 9, 1998, from Starrett Kreissman, County Librarian, the Council, at its meeting held on November 10, 1998, considered endorsing an upcoming election for a one-eighth (1/8) cent sales tax measure that supports the Stanislaus County Library and other Library events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby endorse the upcoming election in support of the extension of the one-eighth (1/8) cent sales tax which funds the Stanislaus County Library.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR

JEAN ZAHR, City Clerk

(SEAL)

APPROVED TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE
PROJECT TITLED "C STREET/SECOND STREET/G STREET - EMPIRE - WATER
SYSTEM IMPROVEMENTS"

WHEREAS, the bids received for C Street/Second Street/G Street - Empire -
Water System Improvements Project were opened at 11:00 a.m. on September 22, 1998,
and later tabulated by the Engineering and Transportation Director for the consideration
of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that
the bid of $213,405 from Rolfe 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 Rolfe Construction be accepted and the execution of a contract for the
completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of November, 1998, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Fisher, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $95,055 TO FULLY FUND C STREET/SECOND STREET/G STREET – EMPIRE – WATER SYSTEM IMPROVEMENTS PROJECT

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

FROM: 615 480 J520 All; $79,055
       615 440 K 568 6040; $16,000

TO:   615 480 J517 6010; $22,880
       615 480 J517 6040; $60,835
       615 480 J517 6060; $11,340

Transfer is needed to consolidate all available funds into one account for tracking project costs and ease of accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________________

JEAN ZAHR  City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-586

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SON FOR THE
PROJECT TITLED ELM AVENUE WATERLINE PROJECT – BROADWAY
AVENUE TO BUS AVENUE – SALIDA, CALIFORNIA

WHEREAS, the bids received for Elm Avenue Waterline Project – Broadway
Avenue to Bus Avenue - Salida were opened at 11:00 a.m. on October 27, 1998, and later
tabulated by the Engineering and Transportation Director for the consideration of the
Council; and

WHEREAS, the Engineering and Transportation Director has recommended that
the bid of $92,168 from Fagundes & Son 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 & Son be accepted and the execution of a contract for the
completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of November, 1998, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Fisher, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FROM THE WATER FUND CONTINGENCY RESERVES

WHEREAS, a new 8" waterline will be extended into a developed area that is currently served by a 2" water main. Fire hydrants will also be installed; and

WHEREAS, funds are partially budgeted with additional funding in the amount of $27,000 needed from the Water Contingency Reserves Fund.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures
616-800-8000-8003 Contingency Reserve $(27,000)
616-440-K635-6040 Replace Water Mains $27,000

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 City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and 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. 98-588

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VANIR CONSTRUCTION MANAGEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MODESTO POLICE BUILDING EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Vanir Construction Management for construction management services for the Modesto Police Building Expansion Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-589

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICES PROGRAM (S.O.S.P.) FOR LEASE OF CITY-OWNED FACILITY AT 416 DOWNEY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Services Program (SOSP) for lease of City-owned facility at 416 Downey Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AUTHORIZING THE SALE OF "EDPRO", A DATABASE SOFTWARE PROGRAM RELATING TO ECONOMIC DEVELOPMENT.

WHEREAS, the Business Development Office staff has creatively developed EDPro software, a database program to assist with the operations of an economic development program, and

WHEREAS, it has been determined that there is a significant need to other economic development organizations for such a software program in order to provide a continuous assessment of their business community, and

WHEREAS, the Business Development Office staff has recommended to the Council a proposal to offer EDPro software for sale to other economic development organizations, at suggested tiered pricing, and

WHEREAS, the Committee for Economic Development, Community and Intergovernmental Relations, has reviewed the proposal to sell said software as recommended by City staff, and

WHEREAS, said matter was considered by the Council at its meeting of November 10, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of EDPro software at tiered pricing: a lower price to smaller cities and organizations; and a higher price to larger agencies with more users, as follows:
Software price: $595 for agencies with 1-3 software users
$850 for agencies with 4 or more users

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-591

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 #2)

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, 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

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 1997 annexation are shown on a map entitled "Annexation No. 1 to Community Facilities District No. 1996-1 (Village One)" on file with the County Recorder of the County of Stanislaus at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 82.

SECTION 5.  The Annexed Territory is described on Exhibit "A" to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation Map No. 2 of the Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California," 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 7:00 p.m., or as soon thereafter as practicable, on Tuesday, December 15, 1998, at the regular meeting place of the City Council, City Council Chambers, 801 - 11th Street, 1st Floor, Modesto, California, 95354, 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.  (a) 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 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

OPERA HOUSE SUBDIVISION

DESCRIPTION

All of Lot 12 of the "Santa Fe Colony" according to the official map thereof, filed for record in Volume 4 of Maps, Page 12, Stanislaus County Records, located in Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the northeast corner of said Lot 12, said point being on the centerline of Sylvan Avenue; thence South 0°29'00" East along the east line of said Lot 12 a distance of 1322.95 feet to the southeast corner of said Lot 12; thence North 89°42'09" West along the south line of said Lot 12 a distance of 657.00 feet to the southwest corner of said Lot 12; thence North 0°30'19" West along the west line of said Lot 12 a distance of 1323.29 feet to the northwest corner of said Lot 12; thence South 89°40'25" East along the north line of said Lot 12, being also said centerline Sylvan Avenue, a distance of 657.51 feet to the point of beginning.

Containing: 19.96 acres
Exhibit "A"
Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

Fernwood

All that certain real property situated in the County of Stanislaus, State of California, described as follows:

Parcel 2 as shown on that certain parcel map filed September 11, 1996 in Volume 47 of Parcel Maps, Page 90, Stanislaus County Records; and being a portion of the West one-half of the southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California.

Assessor's Parcel Number: 2-132/052-20-75-070
All that certain real property situated in the County of Stanislaus, State of California, described as follows:

Lots 1-56 inclusive in Block 11440, Lots 1-21 inclusive in Block 11441, Lots 15-24 inclusive in Block 11447, Lots 17-30 inclusive in Block 11447, Lots 17-30 inclusive in Block 11438 of Wildflower, according to the official map thereof, filed in the office of the recorder of Stanislaus County, California, on September 15, 1998 in Volume 38 of maps, at page 31.

Saving, excepting and reserving therefrom an undivided one-half interest in and to all oil, gas and other hydrocarbons and minerals now or at any time hereafter situated therein and thereunder, or which may be produced from said property, as excepted and reserved in the deed from John L. Gregg, a married man, Elizabeth Newsom, a married woman, also known as Elizabeth G. Newsom and Callie Blank, a married woman, formerly Callie Greg, dated October 10, 1951 and recorded October 22, 1951 in Volume 1053 of Official Records, at Page 234.

Assessor’s Parcel Number: 2-132-077-09-02-271
Exhibit "A"
Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

Legends

Parcel No. 1:

Lots 1 thru 19, Block 11386; Lots 1 thru 18, Block 11388; Lots 1 thru 7, Block 11389; Lots 1 thru 7, Block 11390; Lots 1 thru 5, Block 11391 and Lot C of LEGENDS VILLAGE UNIT NO. 1 as per map filed May 20, 1998 in Volume 38 of Maps, at Page 7, Stanislaus County Records.

Parcel No. 2:

Lots 2 and 3 of Adams Colony, as per map filed October 18, 1908 in volume 4 of Maps, at Page 5, Stanislaus County Records. Excepting from said Lot 3, the easterly 321 feet thereof, measured along the North and South line thereof. Also excepting therefrom all of Legends Village Unit No. 1 as per map filed May 20, 1998 in Volume 38 of Maps at Page 7, Stanislaus County Records.

Assessor's Parcel No: 052-23-16-070 (underlying)
Exhibit “A”
Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

BRADLEY ESTATES

A portion of the south half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the northeast corner of the Nottingham Place Phase One Subdivision Map recorded September 5, 1996 in Book 37 of Maps at Page 55, Stanislaus County Records, said point lying at the intersection of the south line of a 40 foot wide road known as Merle Avenue and the east line of Maid Mariane Lane, said east line being 18.50 feet east of and parallel with the centerline of said Maid Mariane Lane; thence South 00°27'34" East along said east line of Maid Mariane Lane, a distance of 1233.27 feet to the north line of M.I.D. Lateral No. 3; thence along said north line, North 89°52'35" East, a distance of 596.84 feet; thence North 00°24'16" West, a distance of 1233.33 feet to the south line of said Merle Avenue; thence South 89°52'13" West along said south line of Merle Avenue, a distance of 598.02 feet to the point of beginning.

Contains 16.91 Acres, more or less

The real property described has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Max M. Garcia, L.S. 5122
License Expires: 06/30/99
Exhibit “A”

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

Center Court

Legal Description

All that real property being a portion of Center Court Subdivision shown on the Map filed for record on December 1, 1997 in Book 37 of Maps, at Page 89, Stanislaus County Records, more particularly described as follows:

Beginning at the Northwest Corner of said Center Court Subdivision, said corner being the Northwest Corner of Lot 1 of Block 11232 shown on said Map of Center Court Subdivision; thence North 89°21'05" East, along the North line of said Subdivision, a distance of 656.72 feet to the Northeast Corner of said Subdivision; thence South 01°00'43" East, along the East line of said Subdivision, a distance of 1093.05 feet to a point of intersection of said East line and the easterly prolongation of the South line of Lot 6 of Block 11236; thence South 88°59'17" West, along said prolongation and the South line of said Lot 6, a distance of 104.00 feet; thence North 71°51'55" West, along the southerly lines of Lot 5 and Lot 4 of said Block 11236, a distance of 161.94 feet to an angle point in the South line of said Lot 4; thence South 88°58'11" West, along the South line of said Lot 11236 and the South line of Block 11223, a distance of 399.39 feet to a point on the West Boundary line of said Center Court Subdivision; thence North 31°14'38" East, along said West line of said Subdivision, a distance of 1229.86 feet to the Point of Beginning, and containing 15.93 Acres, more or less.

END DESCRIPTION
MODESTO CITY COUNCIL
RESOLUTION NO. 98-592


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Manager,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Office of the City Manager of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 96-614 adopted by the Council is hereby rescinded.

RESCINDED
2000-490

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 98-592.

11/17/98 WAPSC/OFFICE/SHANNA/RES&ORD/COIC/MANAGER RES
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CONFLICT OF INTEREST CODE

OF THE

OFFICE OF THE CITY MANAGER

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code ofRegs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Manager.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE

EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
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<tbody>
<tr>
<td>Assistant to the City Manager</td>
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<tr>
<td>City Manager</td>
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<tr>
<td>Communications &amp; Marketing Manager</td>
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<tr>
<td>Consultant</td>
<td>3</td>
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<tr>
<td>Deputy City Manager</td>
<td>2</td>
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<tr>
<td>Management Analyst</td>
<td>2</td>
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11/10/98
Disclosure Categories.

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-593


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Finance Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby adopts an amended Conflict of Interest Code of the Finance Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 96-617 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CONFLICT OF INTEREST CODE

OF THE

FINANCE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Finance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
# FINANCE DEPARTMENT CONFLICT OF INTEREST CODE

**EXHIBIT "A"**

<table>
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<th>Designated Positions</th>
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<td>Accounting Division Manager</td>
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<td>Administrative Technician (Purchasing Division)</td>
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<td>Buyer</td>
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<td>Consultant</td>
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<td>Customer Services Division Manager</td>
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<td>Deputy Information Services Manager</td>
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<tr>
<td>Director of Finance</td>
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<tr>
<td>Financial/Investment Officer</td>
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<td>Manager of Budget and Financial Analysis</td>
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<tr>
<td>Purchasing Officer</td>
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<td>Stores Manager</td>
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<td>Systems Analyst</td>
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<tr>
<td>Systems Manager</td>
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</table>
FINANCE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories.

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction.

Group 4: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

Group 5: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Fire Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Fire Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 95-287 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CONFLICT OF INTEREST CODE

OF THE

FIRE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Fire Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

11/10/98
FIRE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<table>
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<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
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<tbody>
<tr>
<td>Buyer</td>
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<tr>
<td>Consultant</td>
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<td>Fire Chief</td>
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<td>Fire Division Chief</td>
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<td>Fire Battalion Chief</td>
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<td>Fire Marshall</td>
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<td>Fire Prevention Bureau Captain</td>
<td>2</td>
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<tr>
<td>Plan Checker</td>
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</table>

11/10/98
Disclosure Categories.

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 2:** Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture or sell fire-related equipment or parts.

**Group 3:** A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-595


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Personnel Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Personnel Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 94-703 adopted by the Council is hereby rescinded.

RESCINDED
2000-495

THIS RESOLUTION WAS RESCIND BY MODESTO CITY COUNCIL RESOLUTION NO.

-1-
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CONFLICT OF INTEREST CODE
OF THE
PERSONNEL DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Personnel Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
### Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
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<tbody>
<tr>
<td>Assistant Risk Manager</td>
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<td>Consultant</td>
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<td>Personnel Director</td>
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<td>Risk Manager</td>
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<tr>
<td>Workers Compensation Claims Examiner</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories.

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 2:** Designated employees in this group shall report all business positions, all investments, income, loans or gifts - Schedules A, C-2, D, E, F, G, and H - from all individuals or businesses involved in healthcare or vocational rehabilitation, which are located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 3:** A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

11-10-98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-596


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Police Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Police Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 96-618 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
CONFLICT OF INTEREST CODE

OF THE

POLICE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Police Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

11/10/98
# POLICE DEPARTMENT

## CONFLICT OF INTEREST CODE

**EXHIBIT "A"**

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Police Administrative Assistant</td>
<td>2</td>
</tr>
<tr>
<td>Police Deputy Chief</td>
<td>1</td>
</tr>
<tr>
<td>Police Lieutenant (Professional Standards)</td>
<td>2</td>
</tr>
<tr>
<td>Police Lieutenant (Four Area Commanders)</td>
<td>2</td>
</tr>
<tr>
<td>Records Manager</td>
<td>2</td>
</tr>
<tr>
<td>Stanislaus County Drug Enforcement Unit Supervisor</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C-2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction selling, manufacturing, or distributing equipment and supplies for office, personnel or vehicles.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-597

A RESOLUTION RESCINDING THE CONFLICT OF
INTEREST CODE FOR THE PARKS AND RECREATION
DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Parks and Recreation
Department of the City of Modesto was approved by Modesto City Council Resolution
No. 77-486, and

WHEREAS, because of a reorganization of City departments, the Parks and
Recreation Department no longer exists, making it necessary to rescind the Conflict of
Interest Code for the Parks and Recreation Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby rescinds Resolution Nos. 77-486, and 96-616, thereby rescinding the Conflict
of Interest Code for the Parks and Recreation Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-598

A RESOLUTION RESCINDING THE CONFLICT OF INTEREST CODE FOR THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Public Works and Transportation Department of the City of Modesto was approved by Modesto City Council Resolution No. 77-489, and

WHEREAS, because of a reorganization of City departments, the Public Works and Transportation Department no longer exists, making it necessary to rescind the Conflict of Interest Code for the Public Works and Transportation Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby rescinds Resolution No. 97-489, thereby rescinding the Conflict of Interest Code for the Public Works and Transportation Department.

Corrected 7.22.15 cae
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-599


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of conflict of interest codes for various City departments, including the Community Services and Neighborhood Connections Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts a Conflict of Interest Code of the Community Services and Neighborhood Connections Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

RESCINDED

2000-497

THIS RESOLUTION WAS RESCIND BY MODESTO CITY COUNCIL RESOLUTION NO. 00-97

11/17/98
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CONFLICT OF INTEREST CODE

OF THE

COMMUNITY SERVICES & NEIGHBORHOOD CONNECTIONS DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Services & Neighborhood Connections Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

11/10/98
## COMMUNITY SERVICES & NEIGHBORHOOD CONNECTIONS DEPARTMENT

### CONFLICT OF INTEREST CODE

**EXHIBIT "A"**

<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst II</td>
<td>2</td>
</tr>
<tr>
<td>Assistant Director of Community Services &amp; Neighborhood Connections</td>
<td>1</td>
</tr>
<tr>
<td>Community Services &amp; Neighborhood Connections Director</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Events Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>General Services Manager</td>
<td>1</td>
</tr>
<tr>
<td>Golf Manager</td>
<td>1</td>
</tr>
<tr>
<td>Historical Buildings Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Operations Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Parks Planning &amp; Development Manager</td>
<td>1</td>
</tr>
<tr>
<td>Recreation Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Recreation Supervisor II</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories.

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply parks and recreation equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-600

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING A CONFLICT OF INTEREST CODE
FOR THE ENGINEERING AND TRANSPORTATION
DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the
adoption of conflict of interest codes for various City departments, including the Engineering
and Transportation Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts a Conflict of Interest Code of the Engineering and Transportation
Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

RESCINDED
2000-492

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _______.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _10th day of November, 1998, by Councilmember _Friedman__, who moved its adoption, which motion being duly seconded by Councilmember _Fisher__, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CONFLICT OF INTEREST CODE
OF THE
ENGINEERING & TRANSPORTATION DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Engineering & Transportation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Airport Manager</td>
<td>1</td>
</tr>
<tr>
<td>Associate Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Associate Traffic Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Civil Engineering Assistant</td>
<td>1</td>
</tr>
<tr>
<td>Construction Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>2</td>
</tr>
<tr>
<td>Deputy Engineering &amp; Transportation Director</td>
<td>1</td>
</tr>
<tr>
<td>Electrical Supervisor</td>
<td>1</td>
</tr>
<tr>
<td>Engineering &amp; Transportation Director</td>
<td>1</td>
</tr>
<tr>
<td>Integrated Waste Specialist</td>
<td>1</td>
</tr>
<tr>
<td>Junior/Assistant Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Junior/Assistant Traffic Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Land Surveyor</td>
<td>1</td>
</tr>
<tr>
<td>Public Improvement Specialist</td>
<td>1</td>
</tr>
<tr>
<td>Recycling Coordinator</td>
<td>1</td>
</tr>
<tr>
<td>Senior Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Senior Civil Engineering Assistant</td>
<td>1</td>
</tr>
<tr>
<td>Senior Construction Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Solid Waste Program Manager</td>
<td>1</td>
</tr>
<tr>
<td>Supervising Construction Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Transit Manager</td>
<td>1</td>
</tr>
<tr>
<td>Transportation Planner</td>
<td>1</td>
</tr>
</tbody>
</table>

11-10-98
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-601


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of conflict of interest codes for various City departments, including the Operations and Maintenance Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts a Conflict of Interest Code of the Operations and Maintenance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

RESCINDED
2000.494

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.______

11/17/98
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Operations & Maintenance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
### Designated Positions

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Services Officer</td>
<td>1</td>
</tr>
<tr>
<td>Arborist</td>
<td>2</td>
</tr>
<tr>
<td>Assistant Water Quality Control Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Associate Traffic Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Building Maintenance Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Building Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Custodian Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Electrical Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Fleet Maintenance Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Fleet Manager</td>
<td>1</td>
</tr>
<tr>
<td>Haz/Mat Inspector</td>
<td>2</td>
</tr>
<tr>
<td>Industrial Waste Inspector</td>
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<tr>
<td>Industrial Waste Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Laboratory Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Operations &amp; Maintenance Director</td>
<td>1</td>
</tr>
<tr>
<td>Parks Maintenance Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Parks Operations Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Plant Mechanic Supervisor</td>
<td>2</td>
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<tr>
<td>Public Works Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Secondary Treatment Site Supervisor</td>
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</tr>
<tr>
<td>Streets Maintenance Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Trees Maintenance Supervisor</td>
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</tr>
<tr>
<td>Urban Forestry Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Wastewater Collection Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Water Quality Control Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Water Superintendent</td>
<td>1</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-602

A RESOLUTION APPROVING THE FINAL MAP OF THE
OPERA HOUSE 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 19.66 acres, known as
Opera House Subdivision ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 27th day of November, 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 Opera House 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 subdivider has taken all actions reasonably necessary to form or annex to a City of Modesto
Mello-Roos Community Facilities District ("CFD") or has executed an irrevocable 18-month
appointment of a representative to act for it in a CFD election, which is in a form acceptable to
the City Attorney, 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 10th day of November, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean 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 WILLIAM L. LAMB, WILLIAM LEROY AND VERONA LAMB FOR THE ACQUISITION OF PROPERTIES LOCATED AT 1638, 1634, AND 1630 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William L. Lamb, William Leroy and Verona Lamb for the acquisition of properties located at 1638, 1634 and 1610 Hillside Drive for the Flood Protection project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-604

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 11) AT 115 MAGNOLIA AVENUE, THE HAWKE CASTLE, LANDMARK SITE NO. 11, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNER: ARTIE FAUSS)

WHEREAS, Artie Fauss, owner of the property at 115 Magnolia Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on April 23, 1991, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 115 Magnolia Avenue, the Hawke Castle which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on October 19, 1998, at the McHenry Museum, 1402 I Street, Modesto, and
WHEREAS, there being no opposition to the Mills Act Contract No. 11, by Resolution No. 98-12, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 115 Magnolia Avenue, and

WHEREAS, after a public hearing held on November 10, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 115 Magnolia Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 11) for the property at 115 Magnolia Avenue, the Hawke Castle, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-605

A RESOLUTION DESIGNATING THE BUNYA BUNYA TREE IN GRACEADA PARK AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: CITY OF MODESTO)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 19, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 98-11, that the Bunya Bunya Tree in Graceada Park is eligible for designation as a Landmark Preservation Site for the following reasons:

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

2. The physical condition is such that preservation, maintenance, and the current adaptive uses are economically feasible.

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

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

and

WHEREAS, after a public hearing held on November 10, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Bunya Bunya Tree in Graceada Park is eligible for designation as a
Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Bunya Bunya Tree in Graceada Park is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Bunya Bunya Tree in Graceada Park has cultural significance because it was donated by the "Native Sons of the Golden West" in 1916 and had originated in New Zealand and is one of the largest trees in our community.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Fisher__, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __Jean Zahr__

JEAN ZAHR, City Clerk

(SEAL)

APPROVED, AS TO FORM:

By __Michael D. Milich__, City Attorney
Property in the Graceada Park
Northwest corner of Sycamore and Needham

Exhibit “A” – Legal Description

Located in the south east corner of Block 531 of the City of Modesto, Stanislaus County Records
MODESTO CITY COUNCIL
RESOLUTION NO. 98-606

A RESOLUTION VACATING AND ABANDONING THREE FEET OF "K" STREET LOCATED BETWEEN 9TH AND 10TH STREETS AND CONTIGUOUS TO BLOCK 57.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-560 on October 20, 1998, declaring its intention to vacate and abandon three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57, and

WHEREAS, said three feet of "K" Street to be vacated and abandoned is more particularly described in Exhibit "A" and Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 98-560 set November 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the time and place for a public hearing for all persons interested in or objecting to the proposed vacation and abandonment, and

WHEREAS, said Resolution No. 98-560 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and
WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 98-53, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, November 10, 1998, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law in order to vacate and abandon the three foot portion of “K” Street have been done and accomplished, and

WHEREAS, the Council finds and declares that the three feet of “K” Street located between 9th and 10th Streets and contiguous to Block 57, is unnecessary for present or future pedestrian or vehicular use, and that the area to be abandoned is not required to be retained as a public utility easement, and

WHEREAS, the City’s Community Development Department, by Environmental Assessment Initial Study No. 98-33, judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities,

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

1. That the portion of “K” Street, consisting of a three-foot-wide strip along the southern side of the street between 9th and 10th Streets
contiguous to City of Modesto Block 57 is unnecessary for present or future pedestrian or vehicular use.

2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Assessment No. 98-33 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

4. That the abandonment and vacation of a portion of “K” Street is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of three feet of “K” Street located between 9th and 10th Streets and contiguous to Block 57. Said proposed vacation and abandonment is more particularly described in Exhibit “A” and Exhibit “B” attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
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
EXHIBIT "ONE"

The Southeasterly 3 feet of "K" Street - State Highway No. 108 lying adjacent to the Northwesterly line of Block 57 of the City of Modesto, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records.
PROPOSED THREE FOOT ABANDONMENT ON "K" STREET BETWEEN 9TH AND 10TH STS.

EXHIBIT B

Planning Commission Agenda Report
Joint Public Hearing

September 21, 1998
RESOLUTION NO. 98-607

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO
FOR THE FIRST QUARTER OF FISCAL YEAR 1998-99

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 1998-99; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
1998-99 Annual Budget is hereby amended as indicated on Attachment "A".

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Smith, was upon roll call
carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

JEAN ZAHR, City Clerk

(stamp)

APPROVED AS TO SUFFICIENCY:

By: ____________________________

STAN FEATHERS, Budget Officer
ATTACHMENT A
11/4/98 (P.l of6)

FY98-99 First Quarter Adjustmeuts
Type of Account Description
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Fund

Agency

Orgn

ObjecU
Revenue

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Unit

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Technology & Info Services
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Appropriation
Appropriation
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Adjustment
Amount ($)

Current
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22H
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26H
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### FY98-99 First Quarter Adjustments

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Adjustments required to correct $169,819 of revenue for Information & Technology Services and charges to various funds as stated. (Contingency Reserve * as submitted in First Quarter Report.)

2 Appropriation  Salaries & Wages, Reg  010  120  1224  0110  12A  57,994  (12,000)  45,994
2 Appropriation  Employee Benefits Summary  010  120  1234  0188  12A  15,825  (3,000)  12,825
2 Appropriation  Services, Prof. & Others  010  120  1234  0235  12C  3,550  35,000  38,550
2 Appropriation  Ticket Track HW, SW, & Training  010  120  1234  5001  12C  14,000  21,000  35,000
2 Appropriation  Salaries & Wages, Reg  010  190  1961  0110  19A  7,039,876  112,500  7,152,376
2 Appropriation  Contingency Reserve *  010  800  8000  8003  01H  (153,500)  796,983  796,574
Revenue Parking Fines  010  120  1234  7113  -  170,082  349,918  796,574
Revenue Parking Fines  010  190  1961  7113  -  0  112,500  112,500
Revenue Parking Fines  010  510  9510  7113  -  349,918  (349,918)  0

Adjustments required to bring citation processing in-house beginning January 1999. Org 1234 budget net increase of $41,000 for computer hardware and additional administrative fees collected by Stanislaus State Parking Management Bureau (P.M.S.) due to 6-month delay in bringing this process in-house. Revenue will be split between Police and Finance Department.

3 Appropriation  Contingency Reserve *  130  800  8000  8003  30H  (11,219)  1,618,181  1,618,590
3 Appropriation  Transfer out to 010  130  700  7000  7010  30G  0  11,219  11,219
3 Appropriation  Transfer in from 130  010  700  7000  9130  -  0  11,219  11,219
3 Appropriation  Contingency Reserve *  010  800  8000  8003  01H  11,219  11,219

Adjustments required to reconcile the Police Department carryover for the City portion of the match for the Local Law Enforcement Block Grant not spent last year.

4 Appropriation  Transfer out to 733  885  700  7000  7733  3,017  (3,017)  0
4 Appropriation  Other Liability  885  190  1970  0412  -  0  3,017  3,017
Revenue Transfer in from 885  733  700  7000  9885  -  800,000  (3,017)  796,983
Revenue Premium Assessment  733  030  6611  4971  -  1,615,164  3,017  1,618,181
4 Appropriation  Transfer out to 733  890  700  7000  7733  -  400  (400)  0
4 Appropriation  Other Liability  890  390  3912  0412  -  2,174  409  2,583
Revenue Transfer in from 885  733  700  7000  9885  -  796,983  (409)  796,574
Revenue Premium Assessment  733  030  6611  4971  -  1,618,181  409  1,618,590

Adjustments required to reclassify amounts originally budgeted as transfers to revenue and expenses, because SDEA and TRRP are separate legal entities from the City. The net effect is zero.
### FY98-99 First Quarter Adjustments

**11/4/98 (P.3 of 6)**

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
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<th>Agency</th>
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<th>Revenue</th>
<th>Object/Unit</th>
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<td>000</td>
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<td>518,000</td>
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Adjustments required to increase $271,977 from Fund 040 deferred revenue to revenue, transfer the same amount to General Fund, and to decrease $30,000 of transfer that was over-estimated.

The Police Department FY98-99 target increased by $320,395 as a result of changes in calculation of several revenue sources.

| Appropriation   | King-Kennedy Svc. Youth Scholar. | 010 | 370 | 000 | 000 | 50,000 | 37E | 34,000 | 84,000 |
| Appropriation   | Contingency Reserve * | 010 | 800 | 000 | 000 | 34,000 | 01H | 34,000 | 84,000 |

On March 17, 1998 CCNC requested an additional $34,000 for the Youth/Senior Financial Assistance Program. The program was well received. Council approved the request and extended the new budget to FY98/99.

| Appropriation   | O&M | 010 | 480 | 000 | 000 | 37,000 | - | 21,114 | 58,114 |
| Appropriation   | O&M | 010 | 480 | 000 | 000 | 4,983 | 48B | 26,097 | 26,097 |
| Appropriation   | Water Oper. - Prin. | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |
| Appropriation   | Water Oper RE prop rent | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |
| Appropriation   | Wastewater Oper. - Prin. | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |
| Appropriation   | Wastewater Oper RE prop rent | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |
| Appropriation   | Storm Water Collect - Prin. | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |
| Appropriation   | Storm Water Collect RE prop rent | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |
| Appropriation   | Storm Drainage - Prin. | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |
| Appropriation   | Storm Drainage RE prop rent | 010 | 480 | 000 | 000 | 7,038 | 0451 | 7,038 | 7,038 |

To adjust Rental Income/Expense for O&M.

| Appropriation   | CVB-TOT Tourism | 010 | 140 | 000 | 000 | 236,875 | 21E | 219,711 | 219,711 |
| Appropriation   | Contingency Reserve * | 010 | 800 | 000 | 000 | 17,164 | 01H | 17,164 |

Re-estimate of Transient Occupancy Tax Revenue and CVB Allocation. The 1st Qtr. TOT estimate has been reduced from $1,777,008 to $1,648,247 affecting the CVB allocation (13.33%) to be reduced $17,164 from the adopted amount of $236,875 to $219,711.

| Appropriation   | Transfer In from Fund 010 | 260 | 700 | 000 | 000 | 0 | - | 10,000 | 10,000 |
| Appropriation   | Services-Professional & Other | 260 | 040 | 000 | 000 | 20,000 | 0235 | 10,000 | 10,000 |
| Appropriation   | Contingency Reserve * | 010 | 800 | 000 | 000 | 01H | - | (10,000) | (10,000) |
| Appropriation   | Transfer Out to Fund 261 | 010 | 700 | 000 | 000 | 0 | 01G | 10,000 | 10,000 |

Last year a $10,000 developer contribution for a Village One annexation project (Martelli/Brenda) was recognized as revenue in the General Fund. This revenue now needs to be transferred and accounted for in the Village One Fund.
Appropriation Adjustments required to reflect departmental carryover amounts from savings.

**Revenue**

- Storm Drain Fees & Charges
- State Highway Mnct Fees
- Carryover Reserve
- Contingency Reserve
- Cassidy Court Drainage Basin Gradng
- Briggsmore/Oakdale Storm Lift Station
- Water Quality-Svc City Forces
- Transfer out to Fund 621
- Annual Catch Basin & Valley Gutter Rs
- Annual Catch Basin & Valley Gutter Rs
- Annual Catch Basin & Valley Gutter Rs
- Annual Catch Basin & Valley Gutter Rs
- Algen Storm Basin Rockwells
- Misc Storm Drains (Eng)
- Misc Storm Drains (Eng)
- Misc Storm Drains (Eng)
- Misc Storm Drains (Eng)
- CassidY Court Drainage Basin Gradng
- CassidY Court Drainage Basin Gradng

**Revenue**

- Storm Water Quality-Svc City Forces
- Highway Maintenance Revenue
- Highway Mtc Fees
- Water Quality-Svc City Forces
- College/Coldwell Storm Lift Station
- Cassidy Court Drainage Basin Gradng
- Briggsmore/Oakdale Storm Lift Station
- Briggsmore/Oakdale Storm Lift Station
- Algen Storm Basin Rockwells
- Misc Storm Drains (Eng)
- Misc Storm Drains (Eng)
- Misc Storm Drains (Eng)
- Misc Storm Drains (Eng)
- CassidY Court Drainage Basin Gradng
- CassidY Court Drainage Basin Gradng

Revenue budget decreased by $290,000 to reflect no rate increase, previously proposed rate increase was 10%. Establish a new $100,000 Cavil Drain CIP project.

Move up in priority the rehabilitation of the College/Coldwell Storm Lift Station, due to deterioration of the lift station, this $245,000 project needs to be funded this year. defer five CIP projects totaling $664,000, as indicated on proforma. Defer five CIP projects totaling $664,000, as indicated on proforma.

Street sweeping operations reduced by $38,000 in FY98-99, and increased by $20,000 over inflationary increases for the next two years. Reduce Storm Water Quality by $9,362 to match 1997-98 budget levels. Estimate State Highway Maintenance Revenue $18,000 in 1998-99 (previously unbudgeted). Approve a transfer out to fund 621 for a CIP project in the amount of $17,000 (was previously budgeted in FY99-00).

**Type of Account**

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<th>Agency</th>
<th>Org</th>
<th>Object/Revenue</th>
<th>App Unit</th>
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<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
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Adjustments required to reflect departmental carryover amounts from savings.
## FY98-99 First Quarter Adjustments

### Appropriation

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<th>Object/ Revenue</th>
<th>App</th>
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<td>Appropriation</td>
<td>Salaries &amp; Wages - Regular</td>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0110</td>
<td>62A</td>
<td>447,428</td>
<td>(20,000)</td>
<td>427,428</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Services-Professional &amp; Other</td>
<td>621</td>
<td>480</td>
<td>5214</td>
<td>0235</td>
<td>62C</td>
<td>26,535</td>
<td>(20,000)</td>
<td>6,535</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Service - City Forces</td>
<td>621</td>
<td>480</td>
<td>5220</td>
<td>0255</td>
<td>62C</td>
<td>408,622</td>
<td>(30,000)</td>
<td>378,622</td>
</tr>
<tr>
<td>Appropriation</td>
<td>R &amp; M Outside</td>
<td>621</td>
<td>480</td>
<td>5222</td>
<td>0223</td>
<td>62C</td>
<td>179,185</td>
<td>(30,000)</td>
<td>149,185</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Advertising</td>
<td>621</td>
<td>480</td>
<td>5222</td>
<td>0230</td>
<td>62C</td>
<td>10,000</td>
<td>(8,000)</td>
<td>2,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Services-Professional &amp; Other</td>
<td>621</td>
<td>480</td>
<td>5222</td>
<td>0235</td>
<td>62C</td>
<td>89,625</td>
<td>(60,000)</td>
<td>29,625</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Service - City Forces</td>
<td>621</td>
<td>480</td>
<td>5222</td>
<td>0255</td>
<td>62C</td>
<td>75,267</td>
<td>(30,000)</td>
<td>45,267</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Fuel, Oil &amp; Lubricants</td>
<td>621</td>
<td>480</td>
<td>5222</td>
<td>0330</td>
<td>62C</td>
<td>124,200</td>
<td>(79,000)</td>
<td>45,200</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Utilities</td>
<td>621</td>
<td>480</td>
<td>5820</td>
<td>0210</td>
<td>62C</td>
<td>15,600</td>
<td>(15,537)</td>
<td>63</td>
</tr>
<tr>
<td>Appropriation</td>
<td>R &amp; M Outside</td>
<td>621</td>
<td>480</td>
<td>5820</td>
<td>0223</td>
<td>62C</td>
<td>17,838</td>
<td>(17,838)</td>
<td>0</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Tools &amp; Shop Supplies</td>
<td>621</td>
<td>480</td>
<td>5820</td>
<td>0308</td>
<td>62C</td>
<td>398</td>
<td>(398)</td>
<td>0</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Chemical &amp; Lab Supplies</td>
<td>621</td>
<td>480</td>
<td>5820</td>
<td>0312</td>
<td>62C</td>
<td>1,235</td>
<td>(1,235)</td>
<td>0</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Fuel, Oil &amp; Lubricants</td>
<td>621</td>
<td>480</td>
<td>5820</td>
<td>0330</td>
<td>62C</td>
<td>4,511</td>
<td>(4,511)</td>
<td>0</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>621</td>
<td>480</td>
<td>5222</td>
<td>0230</td>
<td>62C</td>
<td>2,882,264</td>
<td>(94,264)</td>
<td>2,788,000</td>
</tr>
</tbody>
</table>

These adjustments are revised budgets based on actual prior year expenditures. The salary adjustments are due to vacant positions, to ensure we don't transfer savings, we are reducing the budget at this time.

The Methane Gas organization (5820) is no longer functioning, and the budget has been reduced to zero.

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object/ Revenue</th>
<th>App</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation N. Trunk to Kienan Bus Pk</td>
<td>621</td>
<td>480</td>
<td>H286</td>
<td>386</td>
<td>3,190,000</td>
<td></td>
<td>(350,000)</td>
<td>2,840,000</td>
<td></td>
</tr>
<tr>
<td>Appropriation Shackelford Area Crossing</td>
<td>621</td>
<td>480</td>
<td>E263</td>
<td>563</td>
<td>515,000</td>
<td></td>
<td>(64,736)</td>
<td>450,264</td>
<td></td>
</tr>
<tr>
<td>Appropriation Repair &amp; Coat 60' Outfall</td>
<td>623</td>
<td>480</td>
<td>J647</td>
<td>647</td>
<td>1,000,000</td>
<td></td>
<td>(150,000)</td>
<td>850,000</td>
<td></td>
</tr>
<tr>
<td>Appropriation Kienan Business Pk Subtrunks</td>
<td>621</td>
<td>480</td>
<td>K---</td>
<td>0</td>
<td>350,000</td>
<td></td>
<td>350,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation Subtrunk Extensions</td>
<td>621</td>
<td>480</td>
<td>K---</td>
<td>0</td>
<td>750,000</td>
<td></td>
<td>750,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation Wastewater Contingency Reserve</td>
<td>621</td>
<td>480</td>
<td>800</td>
<td>8000</td>
<td>2,382,264</td>
<td></td>
<td>(145,264)</td>
<td>2,237,000</td>
<td></td>
</tr>
</tbody>
</table>

This adjustment anticipates savings from two projects, and postpones the construction of the Shackelford Area Crossing, in order to fund two new subtrunk extension projects.

| Appropriation Ranch Improvements | 621  | 480    | K731| 731 | 4,900,000       |     | (1,154,000)         | 3,746,000            |
| Appropriation Ranch Improvements | 623  | 480    | H869| 869 | 591,078         |     | 1,154,000           | 1,745,078            |

This adjustment decreases the Ranch Improvements in one fund and increases it in the Bond Fund in order to expend the estimated available construction funds.

| Appropriation Services, Prof, & Others | 010  | 040    | 0401| 0235| 04C | 45,785         | 17,154               | 62,939             |
| Appropriation Contingency Reserve * | 010  | 800    | 8000| 8003| 01H | (17,154)      |                      |                    |

Adjustment required to offset costs related to obtaining an opinion from outside counsel related to antitrust liability issues.

| Appropriation ATMS Operating Grant | 070  | 510    | 9510| 3504| -   | 305,130        | 130,507             | 435,637            |
| Appropriation ATMS Operating Grant | 070  | 160    | H919| 6010| 0919| 125,000       | 130,507             | 255,507            |

This adjustment appropriates the remaining federal grant available for this project. The grant was awarded for a two year program, this appropriates the second year of funding.
FY98-99 First Quarter Adjustments

The budgeted transfers from fund 610 and 615 into fund 612, assumed a $667K available working capital in fund 612 would be used to decrease the required transfer in for debt service. The actual available working capital in fund 612, Water CIP-COP fund, was zero. These adjustments increase the transfers to the annual required debt service amount.

15

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgs</th>
<th>Object/Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Transfer Out to fund 612</td>
<td>610</td>
<td>700</td>
<td>7000</td>
<td>7612</td>
<td>-</td>
<td>718,543</td>
<td>410,060</td>
<td>1,128,603</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>610</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>-</td>
<td>5,010,452</td>
<td>(410,060)</td>
<td>4,600,392</td>
</tr>
<tr>
<td>Revenue</td>
<td>Transfer In from fund 610</td>
<td>612</td>
<td>700</td>
<td>7000</td>
<td>9610</td>
<td>-</td>
<td>718,543</td>
<td>410,060</td>
<td>1,128,603</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Transfer Out to fund 612</td>
<td>615</td>
<td>700</td>
<td>7000</td>
<td>7612</td>
<td>-</td>
<td>510,311</td>
<td>296,940</td>
<td>807,251</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>615</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>-</td>
<td>6,542,003</td>
<td>(296,940)</td>
<td>6,245,063</td>
</tr>
<tr>
<td>Revenue</td>
<td>Transfer In from fund 610</td>
<td>612</td>
<td>700</td>
<td>7000</td>
<td>9615</td>
<td>-</td>
<td>510,311</td>
<td>296,940</td>
<td>807,251</td>
</tr>
</tbody>
</table>

The increase to this CIP project provides the funding required to work on strengthening the water system in zone 2. During the last year we experienced a 75% increase in water leaks in this zone.

Reappropriate CIP, CIP revenue, and CIP related transfers.
Increase estimated LTF operating allocation by $78,000 to reflect actual Transit-SAAG claim amount.
Increase estimated Special Funding for operations by $139,000 to reflect anticipated funding for Sunday Service.
Add a transfer out to fund 051 to account for deferred revenue applied to street projects. Originally this was taken out of beginning working capital. In order to start from the actual working capital number, it is necessary to budget a transfer out. In the adopted budget, the offset to this was budgeted as “LTF Allocation-Carryover” revenue in fund 051, this will be reclassified as a transfer in from fund 651.

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<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgs</th>
<th>Object/Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>LTF Transit Operating Grant</td>
<td>651</td>
<td>510</td>
<td>9510</td>
<td>3158</td>
<td>-</td>
<td>1,704,000</td>
<td>78,000</td>
<td>1,782,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>LTF Transit Operating Grant</td>
<td>651</td>
<td>510</td>
<td>9510</td>
<td>3606</td>
<td>-</td>
<td>30,000</td>
<td>139,000</td>
<td>169,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>T/O to fund 051</td>
<td>651</td>
<td>700</td>
<td>7000</td>
<td>7651</td>
<td>65G</td>
<td>0</td>
<td>759,000</td>
<td>759,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>651</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>65H</td>
<td>1,952,000</td>
<td>217,000</td>
<td>2,169,000</td>
</tr>
</tbody>
</table>

Reappropriate CIP projects, revenue, and transfers.
Estimate an additional $114,000 in LTF Revenue, to reflect updated estimates from SAAG.
Reclassify the carryover revenue, budgeted at $759,000, as a transfer in from fund 651.

18

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgs</th>
<th>Object/Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>Business License Mill Tax</td>
<td>090</td>
<td>510</td>
<td>9510</td>
<td>1410</td>
<td>-</td>
<td>132,000</td>
<td>32,000</td>
<td>164,000</td>
</tr>
<tr>
<td>Appropriation</td>
<td>Contingency Reserve</td>
<td>090</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>-</td>
<td>199,000</td>
<td>(32,000)</td>
<td>167,000</td>
</tr>
</tbody>
</table>

This adjustment increases revenue to reflect revised estimates based on the actual Business License Mill Tax received in FY96-97, and the effect of the delayed 97-98 billing, which now the revenue for that year will be received in FY98-99. This is why Mill Tax goes up in FY98-99, and is projected to slightly decrease in FY99-00.

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<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgs</th>
<th>Object/Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
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<tbody>
<tr>
<td>Revenue</td>
<td>Current Year Secured Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>1101</td>
<td>-</td>
<td>6,434,670</td>
<td>(203,780)</td>
<td>6,230,890</td>
</tr>
<tr>
<td>Revenue</td>
<td>Sales &amp; Use Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>1201</td>
<td>-</td>
<td>18,859,770</td>
<td>70,197</td>
<td>19,129,967</td>
</tr>
<tr>
<td>Revenue</td>
<td>Utility Users Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>1204</td>
<td>-</td>
<td>11,330,963</td>
<td>(37,035)</td>
<td>11,093,928</td>
</tr>
<tr>
<td>Revenue</td>
<td>Transient Occupancy Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>1210</td>
<td>-</td>
<td>1,777,008</td>
<td>(128,758)</td>
<td>1,648,250</td>
</tr>
<tr>
<td>Revenue</td>
<td>Business License &amp; Mill Tax</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>1404</td>
<td>-</td>
<td>5,275,913</td>
<td>400,060</td>
<td>5,675,973</td>
</tr>
<tr>
<td>Revenue</td>
<td>Motor Vehicle License Fees</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>3119</td>
<td>-</td>
<td>7,618,000</td>
<td>211,020</td>
<td>7,829,020</td>
</tr>
<tr>
<td>Revenue</td>
<td>Interest</td>
<td>010</td>
<td>510</td>
<td>9510</td>
<td>6101</td>
<td>-</td>
<td>793,027</td>
<td>(46,219)</td>
<td>746,808</td>
</tr>
</tbody>
</table>

Adjustments to major revenue sources.
A RESOLUTION REJECTING BIDS FOR FURNISHING VIDEO VEHICLE DETECTION SYSTEM, OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 29, 1998, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for Video Vehicle Detection System were opened at 11:00 a.m. on September 29, 1998, and;

WHEREAS, during the bid evaluation process, staff saw that the bid submitted was technically noncompliant to the specifications so staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Video Vehicle Detection System, opened in the office of the City Clerk on September 29, 1998, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Video Vehicle Detection System will be held November 30, 1998, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-610

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TRAFFIC SIGNAL EQUIPMENT FROM MCCAIN TRAFFIC SUPPLY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Traffic Signal Equipment from McCain Traffic Supply

BE IT FURTHER RESOLVED that purchase of traffic signal equipment for a not to exceed price of $83,870.61.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-611

A RESOLUTION APPROVING THE FINAL MAP OF THE
ADRIANNA TWO SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Max Norton Enterprises, Inc., a California corporation, is
possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of
6.42 acres, known as ADRIANNA TWO SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 7th day of April, 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 ADRIANNA TWO 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 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION DESIGNATING COUNCILMEMBER ARMOUR SMITH TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Armour Smith is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLAINTIFFS IN THE HOWARD JARVIS TAXPayers ASSOCIATION, ET AL. V. CITY OF MODESTO LITIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the settlement agreement between the City of Modesto and the plaintiffs in the Howard Jarvis Taxpayers Association et al. v. City of Modesto litigation be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-614

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE PROJECT TITLED "MITCHELL ROAD WATERLINE – LAPHAM DRIVE TO TENAYA DRIVE"

WHEREAS, the bids received for Mitchell Road Waterline – Lapham Drive to Tenaya Drive were opened at 11:00 a.m. on October 27, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and 

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $176,237.00 from Rolfe 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 Rolfe Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UPGRADE TO THE CITY’S CURRENT NETWORK INFRASTRUCTURE HARDWARE

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

BE IT FURTHER RESOLVED that purchase and installation of an upgrade of the City’s current network infrastructure hardware for a not to exceed price of $84,665.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-616

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FOUR GENERATORS FROM HOLT BROTHERS AND MAKELIM POWER SYSTEMS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of four generators from Holt Brothers and Makelim Power Systems is hereby waived.

BE IT FURTHER RESOLVED that purchase of four generators from Holt Brothers and Makelim Power Systems for a not to exceed price of $101,097.85.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR/City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-617


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Leonard J., Daina L., and Kimberly A. Soranno and the Cardoza Family Partnership L.P., a California Limited Partnership, for the Southwest Area Police Substation be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-618

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER INC., dba SKYTREK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Modesto Executive Air Charter Inc., dba Skytrek be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JHAN ZAHR, City Clerk
A RESOLUTION APPROVING A RELEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CAROLYN V. WHISLER FOR ISSUES RELATED TO THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the release agreement between the City of Modesto and Carolyn V. Whisler for issues related to the Parallel Outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AWARDING THE FIVE-YEAR STREET SWEEPING CONTRACT TO THE CITY OF MODESTO’S STREET SWEEPING DIVISION

WHEREAS, the proposals received for Five-Year Street Sweeping were opened on August 4, 1998, and later tabulated by the Managed Competition Review Panel for the consideration of the Council; and

WHEREAS, the Managed Competition Review Panel and the Financial Policy Committee has recommended that the bid of the City of Modesto’s Street Sweeping Division be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHIR, City Clerk
A RESOLUTION ACCEPTING THE BID OF CONCO WEST INC. FOR THE PROJECT TITLED “SECONDARY WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION FOUNDATION STABILIZATION”

WHEREAS, the bids received for Secondary Wastewater Treatment Plant Effluent Pump Station Foundation Stabilization were opened at 11:00 a.m. on September 29, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $275,105 from Conco West 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 Conco West Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTABLISH A NEW CIP PROJECT ENTITLED “SECONDARY WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION FOUNDATION STABILIZATION”

WHEREAS, during the January 1997 flood, the ground adjacent to the Effluent Pump Station began to settle, which caused the pipe supports and electrical wiring to become separated. Under further investigation, it was determined that the subgrade below the foundation was unstable and the structure was moving; and

WHEREAS, FEMA and OES prepared a damage survey report with an estimated cost of $64,360, which was deposited into the Wastewater Contingency Reserve account; and

WHEREAS, plans and specifications were prepared with a bid submitted in the amount of $275,105. The construction management cost will be $22,000 and construction contingency will be $27,500. This project will be fully funded with contingency reserve funds at this time. Staff will contact the City’s insurance carrier to request reimbursement for the remaining expenditures not already reimbursed by FEMA and OES.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>621-800-8000-8003 Contingency Reserve</td>
<td>$(324,605)</td>
</tr>
<tr>
<td>115-440-K015-6040 Effluent Pump Station Repairs</td>
<td>$ 324,605</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 City Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO SUFFICIENCY:

By: [Signature]

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 98-623

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Modesto (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Modesto Standiford Garden Limited, a California limited partnership (collectively, with any related entity, the "Borrower"), has requested that the Authority issue multifamily housing revenues bonds in an aggregate principal amount not to exceed $13,000,000 (the "Bonds") for the purpose of providing financing for the acquisition and rehabilitation of an approximately 250-unit multifamily residential rental project located at 310 Standiford Avenue, Modesto, California, and known as Standiford Gardens Apartments; and

WHEREAS, the Bonds will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on the date hereof; and

WHEREAS, such public hearing was conducted on said date by the City Council of the City (the "Council"), at which time an opportunity was provided to interested parties to present
arguments both for and against the issuance of the Bonds; and

    WHEREAS, the members of the Council are the applicable elected representatives of the City; and

    WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Council that this resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the project is located, in accordance with said Section 147(f), and (b) Section 9 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. The City Clerk shall forward a certified copy of this Resolution and an affidavit of publication of the notice referred to above to:

    Ana Marie del Rio, Esq.
    Orrick, Herrington & Sutcliffe LLP
    Old Federal Reserve Bank Building
    400 Sansome Street
    San Francisco, California  94111

Section 5. This resolution shall take effect immediately upon its passage.
The foregoing resolution was introduced at a regular meeting of the council of the City of Modesto held on the 24th day of November 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JeAN ZAHn, City Clerk

APPROVED AS TO FORM:

By, Michael D. Mililch, City Attorney
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 11 AND FOR CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF HILLGLEN AVENUE WEST OF FINE ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA. (KAUFMAN AND BROAD)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ('CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Kaufman and Broad for a Precise Plan for Area No. 11, property located on the south side of Hillglen Avenue west of Fine Road, and

WHEREAS, the applicant has applied for approval of a rezoning from a Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and
WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. 98-39, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-66, adopted on November 2, 1998, and City staff, by a report dated November 10, 1998, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 11 of the Village One Specific Plan as set forth in said Resolution No. 98-66, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from a Specific Plan-Holding Zone, SP-H to a Specific Plan-Overlay Zone, SP-O, Precise Plan Area 11, property located on the south side Hillglen Avenue, west of Fine Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 24, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-39, entitled "City of Modesto Initial Study Precise Plan No. 11 and Rezoning to Specific Plan-Overlay Zone, and Fernwood Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:
1. There are no substantial changes in the proposed Precise Plan and rezoning which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the Precise Plan and rezoning are being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. 98-39, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. 98-39, entitled "City of Modesto Initial Study Precise Plan No. 11 and Rezoning to Specific Plan-Overlay Zone, and Fernwood Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, if the following findings can be made:

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

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

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

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

II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 11, rezone to Specific Plan-Overlay Zone, and Fernwood Vesting Tentative Subdivision Map
B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

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

D. Project Location:
The south side of Hillglen Drive west of Fine Avenue.

E. Project Sponsor:
Kaufman & Broad, 4701 Sisk Rd., Ste. 201, Modesto, CA 95356

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Holding (SP-H) Zone

H. Description of Proposed Project:
The Precise Plan and rezoning are to allow for the development of 40.46 acres in the Village One Specific Plan, with ten acres designated for an elementary school site, seven acres for a neighborhood park site, and the balance for a single-family subdivision. The subdivision, Fernwood Vesting Tentative Subdivision Map, contains 98 single-family lots.

I. Surrounding land uses:
The project is adjoined on the north and south by single-family subdivisions currently under construction, and to the east and west by agricultural parcels designated in the Village One Specific Plan for residential development.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

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

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:
1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in land use and intensity (98 dwelling units), and provides a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are consistent with those in the Village One EIR, air quality impacts are also consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

5. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.
6. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess
of those analyzed by the Village One EIR. In addition, the Precise Plan provides for school and park sites, in accordance with the Village One Specific Plan. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

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

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 98-625

A RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH
A NOTICE OF SPECIAL ELECTION FOR MARCH 2, 1999,
RELATING TO UTILITY FUND TRANSFERS.

WHEREAS, on November 24, 1998, the Council considered calling a special
election relating to a proposal to amend the Modesto Municipal Code to establish a new general tax
on the revenue of the City’s water and sewer utility enterprise funds and to establish a Citizens
Budget Review Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby directs the City Clerk to publish a notice of special election to be held on March 2,
1999.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 24th day of November, 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, 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
A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS REGARDING REVENUE SHARING/ANNEXATION AND FUTURE DEVELOPMENT IN THE CITY'S GENERAL PLAN AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the negotiations for an agreement between the City of Modesto and the County of Stanislaus for Revenue Sharing/Annexation and Future Development in the City’s General Plan Area be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR/ City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-627

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MISTLIN HONDA FOR PROVIDING CITY WATER SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mistlin Honda for Providing City Water Service 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 special meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AMENDMENT NO. 11 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER & COMPANY FOR ENGINEERING SERVICES FOR 9TH STREET RAILROAD RELOCATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No. 11 to the agreement between the City of Modesto and DeLeuw, Cather & Company for Engineering Services for 9th Street Railroad Relocation Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:      JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-629

A RESOLUTION APPROVING AMENDMENT NO. 12 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER & COMPANY FOR ENGINEERING SERVICES FOR 9TH STREET RAILROAD RELOCATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No. 12 to the agreement between the City of Modesto and DeLeuw, Cather & Company for engineering services for 9th Street railroad relocation project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Amendment No. 12 to the agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “ANNUAL CATCH BASIN AND VALLEY GUTTER REPAIR” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Catch Basin and Valley Gutter Repair, has been completed by George Reed Inc., in accordance with the contract agreement dated May 12, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Annual Catch Basin and Valley Gutter Repair project be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $178,578.00 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 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING FOUR LIGHT EMITTING DIODES (LED) AND TWO RETRO REFLECTIVE SHUTTER FLAP (RSF) TRAILER MOUNTED CHANGEABLE MESSAGE SIGNS

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 four light emitting diodes (LED) and two retro reflective shutter flap (RSF) trailer mounted changeable message signs, to be opened in the office of the City clerk, 801 11th Street, in the City of Modesto, on January 6, 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 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRAND EVENTS FOR PROVIDING CITY WATER SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grand Events for providing City water service 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 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING THE FINAL MAP OF THE
BRIGGS AVENUE SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, K & D Enterprises, a California corporation, is possessed of a
tract of land situated in the City of Modesto, County of Stanislaus, consisting of 3.89 acres,
known as BRIGGS AVENUE SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 15th day of December, 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 BRIGGS AVENUE SUBDIVISION meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal Code relating to
subdivisions, and that the map is technically correct, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that said final map be approved; that the improvements completed in said tract be
accepted; that the 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: ________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-634

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

WHEREAS, Inland Village, a General Partnership, is possessed of a tract of
land situated in the City of Modesto, County of Stanislaus, consisting of 11.08 acres, known as
VILLAGE HIGHLANDS PHASE III SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 27th day of November, 1995, and amendments to
that map were approved by the CITY Planning Commission on 1st day of April, 1996, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final
map of said VILLAGE HIGHLANDS PHASE III 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

-1-
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 8th day of December, 1998, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by Councilmember
Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED ALICE STREET – MCHENRY AVENUE SEWER BYPASS AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Alice Street – McHenry Avenue Sewer Bypass, has been completed by Soares Underground Construction, in accordance with the contract agreement dated July 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Alice Street – McHenry Avenue Sewer bypass be accepted from said contractor, Soares Underground Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $228,278.67 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JEFFREY HENNINGS AND MADELINE RODDY TO DEFER FEES FOR PARCEL MAP (APN 78-14-03)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jeffrey Hennings and Madeline Roddy to defer fees for Parcel Map (APN 78-14-03) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-637

A RESOLUTION APPROVING RENEWAL OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR LINE CLEARANCE TREE TRIMMING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the renewal of an agreement between the City of Modesto and Modesto Irrigation District for line clearance tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said renewal 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-638

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR AND ASSOCIATES TO PROVIDE CONSULTANT SERVICES FOR THE PROJECT TITLED MODESTO/CERES CCTV SYSTEMS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Minagar and Associates to provide consultant services for the project titled Modesto/Ceres CCTV systems 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-639

A RESOLUTION APPROVING SUBMISSION OF
THE ANNUAL TRANSPORTATION CLAIM TO
THE STANISLAUS AREA ASSOCIATION OF
GOVERNMENTS (SAAG) AND DEOBLIGATION
OF CARRYOVER TRANSIT REVENUES FOR
STREET PURPOSES.

WHEREAS, on June 9, 1998, the City approved the annual claim for Local
Transportation Funds for transit purposes only, and

WHEREAS, the Stanislaus Area Association of Governments (SAAG) has
informed the City’s Finance Department that the final numbers for non-transit purposes are
available to be claimed, and

WHEREAS, the claim includes $1,200,000 for street purposes, $114,988 for the
Amtrak station, and $87,535 for non-motorized projects, and

WHEREAS, the City is also requesting that $759,000 of carryover funds
originally apportioned for transit purposes be reallocated for street purposes this fiscal year, and

WHEREAS, Council approval of the claim is required by SAAG prior to funds
being released,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the reallocation of $759,000 of carryover funds, originally apportioned
for transit purposes, for street purposes this fiscal year.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to
execute the annual claim for Transportation Development Funds on behalf of the City of
Modesto and submit said claim to the Stanislaus Area Association of Governments (SAAG) in
amount of $1,401,623 for fiscal year 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-640

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $14,000 FOR ADDITIONAL STREET LIGHTING IN PRESCOTT ESTATES & ROSELAWN AVE

WHEREAS, the City has increased community development efforts in Prescott Estates and Roselawn Avenue in order to decrease crime activity and improve the neighborhood; and

WHEREAS, funding is needed to improve street lighting. The existing lighting does not meet neighborhood need in higher crime areas; and

WHEREAS, funding is requested from the Community Development Block Grant to be used for labor/equipment costs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures

<table>
<thead>
<tr>
<th>Expenditure Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>497 CDBG Load Program</td>
<td></td>
</tr>
<tr>
<td>6040 Street Lights – Prescott Estates/Roselawn</td>
<td></td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and 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. 98-641

A RESOLUTION APPROVING EXPANSION OF THE
MODESTO AREA DIAL-A-RIDE BOUNDARY.

WHEREAS, staff received a request for Modesto Area Dial-A-Ride service to
be expanded to include the area bounded by Sisk Road, Pirrone Road, Finney Road and
Kiernan Avenue, as shown on the attached map, and

WHEREAS, including the additional area within the Modesto Area Dial-A-Ride
service would be consistent with Federal guidelines, and

WHEREAS, the Transportation Policy Committee has approved the proposed
expansion of the service area, and

WHEREAS, at its meeting of December 8, 1998, 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 Dial-A-Ride Boundary to
include the area bounded by Sisk Road, Pirrone Road, Finney Road and Kiernan Avenue, as
shown on the attached map.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-642

A RESOLUTION OF APPLICATION BY THE COUNCIL
OF THE CITY OF MODESTO INITIATING
PROCEEDINGS AND REQUESTING THE STANISLAUS
COUNTY LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE NORTH MCHENRY-
EAST REORGANIZATION TO THE CITY OF MODESTO,
PROPERTIES LOCATED ALONG THE EAST SIDE OF
MCHENRY AVENUE FROM THE EXISTING CITY
LIMITS, NORTH TO CLARIBEL AVENUE. (COUNCIL
INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings
pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3,
commencing with Section 56000 of the California Government Code, for the North Mchenry-
East Reorganization to the City of Modesto, which is contiguous to the Modesto City limits,
and

WHEREAS, notice of intent to adopt this resolution of application has been
given to each interested and each subject agency, and

WHEREAS, there are no Williamson Act contracts within the annexation area,
and

WHEREAS, the territory proposed to be annexed is uninhabited, and a
description of the boundaries of the territory is set forth in Exhibit "A", attached hereto and
by this reference incorporated herein, and

WHEREAS, said territory consists of 62 acres, as set forth on Exhibit "B",
attached hereto and by this reference incorporated herein, and
WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the City and the County of Stanislaus are in the process of negotiating and considering a particular Agreement to share the Tax Revenues from the commercial uses on North McHenry Avenue, and both agencies are in support of the annexation of this area, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit “A” attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Stanislaus Consolidated Fire Protection District.

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reasons for this proposed North McHenry-East Reorganization to the City of Modesto are as follows:

1. The proposed reorganization is in compliance with our Modesto Urban Area General Plan.

2. This reorganization represents an area that is uninhabited and is likely to succeed.
WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Modesto Urban Area General Plan, adopted by the Council of the City of Modesto on August 15, 1995.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit “A”, attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is covered by the City’s General Plan Master EIR (SCH#92052017), and has received CEQA environmental review through an Initial Study leading to a Finding of Conformance with the Master EIR, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the Initial Study in LAFCO’s deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government
Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified
copy of this resolution with the Executive Officer of LAFCO, and that pursuant to
Government Code Section 56700, the Council hereby requests that LAFCO proceed with the
North McHenry-East Reorganization to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Smith, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, 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”

WRITTEN DESCRIPTION
NORTH McHENRY EAST
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property situate in Section 4 and Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and situate in Section 32 and Section 33, Township 2 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at a point on the West right of way line of 55.00 foot half-width McHenry Ave, said point being the intersect of said West right of way line and the westerly projection of the North right of way line of a 50.00 foot half-width Claratina Avenue; thence northerly along said west right of way line and northerly projections, the following six (6) courses:

1.) North 01°13'57" West, distant 55.00 feet westerly of and parallel with the West line of said Section 4, a distance of 1263.45;
2.) North 01°14'29" West, distant 55.00 feet westerly of and parallel with the West line of said Section 4, a distance of 1323.92 feet to an angle point in said West right of way line;
3.) North 88°45'31" East 5.00 feet to an angle point;
4.) North 01°14'29" West, distant 50.00 feet westerly of and parallel with the West line of said Section 4, a distance of 100.00 feet to an angle;
5.) South 88°45'31" West 5.00 feet to an angle point;
6.) North 01°14'29" West, distant 55.00 feet westerly of and parallel with the West line of said Section 4, a distance of 1359.45 feet;

thence North 88°45'31" East 80.00 feet to a point on the East right of way line of a 25.00 foot half-width McHenry Avenue; thence South 01°14'29" East, along said East right of way line, a distance of 48.57 feet to a point on the North right of way line of a 20.00 foot half-width Clarabel Road; thence South 89°28'01" East, along said North right of way line, a distance of 645.54 feet to a point of intersect with the Northerly projection of the East line of Parcel A as shown on the Parcel Map filed for record on February 16, 1984 in Book 35 of Parcel Maps, at Page 1, Stanislaus County Records; thence South 01°14'29" East, along said East line and Northerly projection, a distance of 405.15 feet to the Southeast corner of said Parcel A; thence North 89°28'01" West, along the South line of said Parcel A, a distance of 215.33 feet to the Northwest corner of Parcel 2 as shown on the Parcel Map filed for record on March 29, 1996 in Book 47 of Parcel Maps, at Page 68, Stanislaus County Records; thence South 01°14'29" East, along the West line of said Parcel 2, and along the West line of Parcel 1 as shown on the Parcel Map filed for record on October 31, 1989 in Book 42 of Parcel Maps, at Page 47, Stanislaus County Records, and along the West line of Parcel 3 as shown on the Parcel Map filed for record on December 27, 1984 in Book 36 of Parcel Maps, at Page 5, Stanislaus County Records, a distance of 2362.19 feet to an angle point in the West line of said Parcel 3 said angle point being a point on the South right of way line of a 30.00 foot half-width Bangs Avenue, thence
North 89°14'49" West, along said South right of way line and the West line of said Parcel 3, a distance of 7.40 feet to an angle point in the West line of said Parcel 3; thence South 00°45'11" West, along said West line and Southerly projection, a distance of 221.49 feet to a point on the North right of way line of a 100.00 foot wide Modesto Irrigation District lateral No. 6; thence South 89°25'46" East, along said North right of way line, a distance of 489.08 feet to a point of intersect with the Northerly projection of the East line common to Parcel A and Parcel B as shown on the Parcel Map filed for record on June 7, 1994 in Book 46 of Parcel Maps, at Page 63, Stanislaus County Records; thence South 01°13'48" East, along the Northerly projection of said common East line, and along said common East line, and along the East line of Parcel 4 as shown on the Parcel Map filed for record on December 18, 1980 in Book 31 of Parcel Maps, at page 22, Stanislaus County Records, a distance of 1010.99 feet to a point on the North right of way line of said Claratina Avenue said point being on the North City limits line of the COFFEE-CLARATINA REORGANIZATION TO THE CITY OF MODESTO; thence North 89°29'48" West, along said North right of way line and said North City Limits Line and the westerly extension thereof, a distance of 984.19 feet to the Point of Beginning, and containing 59.86 acres, more or less.
EXHIBIT “B”

ANNEXATION PROPOSAL MAP
LOCATION OF THE NORTH McHENRY EAST REORGANIZATION TO THE CITY OF MODESTO

CITY OF MODESTO

O'Dell Engineering

1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1785 FAX: (209) 571-2488

NORTH McHENRY EAST REORGANIZATION TO THE CITY OF MODESTO
EXHIBIT “C”

NORTH MCHENRY-EAST REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the North McHenry-East Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Stanislaus Consolidated Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 7 at Palmwood and Mable.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and developer financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets will be the responsibility of the developer and be integrated into the development of the project.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.
D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of connection fees and Enterprise Fund.
MODESTO CITY COUNCIL
RESOLUTION NO. 98-643

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: RESOLUTION INITIATING AN APPLICATION TO LAFCO TO TAKE PROCEEDINGS TO ANNEX THE NORTH MC HENRY EAST REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, 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 Development Department, by Initial Study, EA NO. CDD 98-55, reviewed the proposed North McHenry East Reorganization to the City of Modesto, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,
and

WHEREAS, on December 8, 1998, the City Council considered approving a Resolution of Application to LAFCO Initiating Proceedings for the North Mc Henry East Reorganization to the City of Modesto and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered an Initial Study, EA NO. CDD 98-55, prepared by the Community Development Department, for the proposed North McHenry East Reorganization to the City of Modesto, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, 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. As per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental quality Act (CEQA).

4. There are no special features which are unique to the proposed project that require project specific mitigation measures. 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
City of Modesto

Initial Study

NORTH MCHENRY EAST REORGANIZATION

EA NO. CDD 98-55

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed North McHenry East Reorganization. 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 the scope of the General Plan.

II. PROJECT DESCRIPTION:

A. Project Title:
North McHenry East Reorganization

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA (209) 577-5280

D. Project Location:
In the North Modesto Urban Area along the east side of McHenry Avenue between Claratina Avenue and Claribel Avenue

E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. General Plan Designation:
Hetch Hetchy Comprehensive Planning District

Exhibit A
G. Zoning:
Existing: County Planned Development Zone
Prezoning: C-3, Highway Frontage Commercial (Regional Commercial)

H. Description of Proposed Project:
Annexation of 22 properties totaling approximately 62 acres that includes properties on the east side of McHenry Avenue from the City Limits at Claratina Avenue north to Claribel Avenue (see Exhibit A). Except for one parcel the area is completely developed with Regional Commercial uses such as auto dealerships, a floral supply business and a previous home improvement center building, and a steel fabrication company. Water service will be extended to the vacant property at 4754 McHenry (Assessors Parcel No. 052-06-55) so it can be developed with an auto dealership.

I. Surrounding Land Uses:
North: Unincorporated County land including businesses on McHenry
South: Coffee/Claratina Specific Plan area and existing commercial businesses along McHenry Avenue
East: Unincorporated agricultural land
West: Planned Industrial and existing commercial and business park uses

J. Other Public agencies whose approval is required:
An adopted property City-County tax sharing agreement is required for this area.

II. 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
Except for one parcel, 4754 McHenry which is proposed to be an auto dealer (a use consistent with the Regional Commercial designation shown on the City's General Plan Land Use Diagram), the project area is completely developed. Thus the annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Thus the proposed annexation 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, therefore, still valid.
B. Degradation of Air Quality
This proposed annexation area of existing urban development and the subsequent development of an auto dealership at 4754 McHenry are all within the City's primary Sphere of Influence and are consistent with the City's General Plan. These uses 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-2-5) are, therefore, still valid.

C. Generation of Noise
Annexation of the North McHenry East area and the subsequent development of an auto dealership at 4754 McHenry, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. There is no adjacent non-residential development to the area. Any future residential developers of the Hetch-Hetchy Comprehensive Planning District east of the area would be required to incorporate noise mitigation measures into their projects. Therefore, 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 still valid.

D. Loss of Productive Agricultural Land
The annexation area is designated for urban development on both the Stanislaus County and Modesto General Plans and, except for one parcel, is already developed with Regional Commercial uses. The remaining parcel, 4754 McHenry is not being farmed, but is vacant commercial property. The annexation will thus, not remove any agricultural lands from production. 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 still valid.

E. Increased Demand for Water Supplies
All properties in the annexation area, except for one, have been connected to City water system for several years. The property not yet served at 4754 McHenry, would be extended water service for an auto dealership prior to annexation. This water connection would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and 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 62-acre annexation and its existing and proposed uses are consistent with the Regional Commercial designation in the City’s General Plan and 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 62-acre annexation proposal is for the incorporation of an existing urbanized area of the General Plan that has been almost completely developed for several years. There is clearly no impact to sensitive wildlife or any plant habitat 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 annexation of existing developed properties, including one being prepared for development, will not disturb any archaeological or historic sites because it is approximately six miles north of the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Thus the site will not 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 annexation includes uses that were in place when the 1995 Modesto Urban Area General Plan Update and its environmental analysis, the General Plan Master EIR were adopted. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.
J. Increased Demand for Storm Drainage
The reorganization includes a 62-acre area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. The remaining parcels to be developed will also be required to meet local standards 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, therefore, still valid.

K. Increased Demand for Parks and Open Space
The annexation proposal to incorporate approximately 62-acres of developed Regional Commercial uses into the City of Modesto would not generate any new population that would use parks or open space facilities. 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 annexation is to bring into the City a 62-acre developed Regional Commercial area that consists solely of non-residential uses. Commercial development pays a proportional school fee to offset related impacts. However, since there will be no students generated, the proposal will not impact the Modesto school system. 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
Annexation of the 62-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, the area was studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. 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
Annexation of the 62-acre area of Regional Commercial uses will result in the transfer of the fire protection responsibility from the Stanislaus Consolidated Fire Protection District to the City of Modesto Fire Department. However, this area was analyzed by the City’s Fire department during the General Plan Master EIR process and has been determined to be a less than significant impact on demand for services. The area can be served by Fire Station No. 7 at Palmwood and Mable
Avenues approximately 1.5 miles distant, as well as other Modesto Fire stations in the north urban area. 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
The annexation area of developed Regional Commercial uses is currently provided waste disposal service by the Bertolotti Disposal Company, who would also continue serving the area following annexation. Since there would only be a minor increase in waste generated from the incremental development proposed, the analysis in the MEIR is still consistent. 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
Because this annexation will not result in additional or different type of development not already identified in the adopted General Plan, there will be no additional hazardous material 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 annexation of the 62-acre developed Regional Commercial area, because the land is essentially flat, Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. Energy
Because existing and proposed uses in the 62-acre North McHenry East area are consistent with the Regional Commercial designation in the General Plan the project is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. 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 for air quality and traffic would also help to mitigate energy impacts.
IV  CONCLUSIONS/DETERMINATIONS OF FINDINGS

A.  The proposed North McHenry East annexation of 62-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B.  The proposed North McHenry East annexation and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

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

D.  There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

E.  This Initial Study provides substantial evidence to support findings “A, B, C, and D” above.

Signature: [Signature]
PROPOSED NORTH MCHENRY EAST REORGANIZATION

4754 MCHENRY AVENUE (PROPOSED MISTLIN HONDA DEALER SITE)

62 ACRES +/-
MODESTO CITY COUNCIL
RESOLUTION NO. 98-644

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES) APPLICATION FOR SUBMITTAL TO THE CENTRAL VALLEY WATER QUALITY CONTROL BOARD.

WHEREAS, the City of Modesto is required under Federal regulations, as are all municipalities in the United States with a population greater than 100,000, to implement a Stormwater Management Program to meet certain objectives, and

WHEREAS, the City is required to file a Report of Waste Discharge on its municipal stormwater discharge, with the Central Valley Water Control Board by December 27, 1998, which Report of Waste Discharge is essentially a stormwater permit reapplication, and

WHEREAS, said report was presented to the Utility Services & Franchises Committee on November 5, 1998, and said Committee recommended to the City Council approval of the National Pollutant Discharge Elimination System (NPDES) Permit application and submittal to the Central Valley Water Control Board as required, and

WHEREAS, said matter was considered by the City Council at its meeting of December 8, 1998, and a copy of said Report of Waste Discharge is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute the National Pollutant Discharge Elimination System Permit (NPDES) application for submittal to the Central Valley
Quality Control Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-645

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE REVENUES OF $574,444 FOR FISCAL YEAR 1998-99 CAPITAL IMPROVEMENT PROGRAM AND CREATE FOUR NEW PROJECTS

WHEREAS, staff successfully applied for Federal Hazard Elimination Safety and Congestion Mitigation Air Quality grant funding in the amount of $574,444 for four new CIP projects; and

WHEREAS, staff did not budget these projects in the regular fiscal cycle since staff was unable to predict which of the proposed projects would be approved for funding.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Increase (Decrease)</th>
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<tbody>
<tr>
<td>70 160 K005 6010 Modify 8 T/S: Tully and College</td>
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</tr>
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<td>47,000</td>
</tr>
<tr>
<td>70 160 K008 6010 Stop Sign Replacement</td>
<td>3,000</td>
</tr>
<tr>
<td>70 160 K008 6010 Stop Sign Replacement</td>
<td>46,500</td>
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<tr>
<td>70 800 8000 8003 Contingency Reserve</td>
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<tr>
<td>Reserves</td>
<td></td>
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<tr>
<td>70 510 9510 3504 Federal Revenue</td>
<td>574,444</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 City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ________________________________
STAN FEATHERS, Budget Officer
A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $55,056 FROM THE GAS TAX CONTINGENCY RESERVE FUND TO FULLY FUND FOUR NEW CIP PROJECTS

WHEREAS, staff successfully applied for Federal Hazard Elimination Safety and Congestion Mitigation Air Quality grant funding in the amount of $574,444 for four new CIP projects; and

WHEREAS, staff did not budget these projects in the regular fiscal cycle since staff was unable to predict which of the proposed projects would be approved for funding; and

WHEREAS, staff’s share amounts to $55,056 to fully fund all four projects.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended. All transactions for this resolution are included in Resolution #98-645.

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 City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and 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. 98-647


WHEREAS, on Tuesday, November 3, 1998, a Special Municipal Election was held in the City of Modesto (herein called “City”) of Stanislaus County to submit to the qualified electors in the City of Modesto certain advisory measures, as follows:

1. Measure “A” relating to Binding Interest Arbitration Charter Amendment;
2. Measure “B” relating to BlA Charter Amendment;
3. Measure “C” relating to providing sewer service to Urban Areas, and

WHEREAS, said election was held on Tuesday, November 3, 1998, 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 special 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 2, 1998, 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.

(c) The number of votes given in the City for Measure A.

(c) The number of votes given in the city for Measure B.

(d) The number of votes given in the city for Measure C.
SECTION 3. The following votes were cast for Measures A, B and C:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure A:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Binding Interest Arbitration</td>
<td>24,777</td>
<td>16,866</td>
</tr>
<tr>
<td>Charter Amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure B:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voter Approval for BIA Charter Amendment</td>
<td>17,664</td>
<td>23,799</td>
</tr>
<tr>
<td>Measure C:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide Sewer to Urban Area</td>
<td>22,402</td>
<td>17,819</td>
</tr>
</tbody>
</table>

**Measure A.** More than a majority of all of the votes cast at the election on Measure A were in favor of said Binding Interest Arbitration Charter Amendment, and said Measure did carry and was approved and was not ratified by a majority of the qualified voters voting on said Measure A.

**Measure B.** Less than a majority of all of the votes cast at the election on Measure B were in favor of said Voter Approval for BIA Charter Amendment, and said Measure did not carry and was not approved and was not ratified by a majority of the qualified voters voting on said Measure B.

**Measure C.** More than a majority of all of the votes cast at the election on Measure C were in favor of said Measure to Provide Sewer to the Urban Area, and said Measure did carry and was approved and was ratified by a majority of the qualified voters...
voting on said Measure C.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, 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 SPECIAL MUNICIPAL ELECTION
NOVEMBER 3, 1998
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SPECIAL MUNICIPAL ELECTION
November 3, 1998

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 1, 1998, to publicly canvass the returns of the City of Modesto Special Municipal Election held on November 3, 1998. The following are the results of said election:

<table>
<thead>
<tr>
<th>MEASURES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Measure A</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Binding Interest Arbitration</td>
<td>24,777</td>
<td>YES 59.50</td>
</tr>
<tr>
<td>Charter Amendment</td>
<td>16,866</td>
<td>NO 40.50</td>
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<tr>
<td><strong>Measure B</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voter Approval for BIA</td>
<td>17,664</td>
<td>YES 42.60</td>
</tr>
<tr>
<td>Charter Amendment</td>
<td>23,799</td>
<td>NO 57.40</td>
</tr>
<tr>
<td><strong>Measure C</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide Sewer to Urban Area</td>
<td>22,402</td>
<td>YES 55.70</td>
</tr>
<tr>
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<td>17,819</td>
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**Voter Turnout**

Measures A, B & C 46,024 55.85

December 2, 1998

JEAN ZAHR
City Clerk/Auditor
City of Modesto
STATEMENT OF THE VOTE

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CONSOLIDATED GENERAL ELECTION

-HELD-

TUESDAY, NOVEMBER 3, 1998

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 Consolidated General Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 1st day of December, 1998.

[Signature]

KAREN L. MATHEWS
County Clerk-Recorder
<table>
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<th>T.P.</th>
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## Statement of Votes Cast

**Gubernatorial General Election**  
**Stanislaus County**  
**Tuesday, November 3, 1998**

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**Additional Precincts Data**

- **0140 AV-14**: 0 2801 | 1508 1010 | 1184 1326 | 1269 1153
- **0141 MODESTO 014**: 768 228 | 110 98 | 77 133 | 102 100
- **0142 MODESTO 015**: 799 294 | 179 80 | 56 100 | 112 134
- **0143 MODESTO 16**: 640 166 | 88 66 | 98 151 | 110 129
- **0144 MODESTO 17**: 679 275 | 138 108 | 80 127 | 96 97
- **0145 MODESTO 18**: 564 233 | 117 91 | 37 72 | 59 51
- **0146 MODESTO 064**: 510 123 | 60 49 | 57 67 | 74 47
- **0147 MODESTO 065**: 403 158 | 75 48 | 78 110 | 106 80
- **0148 MODESTO 067**: 763 207 | 118 72 | 80 187 | 119 110
- **0149 MODESTO 069**: 696 259 | 133 104 | 100 136 | 150 74
- **0150 MODESTO 084**: 1012 413 | 214 166 | 150 228 | 210 156
- **0151 MODESTO 088-095**: 883 272 | 168 84 | 83 166 | 113 135
- **0152 MODESTO 086**: 865 334 | 186 117 | 145 158 | 186 104
- **0154 MODESTO 090**: 882 407 | 202 171 | 154 218 | 195 164
- **0155 MODESTO 096**: 1064 377 | 195 145 | 129 209 | 181 142
- **0156 MODESTO 097**: 967 332 | 178 114 | 128 160 | 150 92
- **0157 MODESTO 099**: 791 247 | 146 74 | 83 135 | 115 93
- **0158 MODESTO 107**: 747 258 | 133 99 | 102 129 | 124 103
- **0159 MODESTO 113**: 624 240 | 109 102 | 94 115 | 110 93
- **0160 MODESTO 120**: 134 67 | 36 24 | 32 29 | 29 30
- **0161 AV-15**: 0 1643 | 906 592 | 690 803 | 746 704
- **0162 MODESTO 004**: 551 150 | 85 46 | 42 87 | 70 52
- **0163 MODESTO 006**: 939 214 | 111 79 | 84 108 | 101 86
- **0164 MODESTO 008**: 1047 376 | 216 105 | 121 194 | 186 121
- **0165 MODESTO 009-010**: 1016 350 | 195 119 | 116 195 | 164 134
- **0166 MODESTO 011**: 555 202 | 122 61 | 68 115 | 71 106
- **0167 MODESTO 012**: 705 244 | 142 88 | 91 133 | 118 84
- **0168 MODESTO 013**: 650 233 | 121 101 | 83 136 | 96 110
- **0169 MODESTO 024**: 902 305 | 153 107 | 121 145 | 154 105
- **0170 MODESTO 029**: 963 360 | 206 125 | 126 201 | 197 121
- **0171 MODESTO 061**: 1029 428 | 238 153 | 141 242 | 189 188
- **0172 MODESTO 062**: 825 340 | 194 115 | 112 195 | 155 145
- **0173 MODESTO 063**: 962 306 | 151 110 | 123 136 | 166 90
- **0174 MODESTO 092**: 26 3 | 3 0 | 2 1 | 2 0
- **0175 MODESTO 116**: 0 1 | 0 1 | 1 0 | 0 1
- **0176 MODESTO 117**: 61 41 | 67.21 | 21 14 | 20 16 | 21 16

**Notes:**
- The table above lists the votes cast in various precincts for different measures.
- Each row represents a precinct with the votes for Measure A, Measure B, and Measure C.
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MODESTO CITY COUNCIL
RESOLUTION NO. 98-648


WHEREAS, the City has received a signed petition from the Modesto Irrigation District to annex its properties on Woodland Avenue between 9th Street and Highway 99; in addition, the former F.M.C. Corporation and Fisher Graphics properties have been included to provide a logical boundary, and

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the North 99/Woodland Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency, and

WHEREAS, there are no Williamson Act contracts within the annexation area, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a
description of the boundaries of the territory is set forth in Exhibit “A”, attached hereto and by this reference incorporated herein, and

WHEREAS, said territory consists of 56.31 acres, as set forth on Exhibit “B”, attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit “A” attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Woodland Avenue Fire Protection District.

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reasons for this proposed North 99/Woodland Reorganization to the City of Modesto are as follows:
1. Staff has analyzed possible annexation boundaries for this area based on property owner survey and response, and has reviewed the proposal with LAFCO staff. Staff recommends this proposal as a logical first step to annexing the larger unincorporated island which extends from Clayton Avenue to Kansas Avenue.

2. An Initial Study was prepared which found the proposal to be within the scope of the City’s General Plan Master EIR.

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That any future development of this site shall be consistent with the Modesto Urban Area General Plan, adopted by the Council of the City of Modesto on August 15, 1995.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit “A”, attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is covered by the City’s General Plan Master EIR (SCH#92052017), and has received CEQA environmental review through an
Initial Study leading to a Finding of Conformance with the Master EIR, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Program EIR in LAFCO’s deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the North 99/Woodland Reorganization to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

12/30/98
EXHIBIT "A"
WRITTEN DESCRIPTION
NORTH 99/WOODLAND
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property being the a portion of Section 19 and Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

**Beginning** at the intersection of the Northeasterly right of way line of the Southern Pacific Railroad and the Southerly projection of the Centerline of Carver Road, said point being an angle point in the City limits line as described in the Northwest Addition (44) as filed for record on December 10, 1951 at instrument number 28460, Stanislaus County Records; thence along the existing City Limits line the following twenty-five (25) courses:

1. thence South 43°29'30" East, along the Northeasterly right of way line of said Southern Pacific Railroad and the Basis of bearings herein described, a distance of 1553.25 feet, more or less to the beginning point of the Woodland-Barium Annexation as described in the document filed for record on February 28, 1979 at instrument number 54252, Stanislaus County Records;

2. thence North 89°49'30" West, along the centerline of Woodland Avenue and the North line of said Woodland-Barium Annexation, a distance of 812.91 feet;

3. thence South 00°33'30" East, along the west line of said Woodland-Barium Annexation, a distance of 375.54 feet;

4. thence South 89°57'30" East, along the south line of said Woodland-Barium Annexation, a distance of 939.83 feet;

5. thence North 00°42'30" West, along the city limits line as described in said Woodland-Barium annexation, a distance of 62.47 feet;

6. thence North 46°30'30" East, along the city limits line as described in said Woodland-Barium annexation, a distance of 120.00 feet to a point on said Northeasterly Right of way line of the Southern Pacific Railroad and also being a point on the city limits line as described in said Northwest Addition (44);
7. thence South 43°29'30" East, along said Northeasterly Right of way and city limits line as described in said Northwest Addition (44), a distance of 318.56 feet, more or less to the northerly most angle point in the City limits line as described in the Kansas Avenue Addition as described in the document filed for record on July 24, 1978 at instrument number 4617, Stanislaus County Records;

thence along the City limits line as described in said Kansas Avenue Addition the following eighteen (18) courses

8. thence South 47°18'10" West 100.00 feet

9. thence South 00°11'40" East 7.02 feet to a point of curvature, non-tangent to the preceding course, concave westerly, having a radius of 562.22 feet, of which radius bears South 64°03'23" West;

10. thence southerly, along the arc of said curve, through a central angle of 47°37'57", an arc distance of 467.40 feet;

11. thence South 21°41'20" West 135.05 feet to a point of curvature, concave easterly, having a radius of 583.14 feet, of which radius bears South 68°18'40" East;

12. thence southerly, along the arc of said curve, through a central angle of 21°53'00", an arc distance of 222.72 feet;

13. thence South 00°11'40" East 484.27 feet;

14. thence South 07°58'20" West 98.55 feet;

15. thence South 00°11'40" East 20.04 feet;

16. thence North 89°48'20" East 14.07 feet;

17. thence South 00°11'40" East 231.60 feet;

18. thence North 49°22'30" West 142.01 feet;

19. thence North 37°24'39" West 35.78 feet;

20. thence North 00°11'40" West 69.47 feet;

21. thence North 89°47'15" West 89.26 feet to a point of curvature, non-tangent to the preceding course, concave northeasterly, having a radius of 1972.00 feet, of which radius bears North 43°17'09" East;

22. thence Northwesterly, along the arc of said curve, through a central angle of 3°35'21", an arc distance of 123.53 feet;
23. thence North 43°07'30" West 1084.67 feet;

24. thence North 13°46"00" West 81.72 feet to a point on the northeasterly line of Graphics Road (formerly Barium Road);

25. thence South 89°39'17" West 30.00 feet to a point on the centerline of said Graphics Road;

26. thence South 89°39'17" West, leaving said city limits line, a distance of 45.16 feet to a point on the Northeasterly right of way line of State Highway 99;

27. thence North 42°44'29" West, along said Northeasterly line, a distance of 491.38 feet to the southwest corner of that certain 3.046 acre tract of land as shown on the survey filed for record on May 30, 1978 in Book 14 of Surveys, at page 95, Stanislaus County Records;

28. thence South 89°36'16" East, along the south line of said 3.046 acre tract of land, a distance of 16.21 feet to the southeast corner of said tract of land;

29. thence North 00°23'31" West, along the East line of said 3.046 acre tract of land, a distance of 628.88 feet to a point on the South right of way line of Woodland Avenue (30.00 foot half-width);

30. thence North 89°49'30" West, along the South right of way line of said Woodland Avenue, a distance of 267.58 feet, more or less, to a point on the southerly projection of the Easterly line of Lot 3 of the Woodland Avenue Park as shown on the map filed for record on July 15, 1908 in Volume 3 of Maps, at page 46, Stanislaus County Records;

31. thence North 00°19'38" West, along the southerly projection and the east line of said Lot 3, a distance of 1215.78 feet, more or less, to a point on the southeasterly line of Parcel 3 as shown on the Parcel Map filed for record on June 20, 1967 in Book 3 of Parcel Maps, at page 98, Stanislaus County Records;

32. thence North 36°38'29" East, along the Southeasterly line of said Parcel 3, a distance of 132.70 feet to a point on the Southwesterly right of way line of said Southern Pacific Railroad;

33. thence South 43°29'30" East, along said Southwesterly right of way line, a distance of 328.91 feet, more or less to a point which bears South 46°30'30" West 100.00 feet from the Point of Beginning;

34. thence North 46°30'30" East 100.00 feet to the Point of Beginning, and Containing 64.77 acres, more of less.

END DESCRIPTION
EXHIBIT "B"

ANNEXATION PROPOSAL MAP
LEGEND
- EXISTING CITY LIMITS LINE
- PROPOSED CITY LIMITS LINE

BASIS OF BEARINGS
A BEARING OF SOUTH 43°29'30" EAST FOR THE NORTH-EASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD AS DESCRIBED IN THE WOODLAND BARIUM ANNEXATION IN THE STANISLAUS COUNTY RECORDS.

E : 1" = 500'
DRAWN BY : E. SCHMITZ
FILE : 4962ANX1.DWG
DATE : JAN. 14, 1999

O'Dell Engineering
1101 N St, Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2488

NORTH 99/WOODLAND REORGANIZATION TO THE CITY OF MODESTO
EXHIBIT “C”

NORTH 99/WOODLAND REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the North 99/Woodland Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Woodland Avenue Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 4 located at Blue Gum and Carpenter Roads.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and property owner financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets maintenance will be provided by the City of Modesto.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.
E. How will services be financed?

Services will be financed through a combination of City fees and Enterprise Fund.
DISTRIBUTION LIST
FOR
RESOLUTION OF APPLICATION TO LAFCO
TO INITIATE ANNEXATION PROCEEDINGS

2 - Clerk
1 - Attorney
1 - Initiating Department - CDD - Steve Nish
1 - LAFCO/ certified
MODESTO CITY COUNCIL
RESOLUTION NO. 98-649

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: RESOLUTION INITIATING AN
APPLICATION TO LAFCO TO TAKE PROCEEDINGS TO
ANNEX THE NORTH 99/WOODLAND REORGANIZATION
TO THE CITY OF MODESTO.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto
certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for
the Modesto Urban Area General Plan, and

WHEREAS, 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 Development Department, by Initial Study, EA
NO. CDD 98-57, reviewed the proposed North 99/Woodland Reorganization to the City of
Modesto, and made the determination that the proposed project will have no additional
significant effect on the environment that was not identified in the Master EIR; and, further,
that no new or additional mitigation measures or alternatives may be required, and that,
therefore, the proposed project is within the scope of the project covered by the Master EIR,
WHEREAS, on December 8, 1998, the City Council considered approving a Resolution of Application to LAFCO Initiating Proceedings for the North Mc Henry East Reorganization to the City of Modesto and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered an Initial Study, EA NO. CDD 98-57, prepared by the Community Development Department, for the proposed North 99/Woodland Reorganization to the City of Modesto, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, 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. As per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental quality Act (CEQA).

4. There are no special features which are unique to the proposed project that require project specific mitigation measures. 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
City of Modesto

Initial Study

NORTH 99 REORGANIZATION

EA NO. CDD 98-57

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed North 99 Reorganization. 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 the scope of the General Plan.

II. PROJECT DESCRIPTION:

A. Project Title:
North 99 Reorganization

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA (209) 577-5280

D. Project Location:
In the West Modesto Urban Area along the north and south sides of Woodland Avenue between Highway 99 and North 9th Street

E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. General Plan Designation:
Redevelopment Area
G. Zoning:
   Existing: County Industrial
   Prezoning: M-1, Industrial

H. Description of Proposed Project:

Annexation of 7 properties totaling approximately 53.6 acres that includes properties on the north and south sides of Woodland Avenue which are part of an unincorporated County island (see Exhibit A). The area is completely developed with industrial uses including: Modesto Irrigation District (MID) corporation yard (9.14 acres), MID parking lots (4.77 acres), the previous Western Stone Products parcel which is being acquired by the MID for future expansion (9.65 acres), Fisher Graphics parcel (1.52 acres), and the F.M.C. Corporation parcel (31.23 acres). The Fisher Graphics parcel is connected to City water and sewer service. Additional service connections will be provided as necessary following annexation.

I. Surrounding Land Uses:
   North: Union Pacific Railroad Tracks, North 9th Street and the developed Modesto Urban Area.
   South: Highway 99 & existing industrial uses in the Modesto Urban Area
   East: MID turbine power plant and existing industrial uses in Modesto
   West: Highway 99 & existing industrial uses in the Modesto Urban Area

J. Other Public agencies whose approval is required:
   none

II. 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 existing industrial uses are consistent with the designation shown on the City’s General Plan Land Use Diagram. Thus the annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Therefore the proposed annexation 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, therefore, still valid.
B. Degradation of Air Quality
This proposed annexation area of existing industrial urban development within the City’s Redevelopment Area is consistent with the City’s General Plan. These uses 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-2-5) are, therefore, still valid.

C. Generation of Noise
Annexation of the North 99 Reorganization area and the subsequent expansion of the MID corporation yard, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. The proposal is located in an existing industrial area between a railroad track and state highway and there is no non-residential development adjacent to the area. Therefore, 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 still valid.

D. Loss of Productive Agricultural Land
The annexation area is in the City’s Redevelopment Area and consists of existing industrial parcels which have already been developed. 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 still valid.

E. Increased Demand for Water Supplies
Properties in the annexation area have been connected to the City water system. Additional water connections in this Redevelopment Area would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and 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
Existing and future Industrial uses anticipated for the 53.6-acre annexation area would be consistent with the Redevelopment Area designation in the City’s General Plan and 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 53.6-acre annexation proposal is for the incorporation of an existing developed area of the General Plan that has been completely developed for many years. There is clearly no impact to sensitive wildlife or any plant habitat 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 annexation of existing developed properties will not disturb any archaeological or historic sites because it is approximately three miles north of the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Thus the site will not 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 annexation includes uses that were in place when the 1995 Modesto Urban Area General Plan Update and its environmental analysis, the General Plan Master EIR were adopted. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. **Increased Demand for Storm Drainage**

The reorganization includes a 53.6-acre area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. Future development/expansion will also be required to meet local standards 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, therefore, still valid.

K. **Increased Demand for Parks and Open Space**

The annexation proposal to incorporate approximately 53.6-acres of developed industrial uses into the City of Modesto would not generate any new population that would use parks or open space facilities. 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 annexation is to bring into the City a 53.6-acre developed industrial area that consists solely of non-residential uses. Since there will be no students generated, the proposal will not impact the Modesto school system. 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**
Annexation of the 53.6-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, the area was studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. 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**
Annexation of the 53.6-acre area of industrial uses will result in the transfer of the fire protection responsibility from the Woodland Avenue Fire Protection District to the City of Modesto Fire Department. However, this area was analyzed by the City’s Fire department during the General Plan Master EIR process and has been determined to be a less than significant impact on demand for services. The area can be served by Fire Station No. 4 at Blue Gum and Carpenter approximately 1.5 miles distant, as well as other Modesto Fire stations in the downtown area. 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**
The annexation area of developed industrial uses is currently provided waste disposal service by the Modesto Disposal Company, who would also continue serving the area following annexation. Since there would only be a minor increase in waste generated from the incremental development proposed, the analysis in the MEIR is still consistent. 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
Annexation of the 53.6-acre area of existing industrial uses will not result in the generation of additional hazardous materials, because this annexation will not result in additional or different type of development not already identified in the adopted General Plan.

The project area includes the F.M.C. Corporation property which is currently undergoing site remediation due to contamination from a previous on-site Barium processing facility. Pursuant to the California Regional Water Quality Control Board, Central Valley Region, the facility is regulated by Waste Discharge Requirements (WDRs) Order No. 87-108 and Cleanup and Abatement (C&A) Order Nos. 90-721, 93-202 and amendments, and 96-063 for soil and groundwater investigations and remediation in conformance with Title 27 California Code of Regulations. This “clean-up” operation is anticipated to be ongoing for several years. It is anticipated the site will eventually be reused under the Brownfields legislation as part of the City Redevelopment Area.

Because there will be no additional hazardous material 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 annexation of the 53.6-acre developed industrial area, because the land is essentially flat, and Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. Energy
Because existing and proposed uses in the 53.6-acre North 99 Reorganization area are consistent with the Redevelopment Area designation in the General Plan the project is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. 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 for air quality and traffic would also help to mitigate energy impacts.
IV  CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed North 99 Reorganization of 53.6-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed North 99 Reorganization and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

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

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings “A, B, C, and D” above.

Signature: [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 98-650

A RESOLUTION OF APPLICATION BY THE COUNCIL
OF THE CITY OF MODESTO INITIATING
PROCEEDINGS AND REQUESTING THE STANISLAUS
COUNTY LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE
MORGAN/WHITMORE REORGANIZATION TO THE
CITY OF MODESTO, LOCATED AT THE NORTHWEST
CORNER OF MORGAN ROAD AND WEST WHITMORE
AVENUE. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the City has received a written request from the sole property
owner, Mr. Paul Sasaki, to annex his parcel to the City of Modesto, said parcel is
approximately 40-acres of agricultural land, located in the southeast corner of the Modesto
General Plan area, surrounded on the east and south by the City of Ceres Sphere of Influence,
and north and west by developed industrial uses, General Foods and Kraft Products, said
property would be prezoned Industrial, and

WHEREAS, the Council of the City of Modesto desires to initiate proceedings
pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3,
commencing with Section 56000 of the California Government Code, for the
Morgan/Whitmore Reorganization to the City of Modesto, which is contiguous to the
Modesto City limits, and

WHEREAS, this resolution of application by the Council is proposed pursuant
to Cortese-Knox Section 56800 which allows the legislative body to adopt such resolution with
or without mailed notice to the subject agencies; and in this instance, the sole property owner
has requested annexation of the subject property, and
WHEREAS, there are no Williamson Act contracts within the annexation area, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit “A”, attached hereto and by this reference incorporated herein, and

WHEREAS, said territory consists of 40 acres, as set forth on Exhibit “B”, attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit “A” attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Industrial Fire Protection District.
(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reasons for this proposed Morgan/Whitmore Reorganization to the City of Modesto are as follows:

Staff has received a written request from the sole property owner, Mr. Paul Sasaki, to annex his parcel to the City of Modesto, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Modesto Urban Area General Plan adopted by the Council of the City of Modesto on August 15, 1995.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit “A”, attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is covered by the City’s General Plan Master EIR (SCH#92052017), and has received CEQA environmental review through an
Initial Study leading to a Finding of Conformance with the Master EIR, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the Initial Study in LAFCO’s deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the MORGAN/WHITMORE Reorganization to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MORGAN-WHITMORE
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property being the Southeast Quarter of the Southeast Quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

**Beginning** at the Southeast corner of said Section 9; thence North 89°50'55" West, along the South line of said Section 9, a distance of 1331.91 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 9; thence North 00°29'35" West, along the west line of said Southeast Quarter, and along the East City Limits line and southerly projection, as described in the Modesto Industrial Park Addition to the City of Modesto filed for record on March 10, 1959 at Instrument No. 6807, Stanislaus County Records, a distance of 1318.23 feet to the Northwest corner of said Southeast Quarter, and an angle point in the City Limits line as described in said Modesto Industrial Park Addition; thence South 89°54'01" East, along the North line of said Southeast Quarter, and along said City limits line, a distance of 1327.93 feet to the Northeast corner of said Southeast Quarter; thence South 00°39'55" East, along the East line of said Section 9, a distance of 1319.48 feet to the Point of Beginning and containing 40.26 acres, more or less.

END DESCRIPTION
EXHIBIT "B"

ANNEXATION PROPOSAL MAP
EXISTING CITY LIMITS LINE

WHITMORE

A BEARING OF NORTH 89°50'55" WEST FOR THE SOUTH LINE OF SECTION 9, AS SHOWN ON THE SURVEY FILED FOR RECORD ON MAY 5, 1975 IN BOOK 13 OF SURVEYS, AT PAGE 77, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

BASIS OF BEARINGS

O'Dell Engineering
1101 M St, Suite 1, Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

MORGAN-WHITMORE REORGANIZATION TO THE CITY OF MODESTO

FILE: 4961ANX1.DWG
DATE: DEC. 17, 1998
EXHIBIT "C"

MORGAN/WHITMORE REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the MORGAN/WHITMORE Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Industrial Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 10.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area at no cost to the City, as existing City fees and property owner financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets maintenance will be provided by the City of Modesto.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.
D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of City fees and Enterprise Fund.
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: RESOLUTION INITIATING AN APPLICATION TO LAFCO TO TAKE PROCEEDINGS TO ANNEX THE MORGAN/WHITMORE REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, 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 Development Department, by Initial Study, EA NO. CDD 98-58, reviewed the proposed Morgan/Whitmore Reorganization to the City of Modesto, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,
WHEREAS, on December 8, 1998, the City Council considered approving a Resolution of Application to LAFCO Initiating Proceedings for the Morgan/Whitmore Reorganization to the City of Modesto and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered an Initial Study, EA NO. CDD 98-58, prepared by the Community Development Department, for the proposed Morgan/Whitmore Reorganization to the City of Modesto, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, 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. As per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental quality Act (CEQA).

4. There are no special features which are unique to the proposed project that require project specific mitigation measures. 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
City of Modesto

Initial Study

MORGAN/WHITMORE REORGANIZATION

EA NO. CDD 98-58

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed Morgan/Whitmore Reorganization. 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 the scope of the General Plan.

II. PROJECT DESCRIPTION:

A. Project Title:
Morgan/Whitmore Reorganization

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA (209) 577-5280

D. Project Location:
In the South Modesto Urban Area at the northwest corner of Morgan Road and Whitmore Avenue

E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. General Plan Designation:
Industrial
G. Zoning:
Existing: County Industrial
Prezoning: M-2, Industrial

H. Description of Proposed Project:
Annexation of one property totaling approximately 40 acres that is located on the northwest corner of Morgan Road and Whitmore Avenue (see attached map). This property is currently under agricultural use and would be developed as an industrial use which is compatible with the adjacent developed heavy industrial uses (City M-2 zone). Sewer and water service connections will be provided as necessary following annexation.

I. Surrounding Land Uses:
North: Existing heavy industrial uses including land owned by Kraft Foods with a dry cereal processing plant, existing developed residential area in the unincorporated County, and the Union Pacific Railroad and Highway 99.
South: Developing agricultural lands in the Ceres Sphere of Influence
East: Developing agricultural lands in the City of Ceres and Union Pacific Railroad and Highway 99.
West: Existing industrial uses including Kraft Foods and Basic Vegetable, in the City of Modesto and the Tidewater Railroad tracks.

J. Other Public agencies whose approval is required:
none

II. 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 Morgan/Whitmore industrial area annexation and any subsequent industrial development would be consistent with the designation shown on the City’s General Plan Land Use Diagram. Thus the annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Therefore the proposed annexation 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, therefore, still valid.
B. Degradation of Air Quality
This proposed annexation area and subsequent industrial development is consistent with the City's General Plan. Subsequent development would be required to incorporate appropriate mitigation pursuant to the MEIR and regional Air District. These uses 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-2-5) are, therefore, still valid.

C. Generation of Noise
Annexation of the Morgan/Whitmore Reorganization area and the subsequent development of industrial uses, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. The proposal is located in an existing industrial area and there is no non-residential development adjacent to the area. Therefore, 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 still valid.

D. Loss of Productive Agricultural Land
The 40-acre annexation area is surrounded by existing industrial development and is located in the City's General Plan Area designated for future industrial development. 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 still valid.

E. Increased Demand for Water Supplies
Properties adjacent to the annexation area have been connected to the City water system. Additional water connections in this industrial area would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and 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
Existing industrial uses adjacent to this parcel are connected to City sewer service. Future industrial uses anticipated for the 40-acre annexation area would be consistent with the industrial designation in the City's General Plan and 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 40-acre annexation proposal is for the incorporation of the remaining undeveloped parcel in an existing developed area of the General Plan. This parcel does not contain wildlife habitat and is over 1.0 miles from the Tuolumne River riparian corridor. There is clearly no impact to sensitive wildlife or any plant habitat 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 annexation of a 40-acre potential industrial site will not disturb any archaeological or historic sites because it is approximately 1.0 miles south of the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Thus the site will not 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 annexation is for designated uses that were in place when the 1995 Modesto Urban Area General Plan Update and its environmental analysis, the General Plan Master EIR were adopted. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. **Increased Demand for Storm Drainage**

The reorganization includes a 40-acre parcel in an area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. Future development will also be required to meet local standards 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, therefore, still valid.
K. **Increased Demand for Parks and Open Space**
The annexation proposal to incorporate 40-acres of industrial-designated land would not generate any new population that would use parks or open space facilities. 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 annexation is to bring into the City a 40-acre industrial-designated area that consists solely of non-residential uses. Since there will be no students generated, the proposal will not impact the Modesto school system. 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**
Annexation of the 40-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, the area was studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. 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**
Annexation of the 40-acre Morgan/Whitmore area will not result in the transfer of the fire protection responsibility from one agency to another. The Imperial Avenue Fire Station, located approximately 1.5 miles from the proposal, is currently operated by the City of Modesto under contract from the Industrial Fire Protection District. The area would be served by the Imperial Avenue Fire station. In addition, this area was analyzed by the City’s Fire department during the General Plan Master EIR process and has been determined to be a less than significant impact on demand for services. The area can be served by Fire Station No. 4 at Blue Gum and Carpenter approximately 1.5 miles distant, as well as other Modesto Fire stations in the downtown area. 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
The annexation area is currently provided waste disposal service by the Bertolotti Disposal Company, who would also continue serving the area following annexation. Since there would only be a minor increase in waste generated from the incremental development proposed, the analysis in the MEIR is still consistent. 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
Annexation of the 40-acre area of land designated for industrial uses will not result in the generation of additional hazardous materials, because this annexation will not result in additional or different type of development not already designated in the adopted General Plan. Because there will be no additional hazardous material 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
Annexation of the 40-acre industrial area, because the land is essentially flat, and Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. Energy
Because existing and proposed uses in the 40-acre Morgan/Whitmore Reorganization area would be consistent with the industrial designation in the General Plan the project is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. 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 for air quality and traffic would also help to mitigate energy impacts.
IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Morgan/Whitmore Reorganization of 40-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed Morgan/Whitmore Reorganization and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

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

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings “A, B, C, and D” above.

Signature: 

[Signature]
PROPOSED MORGAN/WHITMORE REORGANIZATION

Existing City Limits

Paul Sasaki
property owner

40 Acres +/-
MODESTO CITY COUNCIL
RESOLUTION NO. 98-652

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PELANDALE SNYDER/CARVER BANGS STORM DRAINAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and Modesto Irrigation District for Pelandale Snyder/Carver Bangs Storm Drainage be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-653


WHEREAS, pursuant to Chapter 2.5 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 the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (the “City”), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to finance the construction and/or acquisition of certain public facilities having a useful life of five years or longer (the “Facilities”), more particularly described in Exhibit “A”, including expenses incidental thereto, and
WHEREAS, this Council also determines that it is in the best interests of the City that the above-mentioned community facilities district be established pursuant to Section 53313 of the Act in order to pay for certain services (the "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district ("District") is established, it is the intention of the Council to finance the costs of both the Facilities and the Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act, and

WHEREAS, Rodney K. Lowe, Inc., Ronald J. Malik and Kaufman and Broad-Central Valley, Inc., as the owners of at least 10% of the property in the proposed community facilities district, have filed with the City Clerk of the City of Modesto (the "City") a petition, requesting the City Council (the "Council") to form Community Facilities District No. 1998-2 of the City (the "District"), pursuant to Chapter 2.5 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") in order: (I) to finance the construction and acquisition of certain street improvements, storm drainage improvements, landscaping, and bicycle trails, including planning, design and engineering costs and all other expenses incidental thereto (the "Facilities"), which are further described in Exhibit A hereto; and (ii) to finance
certain services (the "Services"), which are described in Exhibit A hereto; and

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on November 3, 1998, adopt its Resolution No. 98-582, of intention to establish the District, and levy a special tax therein, pursuant to Chapter 2.5 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"), and

WHEREAS, Resolution No. 98-582 (1) describing the proposed boundaries of the District, the name of the District, and the types of facilities (the "Facilities") and services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Facilities, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District, (3) specifying the rate, method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the affidavit of publication on file with the City Clerk, and

WHEREAS, this Council on December 8, 1998, held the public hearing as required by law relative to the proposed formation of the District, the levy of the special tax, and
all other matters set forth in Resolution No. 98-582, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Boundary Map of Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder)" was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Volume 2 of Maps of Assessment and Community Facilities Districts, at page 97, and

WHEREAS, prior to the hearing a Public Report (the "Report") containing a description of the Facilities and Services required to adequately meet the needs of the District and an estimate of the cost of providing the Facilities and Services, including, to the extent the purchase of completed Facilities or the payment of incidental expenses is proposed, the estimated fair and reasonable cost thereof, was filed with this Council as a part of the record of the hearing and duly considered by this Council, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 98-582, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific types of Facilities or Services, were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters
relating to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 98-582, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than twelve (12) registered voters residing in the District (the Registrar of Voters certified there are seven registered voters residing within the District); accordingly, the qualified electors in the District are the landowners, and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of Facilities and Services within the District as listed in the Report, or the levying of the special tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of land in the territory proposed to be included in the District and not exempt from this special tax,

NOW THEREFORE, BE IT RESOLVED, that the Council hereby finds and determines as follows:

SECTION 1. The foregoing recitals are true and correct. The document entitled "Policies and Procedures for the Use of Mello-Roos Community Facilities Act of 1982", ["Policies & Procedures"] (a copy of which is on file with the City Clerk), adopted by the Council on September 3, 1996, and as amended from time to time, was adopted by the City Council, pursuant to section 53312.7 of the Act, as the local goals and policies concerning the
use of the Act by this City Council. It is the intention of the City Council that its Policies & Procedures be adhered to to the greatest extent practicable with respect both to the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 2. The proposed special tax to be levied in the District has not been precluded by majority protest pursuant to Section 53324 of the Act. All protests to the establishment of the District, the extent thereof, or the furnishing of the Facilities and Services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.

SECTION 3. As proposed in Resolution No. 98-582, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 1998-2."

SECTION 4.
(a) The Facilities to be financed by the District are set forth in Exhibit A.
(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.
(c) No land within the District is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5.

(a) The Services to be financed by the District are set forth in Exhibit A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Services are governmental services which the City is authorized by law to provide since they are in addition to those provided in the territory of the District before the District was created.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

SECTION 6. The Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7.

(a) As stated in Resolution No. 98-582, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy a special tax sufficient to finance the Facilities and Services and to pay any other costs or expenses of the District authorized by the Act, secured by recordation of a continuing lien against all nonexempt real property in the District, and that a maintenance tax shall be levied
annually within the boundaries of the District.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that he or she will have to pay, is described in Exhibit A hereto and by this reference incorporated herein.

(c) There is no ad valorem property tax currently being levied on property within the District for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the District.

(d) Landowners may prepay the component of the special tax used to pay for the Facilities pursuant to the procedures set forth in Exhibit A; no provision has been made for the prepayment of the component of the special tax used to pay for the Services.

(e) 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 District at an election to be held subsequent to its approval of this resolution, that then, and in that event, the formation of the District approved herein shall be a nullity, and void from the date this resolution is approved.

SECTION 8. It is the intent of this Council to form, and the Council does hereby form, the District pursuant to all of the foregoing, but subject to automatic ab initio dissolution of the District in all its aspects on December 15, 1998, except in the event that staff confirms to this Council no later than its meeting of December 15, 1998, that they have in hand an executed
property purchase agreement acceptable to them and executed by all of the landowners of the land necessary to construct the two central drainage basins of the District, or that staff is otherwise satisfied that the subject land acquisition by the District is certain.

SECTION 9. The description of the proposed voting procedure, as set forth in Resolution No. 98-582, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 10. Notwithstanding anything in this ordinance or in Exhibit "A" to the Resolution of Formation (Rate, Method, and Manner of Apportionment of Special Tax), to the contrary, persons or entities advancing funds, providing land or constructing or furnishing facilities contemplated in the Public Report may be permitted a direct credit or credits, as appropriate, against the Facilities Special Tax described in Exhibit "A" to the Resolution of Formation. In the case of oversubscription, cash for the amount of the oversubscription may be paid to such provider(s), as cash becomes available to the District through facility tax collection. Oversubscription is the furnishing of land or facilities whose total value as set forth in the Public Report exceeds the total facility taxes attributable to the furnisher(s) entire development within the District. The gross amount of the credit will be the facilities cost estimate in the Public Report, as that report may be amended or adjusted for inflation from time to time, irrespective of the actual cost of the facility to the developer. When determining the net amount of the credit, the facilities cost estimate in the Public Report shall be reduced by any non-prepaid costs or incidental costs as defined in the Act, Section 53317(c) and (e), by means of a cash
administrative cost offset against the above-described gross credits. The administrative offset shall be specified in the final Public Report applicable to the District. The cash offset shall be payable by landowners having such credits at the time they would otherwise be required to pay their facilities taxes. The District also shall be compensated from available tax monies for money and services advanced by it for the acquisition, purchase, modification, expansion, improvement, rehabilitation, maintenance, leasing and/or construction of any or all of the facilities, all in accordance with and subject to the Act (including without limitation, Section 53314.9 of the Act), the Resolution of formation of the District, the Policies and Procedures, the Public Report and other applicable law.

In no event shall reimbursable advances or work-in-kind become either a debt of the City, or a debt in excess of actual facility tax receipts, of the District. All such reimbursement shall only be made or had pursuant to a valid, executed facility/services acquisition agreement in a form approved by the District Administrator. With the approval of the District Administrator, tax credits may be furnished to a landowner to offset taxes otherwise due if the landowner has furnished work-in-kind which has not yet received a notice of completion. Notwithstanding the previous sentence, such discretionary credits shall be fully reimbursable to District in cash in the event that the applicable facilities acquisition agreement is not executed and fulfilled by the provider, or if that provider does not receive a notice of completion from the District Engineer.
Where apportionment is required, as with respect to a total facilities cost stated in the Public Report including two or more subfacilities, 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.

SECTION 11. Where provision of incidental expenses as defined in Section 53317(e) are included in the Public Report, and these expenses are in the form of work-in-kind provided by an applicant, such expense may be included in the tax base of the District where the following conditions are met:

(a) A reasonable estimate of the work-in-kind to be reimbursed through tax credits is included in the tax base in the public report.

(b) The District Administrator enters into an agreement with the applicant furnishing such work-in-kind to reimburse it to the applicant solely through available tax credits after first having examined and approved suitable documentation supporting the claim for reimbursement of work-in-kind.

(c) Any such reimbursement is calculated by the District Administrator without interest thereon.

(d) The special tax proposed to be levied in the District is approved by the qualified electors of the District in accordance with the Act.
(e) The District Administrator finds that the work-in-kind was performed as if it had been performed under the direction and supervision, or under the authority of the District Administrator.

SECTION 12. The office of the District Administrator is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor’s parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the Director Administrator, and the person responsible for administering the District, is as follows:

District Administrator
Modesto City Attorney’s Office
City Hall
801 - 11th Street / P.O. Box 642
Modesto, California 95353
(209) 577-5284

Such officer is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the Act.

SECTION 13. The District Administrator will be responsible for providing the proposed Facilities and Services to be financed by the District. The District Administrator has caused to be prepared and filed with the Council a Public Report containing:

(a) a brief description of the Facilities by type which will be, in the opinion of the District Administrator, required to adequately meet the needs of the District;
(b) an estimate of the cost of providing the Facilities;

(c) an estimate of the fair and reasonable cost of any of the Facilities to be purchased;

(d) a brief description of the Services by type which will in the District Administrator's opinion be required to adequately meet the needs to the District;

(e) an estimate of the cost of providing the Services; and

(f) an estimate of the fair and reasonable cost of incidental expenses (as defined in Section 53317(e)) to be incurred in connection with providing both the Facilities and the Services, including said costs and advances or work-in-kind, including but not limited to planning and engineering, as provided in Sections 53314.9, 53313.5(g) and 53318(d) of the Act.

The report shall be made a part of the record herein.

SECTION 14.

(a) The Council having adopted this Resolution of Formation establishing the District and submitting the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk as the designated election official shall, within three (3) business days after the adoption of the resolution of formation, obtain a certified copy thereof, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow her to determine the boundaries of the District, and the assessor's parcel numbers for the land within the
District.

(b) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the City Clerk shall be required.

(c) Such time limits, or requirements pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the City Clerk.

(d) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the close of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one vote.

(e) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

(f) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The City Clerk may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the
City Clerk not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(g) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(h) If the election is to be conducted by mail ballot, the City Clerk shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.
The procedures set forth in this Section 16 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 15. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 13 and 14 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special tax were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code. Upon recordation of the notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the tax by this Council ceases.

SECTION 16. All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 17. In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIIIIB of the California Constitution, is hereby preliminarily established at $1,000,000.00 and such annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable
provisions of Section 53325.7 of the Act.

SECTION 18.

(a) This Council hereby calls a special election and submits the question of levying the special tax, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election. The propositions shall be combined in a single ballot measure, substantially in the form set forth in Exhibit B hereto and by this reference incorporated herein.

(b) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District; the vote shall be by the landowners or their authorized representatives; each having one vote for each acre or portion thereof that such landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner; all as provided in Section 53326 of the Act.

(c) The Council hereby designates the City Clerk and the City Clerk hereby agrees to serve as the election official to conduct the election. The Stanislaus County Registrar of Voters has concurred in the City's designation of its City Clerk as the election official. The shortening of the election as herein provided is hereby concurred in by the City Clerk.
(d) If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 15th day of December, 1998, the election shall be held on the 15th day of December, 1998, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived with the consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327(b) of the Act. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

(f) The publication of this Resolution as notice of the special election is hereby waived provided the City Clerk shall receive consent to such waiver from the landowners.

SECTION 19. This Council hereby further directs that at the election at which the question of levying the special tax and the establishment of an appropriations limit in connection therewith is submitted to the qualified electors within the District the question of levying the special tax shall be combined in one ballot proposition with the question of establishing an appropriations limit for the District, all as provided by the Act. In addition, the giving of statutory notice of the election is waived if the City Clerk shall receive unanimous consent to
such waiver from the Landowners.

SECTION 20. If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the tax, as determined by this Council after the canvass of the returns of such consolidated election, this Council may levy the special tax within the territory of the District in the amount and for the purposes as specified in this Resolution. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a lower rate.

SECTION 21. The City Clerk, as the designated election official, shall, within three business days after its adoption, obtain a certified copy of this Resolution; the City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

SECTION 22. The Council hereby determines that the formation of the proposed District is categorically exempt from the provisions of C.E.Q.A. pursuant to Section 15320 of the C.E.Q.A. guidelines. The Council further determines that the environmental impacts of provision of the facilities has been adequately addressed by EIRs (SCH Nos. 94082005 and SCH No. 93042004) adopted by this Council on April 1, 1997, and on January 16, 1996, respectively, and that these EIRs were prepared pursuant to Section 21157.5 of CEQA and find that although the projects could have a significant effect on the environment, there would not be a significant effect because appropriate mitigation measures have been added to the projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
November 25, 1998

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG AND ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109
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Appendix B: Rate and Method of Apportionment of Special Tax and Reimbursements
Appendix C: Detailed Facility Cost Estimates
I. BACKGROUND

Community Facilities District (CFD) No. 1998-2 is being formed to provide a funding and reimbursement mechanism for public facilities and services required to serve the Carver-Bangs and Pelandale-Snyder Specific Plans in the City of Modesto. Portions of both Specific Plan areas are included within the initial boundaries of the CFD, and the remainder of the property within both Plan areas is expected to annex into the CFD at a later date.

As a condition of development of the Specific Plan areas, the developers are required to install various public improvements which will serve the increased population generated from the projects. Many of these improvements must be provided in the early stages of development and, therefore, the first developers to build within the projects must install the improvements and receive fee credits or reimbursements in exchange for the facilities. CFD No. 1998-2 is the vehicle that will be used to ensure that all landowners in the Specific Plans pay their fair share of the public improvements. In addition, the CFD will generate funding for ongoing maintenance of landscaping and open space within the project areas.

Following is a brief description of both projects:

A. Carver-Bangs Specific Plan

On April 1, 1997, the City Council of the City of Modesto approved Resolution No. 97-161, thereby adopting the Carver-Bangs Specific Plan. The Specific Plan was subsequently amended by City Council Resolution 97-633. Carver-Bangs is a proposed 160-acre project bounded on the east by Carver Road, on the North by Bangs Avenue, on the south by the Pelandale-Snyder Specific Plan (discussed further below), and on the west by the Kiernan Business Park area. The Carver-Bangs Specific Plan will be developed under the City’s Village Residential guidelines, which will yield approximately 800 single family residential units.

B. Pelandale-Snyder Specific Plan

The Pelandale-Snyder Specific Plan was approved by the City Council on January 16, 1996 by the adoption of Resolution No. 95-16, and was subsequently amended by City Council Resolutions 97-136 and 97-139. The Specific Plan area is bounded by Dale Road on the west, the extension of Pelandale Road on the North, Union Pacific Railroad on the east, and the Modesto Irrigation District canal and Snyder Avenue on the South. Approximately 227 acres of the project are designated Single Family Residential (SFR), and 57 acres are designated Multi-Family Residential; in total, 2,613 residential dwelling units are expected at buildout of the Specific Plan. In addition, 36 acres of the Specific Plan area will be used for an elementary school site, a City park, and a church.
II. STRUTURE OF COMMUNITY FACILITIES DISTRICT No. 1998-2

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 1998-2 (Resolution No. 98-582) was adopted by the City Council on November 3, 1998. After a public hearing and a successful election by landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of CFD 1998-2

As mentioned above, the initial boundaries of the CFD include portions of both the Carver-Bangs and Pelandale-Snyder Specific Plans. Additional property is expected to annex into the CFD in future years as development in the area expands. It is anticipated that property subsequently annexed into the CFD will be subject to the same special tax formula as property in the CFD from the start, with a maximum Facilities Special Tax (discussed further below) assigned to the property when it is annexed. Property in the Carver-Bangs Specific Plan is included within Tax Area A of the CFD, and parcels in Pelandale-Snyder make up Tax Area B of the CFD. A separate maximum tax has been calculated for each tax area, as discussed further in Section C below.

The boundaries of the CFD are shown on a boundary map that was approved by the City Council and recorded in Volume 3, page 5 of the Book of Maps of Assessment Districts and Community Facilities Districts in the Stanislaus County Recorder’s Office. A copy of the CFD boundary map is provided as Appendix A of this CFD Public Report.

C. CFD Special Tax Structure

1. Facilities Special Tax

Each year, special taxes will be levied and collected from parcels within the CFD to pay costs associated with storm drainage and road improvements, as well as maintenance of these improvements (authorized facilities and maintenance costs are discussed in more detail below). The Rate and Method of Apportionment of Special Tax and Reimbursements ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.
As explained in Sections D and E of the RMA, two different special taxes will be levied within the CFD. First, a “Facilities Special Tax” will be levied to pay for capital improvements and appurtenant expenses, such as design, planning, engineering and inspection. The entire Facilities Special Tax will be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction on a parcel within the CFD. Because each Specific Plan area is responsible for only the facilities required to serve that area, separate “tax areas” were established within the CFD to avoid any crossover of responsibility for the funding of required infrastructure. A separate Facilities Special Tax has been determined for each assessor’s parcel that was included within each tax area at the time CFD No. 1998-2 was formed; Attachment 2 of Appendix B identifies the maximum Facilities Special Tax assigned to each parcel.

Section C.1 of the RMA (Appendix B) explains how the Facilities Special Tax obligation assigned to each original assessor’s parcel will be reallocated when subdivision occurs. Regardless of changes in land use in future years, the maximum Facilities Special Tax revenues that can be collected from property in the CFD will never be reduced. In January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each assessor’s parcel will be increased by four percent of the amount in effect in the prior year.

Section D of Appendix B sets forth a credit/reimbursement program which allows developers who have constructed and dedicated public improvements to take credits against the Facilities Special Taxes that would otherwise be paid until such credits equal the cost set forth in Appendix C of this CFD Public Report for the public improvements provided by the developer. Regardless of the actual cost incurred by the developer for construction of the public improvement(s), credits against the Facilities Special Tax can be taken until the amount credited is equal to the facility cost shown in Appendix C for that improvement(s). If the developer’s project is built out and a balance remains to be credited, the developer will instead receive a cash reimbursement from Facilities Special Taxes collected from other property owners in the CFD until the combined amount of fee credits and cash reimbursements is equal to the cost of the public improvement(s) as shown in Appendix C of this report. All costs and reimbursements are subject to a four percent increase in January 2002 and each January thereafter.

Facility Special Tax credits and reimbursements will be applied based on a specified order of priority, which is identified in Attachment 1 of Appendix B. Until all facilities of a higher priority have been fully funded, a developer who builds an improvement that is of a lower priority will not receive fee credits or reimbursements. The order of priority is specific to each tax area, which means facilities of a lower priority may be funded in one tax area even if the higher priority facilities in the other tax area have not yet been fully funded. Appendix B provides a more detailed description of the credit/reimbursement program.
2. **Maintenance Special Tax**

The second special tax that can be levied in the CFD is the “Maintenance Special Tax”, which will be collected to pay costs associated with maintaining parkways and open space in both Specific Plan areas. Again, a separate maximum Maintenance Special Tax has been determined for Tax Area A and Tax Area B, as shown in the following table:

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Tax Area A (Carver-Bangs)</th>
<th>Tax Area B (Pelandale-Snyder)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$118 per unit</td>
<td>$92 per unit</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$945 per Acre</td>
<td>$733 per Acre</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>$945 per Acre</td>
<td>$733 per Acre</td>
</tr>
</tbody>
</table>

*Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.*

The Maintenance Special Tax will be collected each fiscal year on the property tax bills of all parcels in the CFD that have had a final building permit inspection conducted or a certificate of occupancy issued prior to June 1 of the preceding fiscal year.

### III. **Facilities and Services to be Funded by CFD No. 1998-2**

The facilities and services described below are all facilities which the City of Modesto is authorized to finance and which are required to adequately meet the needs of CFD No. 1998-2. The special taxes required to pay for these facilities and services will be apportioned according to the “Rate and Method of Apportionment of Special Tax” included as Appendix B of this report.

**Capital Improvements**

**A. Carver-Bangs (Tax Area A)**

Following is a summary of the capital improvements to be funded through CFD No. 1998-2 to serve the Carver-Bangs Specific Plan. A detailed breakdown of facility components and the corresponding cost estimates is provided in Appendix C of this report.
Storm Drainage Improvements  $1,494,750
Prescott Road  145,422
American Avenue  24,033
Bangs Avenue  254,305
Carver Road  57,270
American Avenue Canal Overcrossing  295,066
Class I Bike Trail  142,500
CFD Formation Costs  67,500
Total Capital Improvement Costs  $2,480,847

B. Pelandale-Snyder (Tax Area B)

Storm Drainage Improvements  $4,389,042
Dale Road  531,075
Prescott Road  628,297
Tully Road  1,011,016
Snyder Avenue  52,743
Class I Bike Trail  752,675
CFD Formation Costs  67,500
Total Capital Improvement Costs  $7,432,348

Annual Maintenance Costs

A. Carver-Bangs

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangs Avenue (South Side) 8' Landscape Strip (4,680 LF x 8' = 37,400 SF)</td>
<td>37,400</td>
<td>SF</td>
<td>$0.72</td>
<td>$26,957</td>
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<tr>
<td>American Avenue (East Side) 8' Landscape Strip (1,200 LF x 8' = 9,600 SF)</td>
<td>9,600</td>
<td>SF</td>
<td>$0.72</td>
<td>$6,912</td>
</tr>
<tr>
<td>Prescott Road 16' Center Median</td>
<td>10,500</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,740</td>
</tr>
<tr>
<td>Prescott Road Treewell and Vine Blockouts with 10' Sidewalk and Masonry Wall (56 Each 5' x 5' Treewalls + 56 each 3' x 10' vine blockouts)</td>
<td>3,080</td>
<td>SF</td>
<td>$0.72</td>
<td>$2,218</td>
</tr>
<tr>
<td>Class I Bike Trail</td>
<td>1,308</td>
<td>SF</td>
<td>$0.72</td>
<td>$942</td>
</tr>
<tr>
<td>Pelandale Avenue (North Side) Landscape Strip</td>
<td>1,996</td>
<td>SF</td>
<td>$0.72</td>
<td>$1,437</td>
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<td>Carver Road (West Side) (1, 194 L.F. x 8' = 9,552 S.F.)</td>
<td>9,552</td>
<td>SF</td>
<td>$0.72</td>
<td>$6,877</td>
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Total Annual Maintenance Costs  $53,083
B. *Pelandale-Snyder*

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Cost</th>
<th>Total</th>
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<tr>
<td>Dale Road (East Side), 12' Wide Landscape Strip (1,255 LF x 12' = 14,700 SF)</td>
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<td>SF</td>
<td>$0.72</td>
<td>$10,584</td>
</tr>
<tr>
<td>Prescott Road (East Side), 12' Wide Landscape Strip (1,225 LF x 12' = 14,700 SF)</td>
<td>14,700</td>
<td>SF</td>
<td>$0.72</td>
<td>$10,584</td>
</tr>
<tr>
<td>Prescott Road 16' Center Median</td>
<td>10,750</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,740</td>
</tr>
<tr>
<td>Tully Road (Both Sides), 12' Wide Landscape Strip (2,650 LF x 12' = 21,800 SF)</td>
<td>31,800</td>
<td>SF</td>
<td>$0.72</td>
<td>$22,896</td>
</tr>
<tr>
<td>Tully Road 16' Center Median</td>
<td>10,750</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,740</td>
</tr>
<tr>
<td>Class I Bike Trail</td>
<td>8,820</td>
<td>SF</td>
<td>$0.72</td>
<td>$6,350</td>
</tr>
<tr>
<td>Pelandale Avenue (South Side)</td>
<td>10,400</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,488</td>
</tr>
<tr>
<td>Carver West Side Back-up Lots South of Pelandale Avenue (515 L.F. x 5' = 2,575)</td>
<td>2,575</td>
<td>SF</td>
<td>$0.72</td>
<td>$1,854</td>
</tr>
<tr>
<td>Landscaping Surrounding Storm Drain Basins</td>
<td>35,000</td>
<td>SF</td>
<td>$0.72</td>
<td>$25,200</td>
</tr>
</tbody>
</table>

**Total Annual Maintenance Costs**

$100,436

The description of facilities and services, as set forth herein, is general in nature. The final nature and location of improvements will be determined upon the preparation of final plans and specifications.
APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

BOUNDARY MAP
PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

Basis of Record:
The bearings of survey will be given in the deed of survey, as shown in Book 33 of Surveys at page 15, Stanislaus County Records. This is used as the basis for all boundaries shown herein.

Note:
The distances shown herein are field distances multiplied by the grid factor (9950.00') to obtain grid distances.

Surveyor's Statement:
This map was prepared by me or under my direction and is based on information of record as noted on the map. I hereby state that the map substantially conforms to the requirements for a community facilities district map as prescribed in Division 6 of the Streets and Highways Code.

Dated this Day of , 1998

Roy A. Galli, R.C.E. 16084

Filed in the Office of the County Clerk of the County of Stanislaus, State of California, and recorded in Book A of Maps of Assessment and Community Facilities Districts, at page , in the Office of the County Recorder of the County of Stanislaus, State of California.

Recorder's Statement:
Filed this Day of , 1998, at the hour of , o'clock A.M., under the instrument No. , in Book of Maps of Assessment and Community Facilities Districts, at page , in the Office of the County Recorder of the County of Stanislaus, State of California.

Karen Mathey, County Recorder of the County of Stanislaus, State of California

Deputy

mid-valley engineering

Land Planning - Engineering - Surveying
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

[Diagram of proposed boundaries with measurements and coordinates]
PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1993-2 (CARVER-BRINGS/PELANDALE-SNYDER), COUNTY OF STANISLAUS, STATE OF CALIFORNIA
APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

RATE AND METHOD OF APPORTIONMENT OF
SPECIAL TAX AND REIMBURSEMENTS
EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-2 (herein “CFD No. 1998-2”) shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1998-2 unless a separate Rate and Method of Apportionment of Special Tax and Reimbursements is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Administration Component" means that portion of the Facilities Special Tax which must be paid (i.e., is not subject to fee credits) prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure. The revenue collected from the Administration Component will be used by the City to pay annual expenses, consultants' fees, and staff time associated with administering the CFD, monitoring the Authorized Facilities and effecting reimbursements, including but not limited to the following: (i) tracking development in the CFD, (ii) preparing the tax roll for the Annual Maintenance Special Tax, (iii) calculating and collecting the Facilities Special Tax, (iv) engineering, (v) planning, (vi) legal services, and (vii) acquisition and construction of land and improvements associated with the Authorized Facilities.

"Administrator" shall mean the person(s) or firm(s) designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.
“Assessor’s Parcel” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor’s Parcel number.

“Authorized Facilities” or “Authorized Facility” means those public improvements (including portions of such public improvements) to be funded by CFD No. 1998-2 as identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements, including appurtenant expenses such as planning, design, engineering and inspection.

“Buildable Lot” means an individual numbered lot which is in its final configuration and for which a building permit may be issued.

“CFD Costs” means the total amount shown in the CFD Public Report to cover costs associated with CFD formation, CFD administration, and engineering, legal services, planning and geotechnical studies related to the Authorized Facilities.

“CFD Public Report” means the report filed with the City Clerk on behalf of CFD No. 1998-2 pursuant to Section 53321.5 of the Mello-Roos Community Facilities Act of 1982.

“Church Property” means any Parcel within the CFD that is exempt from ad valorem property taxes because it is owned by a religious organization.

“City” means the City of Modesto.

“Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-2.

“Credit/Reimbursement Amount” means the sum of the portion of the CFD Costs and the costs of Authorized Facilities that have been paid in advance by a builder/developer and have not yet been reimbursed to that builder/developer through one of the following: (i) the application of Special Tax Credits (as defined below) or (ii) payments to the builder/developer from Facilities Special Taxes collected from other builders/developers in the CFD. The Credit/Reimbursement Amount outstanding at any point in time will be determined pursuant to Section D below.

“Facilities Special Tax” means a Special Tax collected by the City to pay for one or more of the following: (i) the costs of Authorized Facilities and CFD Costs, (ii) to reimburse a builder/developer who has an outstanding Credit/Reimbursement Amount, and (iii) if all Authorized Facilities have been completed, to pay for maintenance authorized to be funded by the CFD.

“Final Map” means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.).
"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

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

"Non-Residential Property" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

"Order of Priority" means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority. The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Original Parcel" means an Assessor’s Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

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

"Reimbursable Cost" means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

"Special Tax Credit" means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

"Subdivided Property" means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

"Successor Parcel" means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.
"Taxable Property" means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

"Tax Area A" means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Tax Area B" means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor’s Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor’s Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map;
Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel's share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. **Annual Maintenance Special Tax**

All Subdivided Property within the CFD shall be subject to an Annual Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-Bangs/PELANDALE-SNYDER)
FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Tax Area A (Carver-Bangs)</th>
<th>Tax Area B (Pelandale-Snyder)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$118 per unit</td>
<td>$92 per unit</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$945 per Acre</td>
<td>$733 per Acre</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>$945 per Acre</td>
<td>$733 per Acre</td>
</tr>
</tbody>
</table>

* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

*At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.*

The following steps shall be applied to implement the credit/reimbursement program:

*On an Ongoing Basis*

- In January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.
The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

The Administrator will keep track of which Authorized Facilities shown in Attachment 1 have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.

When a Final Map is Approved by the City Council:

**Step 1.** The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

**Step 2.** The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

**Step 3.** By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

**Step 4.** Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.
Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

Step 1. If there is an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

Step 1a. Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;

Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first);

Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

• If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

• If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared

City of Modesto CFD No. 1998-2 8 November 25, 1998
for multiple Parcels at one time, the builder/developer may use up the remaining Credit/Reimbursement Amount by taking Special Tax Credits against the first lots to develop and pay the remaining balance when the subsequent lots develop. The Administrator shall update the CFD records to reflect a zero Credit/Reimbursement Amount for that builder/developer.

Step 2. If there is not an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- If there are outstanding Credit/Reimbursement Amounts, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the “Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2” (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a “Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2” was issued to each
builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

If there are no outstanding Credit/Reimbursement Amounts due any builder/developer, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The maximum Facilities Special Tax determined pursuant to Section C above shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure within CFD No. 1998-2 and shall be immediately delinquent if not so paid.

2. Annual Maintenance Special Tax

Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1;
Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 on all Subdivided Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes levied on the County tax roll.

In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of...
1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
ATTACHMENT 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority
- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority
- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modest Irrigation District lateral No. 6

Third Priority
- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority
- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)
- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modesto Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)
- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal
## ATTACHMENT 2
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
MAXIMUM FACILITIES SPECIAL TAX

<table>
<thead>
<tr>
<th></th>
<th>Carver-Bangs</th>
<th>Pelandale-Snyder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure Costs, other than Storm Drainage</td>
<td>$986,097</td>
<td>$3,043,306</td>
</tr>
<tr>
<td>Plus: Administration 7.00%</td>
<td>$69,027</td>
<td>$213,031</td>
</tr>
<tr>
<td>Subtotal, Costs other than Storm Drainage</td>
<td>$1,055,124</td>
<td>$3,256,337</td>
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<tr>
<td>Storm Drainage Costs</td>
<td>$1,494,750</td>
<td>$4,389,042</td>
</tr>
<tr>
<td>Plus: Administration 7.00%</td>
<td>$104,633</td>
<td>$307,233</td>
</tr>
<tr>
<td>Subtotal, Storm Drainage Costs</td>
<td>$1,599,383</td>
<td>$4,696,275</td>
</tr>
<tr>
<td><strong>Total Costs Assigned to Tax Area</strong></td>
<td>$2,654,506</td>
<td>$7,952,612</td>
</tr>
</tbody>
</table>

| Total Net Acreage Contributing to Non-Drainage Facilities | 137.44 | 298.40 |
| One-Time Special Tax per Net Acre for non-Drainage       | $7,677 | $10,913 |
| Total Net Acreage Contributing to Storm Drainage         | 137.44 | 317.73 |
| One-Time Special Tax per Net Acre for Storm Drainage     | $11,637| $14,781 |

<table>
<thead>
<tr>
<th>Assessor Parcel No.</th>
<th>Property Owner</th>
<th>Net Acreage</th>
<th>1998 Maximum Facilities Special Tax/1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tax Area A. Carver-Bangs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>78 12 02</td>
<td>Calvary Chapel</td>
<td>0.89</td>
<td>$17,189</td>
</tr>
<tr>
<td>78 18 23</td>
<td>Calvary Chapel</td>
<td>14.19</td>
<td>$274,065</td>
</tr>
<tr>
<td>78 18 24</td>
<td>William Han</td>
<td>28.90</td>
<td>$558,173</td>
</tr>
<tr>
<td>78 18 14</td>
<td>Lowry, Luscher, Donovan</td>
<td>22.60</td>
<td>$436,495</td>
</tr>
<tr>
<td>46 07 15</td>
<td>Kaufman &amp; Broad</td>
<td>16.39</td>
<td>$316,555</td>
</tr>
<tr>
<td>46 07 16</td>
<td>Elaine Fowler</td>
<td>18.11</td>
<td>$349,775</td>
</tr>
<tr>
<td>46 07 18</td>
<td>Ronald Malik</td>
<td>8.75</td>
<td>$168,997</td>
</tr>
<tr>
<td>46 07 19</td>
<td>Ronald Malik</td>
<td>19.30</td>
<td>$372,759</td>
</tr>
<tr>
<td>46 07 20</td>
<td>Ronald Malik</td>
<td>8.31</td>
<td>$160,499</td>
</tr>
<tr>
<td><strong>Total, Carver-Bangs</strong></td>
<td></td>
<td>137.44</td>
<td>$2,654,506</td>
</tr>
</tbody>
</table>

| **Tax Area B. Pelandale-Snyder** |                               |             |                                       |
| 78 18 06            | TRS Enterprises               | 35.45       | $910,830                              |
| 78 18 07            | Vossoughi Investments        | 18.67       | $479,695                              |
| 78 18 22            | Rodney K. Lowe, Inc.         | 18.35       | $471,473                              |
| 78 18 28            | Corn-Harris Development      | 20.62       | $529,797                              |
| 78 18 12            | Resource Development         | 24.08       | $618,696                              |
| 46 07 17            | Marlene Johnston, et. al.    | 16.22       | $416,746                              |
| 46 07 11            | Verna Mae Johnson Trust      | 17.95       | $461,196                              |
| 46 07 12            | William P. Couture           | 35.65       | $915,969                              |
| 46 07 22            | Red Rock Ranch               | 13.05       | $335,298                              |
| 46 07 09            | Walker Family Partnership    | 26.90       | $691,152                              |
| 46 07 07            | Resource Development         | 13.89       | $356,881                              |
| 46 07 06            | Resource Development         | 4.58        | $117,676                              |
| 46 07 08            | Brent & Diana Holtz          | 18.62       | $478,411                              |
| 46 03 02            | Big Valley Grace Comm. Church| 7.20        | $184,992                              |
| 46 03 06            | Big Valley Grace Comm. Church| 9.07        | $233,039                              |
| 46 03 07            | Big Valley Grace Comm. Church| 18.10       | $465,050                              |
| 46 03 09            | Big Valley Grace Comm. Church| 19.33       | $285,711                              |
| **Total, Pelandale-Snyder** |                               | 317.73      | $7,952,612                            |

/1 Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.
COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "A"

C.F.D. 1998-2
(CARVER-BANGS/
PELANDALE-SNYDER)

ATTACHMENT 3A
APPENDIX C

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

DETAILED FACILITY COST ESTIMATES
CARVER-BANGS
(TAX AREA A)

DETAILED FACILITY COST ESTIMATES
CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS

A. C.F.D. FEE PER NET ACRE

$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE ======>

$17,640

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE ===>

$715

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYKENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A. STORM DRAINAGE $1,494,750
B. PRESCOTT ROAD $145,422
C. AMERICAN AVENUE $24,033
D. BANGS AVENUE $254,305
E. CARVER ROAD $57,270
F. AMERICAN AVENUE CANAL CROSSING $295,066
G. CLASS I BIKE TRAIL $142,500
H. FORMATION COSTS $67,500

TOTAL CFD COSTS $2,480,847

NOTE:
1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVELY WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF PELANDALE-SNYDER
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>30&quot; STORM</td>
<td>2,549</td>
<td>LF</td>
<td>$100.00</td>
<td>$254,900</td>
</tr>
<tr>
<td>2.</td>
<td>36&quot; STORM</td>
<td>1,279</td>
<td>LF</td>
<td>$121.00</td>
<td>$154,759</td>
</tr>
<tr>
<td>3.</td>
<td>48&quot; STORM</td>
<td>597</td>
<td>LF</td>
<td>$161.00</td>
<td>$96,117</td>
</tr>
<tr>
<td>4.</td>
<td>SHARE OF 54&quot; STORM DRAIN TO BASIN</td>
<td>46</td>
<td>LF</td>
<td>$182.00</td>
<td>$8,372</td>
</tr>
<tr>
<td>5.</td>
<td>MANHOLES</td>
<td>14</td>
<td>EA</td>
<td>$5,750.00</td>
<td>$80,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$594,648</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10% CONTINGENCY $59,465</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES $654,113</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$484,962</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10% CONTINGENCY $48,496</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL STORM DRAIN BASIN FACILITIES $533,459</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$64,436</td>
</tr>
</tbody>
</table>
C. LAND ACQUISITION

1. LAND PURCHASE
2. ADMINISTRATION

29.61% of total cost of $1,030,239 = $305,054
LUMP SUM LS $2,125,00 $2,125

TOTAL LAND ACQUISITION ===> $307,179

GRAND TOTAL ===> $1,494,750

NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURtenANCE WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER
CARVER / BANGS

357.48
151.80

TOTAL GROSS ACRES ===> 509.26

B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 = 29.81%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DRAIN DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING. DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. CONSTRUCTION (20' CFD PORTION)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. CLEARING AND GRADING</td>
<td>24,675</td>
<td>SF</td>
<td>$0.60</td>
<td>$14,805</td>
</tr>
<tr>
<td>2. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)</td>
<td>24,675</td>
<td>SF</td>
<td>$2.00</td>
<td>$49,350</td>
</tr>
<tr>
<td>3. STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. CATCH BASINS</td>
<td>4</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td>b. 12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>200</td>
<td>LF</td>
<td>$30.00</td>
<td>$6,000</td>
</tr>
<tr>
<td>c. MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td>4. PRIME COAT</td>
<td>24,675</td>
<td>SF</td>
<td>$0.02</td>
<td>$494</td>
</tr>
<tr>
<td>5. STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COST)</td>
<td>1 EST</td>
<td></td>
<td>$3,207.75</td>
<td>$3,208</td>
</tr>
<tr>
<td>CONSTRUCTION TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$81,856</td>
</tr>
<tr>
<td>15% CONTINGENCY</td>
<td></td>
<td></td>
<td></td>
<td>$12,278</td>
</tr>
<tr>
<td>TOTAL PRESCOTT ROAD CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td>$94,135</td>
</tr>
<tr>
<td>B. FEES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$5,648.08</td>
<td>$5,648</td>
</tr>
<tr>
<td>2. STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$2,824.04</td>
<td>$2,824</td>
</tr>
<tr>
<td>3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$3,765.39</td>
<td>$3,765</td>
</tr>
<tr>
<td>TOTAL FEES</td>
<td></td>
<td></td>
<td></td>
<td>$12,238</td>
</tr>
<tr>
<td>C. LAND ACQUISITION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. RIGHT-OF-WAY DEDICATION</td>
<td>0.57</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$37,050</td>
</tr>
<tr>
<td>2. RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>TOTAL LAND ACQUISITION</td>
<td></td>
<td></td>
<td></td>
<td>$39,050</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$145,422</td>
</tr>
</tbody>
</table>

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
**NOTES:**

1. **Based on City Policy,** the portion of the roadway improvements above and beyond the adjacent developers' responsibility is included in the CFD program. The CFD portion gets wider as the road section flares at the Prescott/Bangs and Prescott/Pelandale intersections.

2. **Based on City Policy,** 40' of improvements are constructed by the adjoining development. The 40' section is constant at the flared intersections.

3. **The standard City cross section for a minor collector street is 60' total. Collector streets are entirely constructed by the adjoining development.**

4. **The remaining portion that is not funded by the city's CFD program and is not within the standard 60' minor collector section is included within the CFD.**

**FIGURE 2**

**CARVER BANGS**

**CFD FORMATION**
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE (2' CFD PORTION HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 3)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>CONSTRUCTION (CFD PORTION)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>2,535</td>
<td>SF</td>
<td>$0.35</td>
<td>$887</td>
</tr>
<tr>
<td>2.</td>
<td>PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)</td>
<td>2,535</td>
<td>SF</td>
<td>$1.75</td>
<td>$4,436</td>
</tr>
<tr>
<td>3.</td>
<td>STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>b. 12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>c. MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td>4.</td>
<td>PRIME COAT</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$100.00</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$300.00</td>
<td>$300</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL =====> $14,724
15% CONTINGENCY =====> $2,209
TOTAL PRESCOTT ROAD CONSTRUCTION =====> $16,932

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 | EST | $1,015.92 | $1,016 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $507.96 | $508 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $677.28 | $677 |

TOTAL FEES =====> $2,201

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 0.06 | AC | $65,000.00 | $3,900 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $1,000.00 | $1,000 |

TOTAL LAND ACQUISITION =====> $4,900

GRAND TOTAL =====> $24,033

NOTES:
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 3).
2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.
3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
AMERICAN AVENUE SECTION
(MID-BLOCK-LOOKING NORTH)

R.O.W. AT MID-BLOCK

64'

4' 8' 6' 14' 14' 6' 8' 4'
SIDE-WALK LANDSCAPED AREA BIKE LANE TRAVEL LANE TRAVEL LANE BIKE LANE LANDSCAPED SIDE-WALK

2'

30°

NOTES:

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFD PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

FIGURE 3
CARVER BANGS
CFD FORMATION
CARVER-Bangs SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BANGS AVENUE (9' CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350' C.L. TO C.L.)
(REFERENCE FIGURE 4)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>CONSTRUCTION (CFD PORTION)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>48,150</td>
<td>SF</td>
<td>$0.35</td>
<td>$16,853</td>
</tr>
<tr>
<td>2.</td>
<td>PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)</td>
<td>48,150</td>
<td>SF</td>
<td>$1.75</td>
<td>$84,263</td>
</tr>
<tr>
<td>3.</td>
<td>STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>CATCH BASINS</td>
<td>7</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$7,000</td>
</tr>
<tr>
<td>b.</td>
<td>12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>350</td>
<td>LF</td>
<td>$30.00</td>
<td>$10,500</td>
</tr>
<tr>
<td>c.</td>
<td>MANHOLES</td>
<td>7</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$14,000</td>
</tr>
<tr>
<td>4.</td>
<td>PRIME COAT</td>
<td>48,150</td>
<td>SF</td>
<td>$0.02</td>
<td>$963</td>
</tr>
<tr>
<td>5.</td>
<td>STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>1</td>
<td>EST</td>
<td>$5,055.75</td>
<td>$5,056</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL ==>>> $138,634
15% CONTINGENCY ==>>> $20,795
TOTAL PRESCOTT ROAD CONSTRUCTION ==>>> $159,429

B. FEES  
1. ENGINEERING (6% OF CONSTRUCTION TOTAL)  
2. STAKING (3% OF CONSTRUCTION TOTAL)  
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)

TOTAL FEES ==>>> $20,726

C. LAND ACQUISITION  
1. RIGHT-OF-WAY DEDICATION | 1.11 AC | $65,000.00 | $72,150 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM LS | $2,000.00 | $2,000 |

TOTAL LAND ACQUISITION ==>>> $74,150
GRAND TOTAL ==>>> $254,305

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 4).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
BANGS AVENUE SECTION
(MID-BLOCK LOOKING EAST)

NOTES:

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFD PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

FIGURE 4
CARVER BANGS
CFD FORMATION
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CARVER ROAD (9' CFD PORTION, HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE
(REFERENCE FIGURE 5)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>CONSTRUCTION (6' CFD PORTION)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>9,900</td>
<td>SF</td>
<td>$0.35</td>
<td>$3,465</td>
</tr>
<tr>
<td>2.</td>
<td>PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)</td>
<td>9,900</td>
<td>SF</td>
<td>$1.75</td>
<td>$17,325</td>
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<tr>
<td>3.</td>
<td>STORM DRAINAGE</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a.</td>
<td>CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>b.</td>
<td>12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td>c.</td>
<td>MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td>4.</td>
<td>PRIME COAT</td>
<td>9,900</td>
<td>SF</td>
<td>$0.02</td>
<td>$198</td>
</tr>
<tr>
<td>5.</td>
<td>STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>1</td>
<td>EST</td>
<td>$1,039.50</td>
<td>$1,040</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL ===========> $31,028
15% CONTINGENCY ===========> $4,654
TOTAL PRESCOTT ROAD CONSTRUCTION ===========> $35,682

B. FEES
1. ENGINEERING (5% OF CONSTRUCTION TOTAL) | 1 EST | $2,140.90 | $2,141 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 EST | $1,070.45 | $1,070 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 EST | $1,427.27 | $1,427 |

TOTAL FEES ===========> $4,639

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 0.23 | AC | $65,000.00 | $14,950 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $2,000.00 | $2,000 |

TOTAL LAND ACQUISITION ===========> $16,950
GRAND TOTAL ===========> $57,270

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
CARVER ROAD SECTION
(MID-BLOCK LOOKING NORTH)

NOTES:
1. Based on city policy, the portion of the roadway improvements above and beyond the adjacent developers responsibility is included in the CFD program. The CFD portion gets wider as the road section flares at the Prescott/Bangs and Prescott/Pelandale intersections.

2. Based on city policy, 40' of improvements are constructed by the adjoining development. The 40' section is constant at the flared intersections.

3. The standard city cross section for a minor collector street is 60' total. Collector streets are entirely constructed by the adjoining development.

4. The remaining portion that is not funded by the city's CFD program and is not within the standard 60' minor collector section is included within the CFD.

FIGURE 5
CARVER BANGS
CFD FORMATION
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

### A. CONSTRUCTION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$15,000.00</td>
<td>$15,000</td>
</tr>
<tr>
<td>2.</td>
<td>EARTHWORK</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$23,750.00</td>
<td>$23,750</td>
</tr>
<tr>
<td>3.</td>
<td>CAST-IN-PLACE REINFORCED CONCRETE 4.5' x 12' DOUBLE BOX CULVERT</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$125,000.00</td>
<td>$125,000</td>
</tr>
<tr>
<td>4.</td>
<td>INLET STRUCTURE</td>
<td>1 EA</td>
<td></td>
<td>$21,200.00</td>
<td>$21,200</td>
</tr>
<tr>
<td>5.</td>
<td>OUTLET STRUCTURE</td>
<td>1 EA</td>
<td></td>
<td>$21,200.00</td>
<td>$21,200</td>
</tr>
<tr>
<td>6.</td>
<td>FENCING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$4,370.00</td>
<td>$4,370</td>
</tr>
<tr>
<td>7.</td>
<td>UTILITY RELOCATION</td>
<td>1 EST</td>
<td></td>
<td>$10,000.00</td>
<td>$10,000</td>
</tr>
<tr>
<td></td>
<td>CONSTRUCTION TOTAL =========&gt;</td>
<td></td>
<td></td>
<td>$220,520</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15% CONTINGENCY =========&gt;</td>
<td></td>
<td></td>
<td>$33,078</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING =========&gt;</td>
<td></td>
<td></td>
<td>$253,598</td>
<td></td>
</tr>
</tbody>
</table>

### B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$15,215.88</td>
<td>$15,216</td>
</tr>
<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$7,607.94</td>
<td>$7,608</td>
</tr>
<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$10,143.92</td>
<td>$10,144</td>
</tr>
<tr>
<td>4.</td>
<td>GEOTECHNICAL</td>
<td>1 EST</td>
<td></td>
<td>$5,000.00</td>
<td>$5,000</td>
</tr>
<tr>
<td>5.</td>
<td>MID PERMITTING</td>
<td>1 EST</td>
<td></td>
<td>$3,500.00</td>
<td>$3,500</td>
</tr>
<tr>
<td></td>
<td>TOTAL FEES =========&gt;</td>
<td></td>
<td></td>
<td>$41,468</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GRAND TOTAL =========&gt;</td>
<td></td>
<td></td>
<td>$295,066</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:**

1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN.
M.I.D. LATERAL NO. 6
AMERICAN AVENUE CANAL CROSSING

FIGURE 6
CARVER BANGS
CFD FORMATION
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

ITEM DESCRIPTION QUAN. UNIT UNIT COST AMOUNT

I. DESIGN PARAMETERS
1. INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN
2. TOTAL LENGTH 2180 L.F. OR 0.413 MILES
3. THE CITY’S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:

Existing CFF Portion
0.413 Miles x $105,600 = $43,613

II. CLASS I BIKE TRAIL

A. CONSTRUCTION
1. 8’ BIKE PATH
   17,440 SF $2.00 $34,880
2. 2’ GRAVEL SHOULDER EACH SIDE (2” DECOMPOSED GRANITE)
   8,720 SF $0.30 $2,616
3. 4-6' FENCE
   2,180 LF $16.00 $34,880
4. PEDESTRIAN ACCESS CROSSING
   LUMP SUM LS $50,000.00 $50,000

CONSTRUCTION TOTAL =========== $122,376

10% CONTINGENCY =========== $12,238

TOTAL BIKE PATH =========== $134,614

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL)
   1 EST $8,076.82 $8,077
2. STAKING (3% OF CONSTRUCTION TOTAL)
   1 EST $4,038.41 $4,038
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)
   1 EST $5,384.54 $5,385

TOTAL FEES =========== $17,500

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION (10’ WIDE; ASSUME 2’ JOINT USE OF EXISTING MID RIGHT-OF-WAY)
   0.50 AC $65,000.00 $32,500
2. RIGHT-OF-WAY ADMINISTRATION
   LUMP SUM LS $1,500.00 $1,500

TOTAL LAND ACQUISITION =========== $34,000

GRAND TOTAL =========== $186,113

CFF PORTION =========== $43,613

TOTAL CARVER BANGS CFD PORTION =========== $142,500
CLASS 1 BIKE PATH / PEDESTRIAN ACCESS CROSSING OF M.I.D. NO. 6

M.I.D. R/W

4'-6' FENCE

CHANNEL

6' NEIGHBORHOOD FENCE

2' 8' 2'
Bike Trail

2'

12'
Bike Trail

FIGURE 7
CARVER BANGS CF D FORMATION
PELANDALE-SNYDER
(TAX AREA B)

DETAILED FACILITY COST ESTIMATES
PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)  
COMMUNITY FACILITIES  
DISTRICT FORMATION  
COST SUMMARY

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. STORM DRAINAGE</td>
<td>$4,389,042</td>
</tr>
<tr>
<td>B. DALE ROAD</td>
<td>$531,075</td>
</tr>
<tr>
<td>C. PRESCOTT ROAD</td>
<td>$628,297</td>
</tr>
<tr>
<td>D. TULLY ROAD</td>
<td>$1,011,016</td>
</tr>
<tr>
<td>E. SNYDER AVENUE</td>
<td>$52,743</td>
</tr>
<tr>
<td>F. CLASS I BIKE TRAIL</td>
<td>$752,675</td>
</tr>
<tr>
<td>G. FORMATION COSTS</td>
<td>$67,500</td>
</tr>
</tbody>
</table>

TOTAL CFD COSTS => $7,432,348

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE EST $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLU WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.
PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)  
COMMUNITY FACILITIES  
DISTRICT FORMATION  
COST SUMMARY

<table>
<thead>
<tr>
<th>A. STORM DRAINAGE</th>
<th>4,389,042</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. DALE ROAD</td>
<td>531,075</td>
</tr>
<tr>
<td>C. PRESCOTT ROAD</td>
<td>628,297</td>
</tr>
<tr>
<td>D. TULLY ROAD</td>
<td>1,011,016</td>
</tr>
<tr>
<td>E. SNYDER AVENUE</td>
<td>52,743</td>
</tr>
<tr>
<td>F. CLASS I BIKE TRAIL</td>
<td>752,675</td>
</tr>
<tr>
<td>G. FORMATION COSTS</td>
<td>67,500</td>
</tr>
</tbody>
</table>

TOTAL CFD COSTS 7,943,538

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTEANCES
(REFERENCE FIGURE 1)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. 36&quot; STORM</td>
<td>400</td>
<td>LF</td>
<td>$121.00</td>
<td>$48,400</td>
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<tr>
<td></td>
<td>2. 42&quot; STORM</td>
<td>1,874</td>
<td>LF</td>
<td>$155.00</td>
<td>$290,470</td>
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<tr>
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<td>3. 48&quot; STORM</td>
<td>3,661</td>
<td>LF</td>
<td>$161.00</td>
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<tr>
<td></td>
<td>4. 54&quot; STORM</td>
<td>5,242</td>
<td>LF</td>
<td>$182.00</td>
<td>$954,044</td>
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<td></td>
<td>5. PROPORTIONATE SHARE 54&quot; TO BASIN</td>
<td>108</td>
<td>LF</td>
<td>$182.00</td>
<td>$19,656</td>
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<td></td>
<td>6. MANHOLES</td>
<td>29</td>
<td>EA</td>
<td>$5,750.00</td>
<td>$166,750</td>
</tr>
</tbody>
</table>

SUB-TOTAL STORM DRAIN TRUNK LINES =====> $2,068,741

10% CONTINGENCY =====> $206,874

TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====> $2,275,615

II. STORM DRAINAGE BASIN FACILITIES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.</td>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. STORM DRAIN BASIN EXCAVATION</td>
<td>100,372</td>
<td>CY</td>
<td>$6.00</td>
<td>$602,232</td>
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<tr>
<td></td>
<td>2. STORM DRAIN PUMP STATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$389,555.00</td>
<td>$389,555</td>
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<tr>
<td></td>
<td>3. STORM DRAIN PIPING (PLUS JACK &amp; BORE)</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$21,057.00</td>
<td>$21,057</td>
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<tr>
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<td>4. FENCING</td>
<td>2,890</td>
<td>LF</td>
<td>$16.00</td>
<td>$46,240</td>
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<tr>
<td></td>
<td>5. LANDSCAPING</td>
<td>13,170</td>
<td>SF</td>
<td>$2.80</td>
<td>$36,876</td>
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<tr>
<td></td>
<td>6. INLETS</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$7,019.00</td>
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<tr>
<td></td>
<td>6. CLEARING / DISCING / STRIPPING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$7,019.00</td>
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</tr>
</tbody>
</table>

SUB-TOTAL  $1,109,998

10% CONTINGENCY =====> $111,000

TOTAL STORM DRAIN BASIN FACILITIES =====> $1,220,998
### Pelandale-Snyder Specific Plan Area

**Community Facilities District**

**Preliminary Engineer's Estimate**

October 23, 1998

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. FEES</td>
<td>ENGINEERING</td>
<td>1</td>
<td>EST</td>
<td>$70,192.00</td>
<td>$70,192</td>
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<tr>
<td></td>
<td>STAKING</td>
<td>1</td>
<td>EST</td>
<td>$34,746.00</td>
<td>$34,746</td>
</tr>
<tr>
<td></td>
<td>CONSTRUCTION MANAGEMENT</td>
<td>1</td>
<td>EST</td>
<td>$46,796.00</td>
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<tr>
<td></td>
<td>GEOTECHNICAL</td>
<td>1</td>
<td>EST</td>
<td>$12,635.00</td>
<td>$12,635</td>
</tr>
</tbody>
</table>

**TOTAL FEES** => $164,369

<table>
<thead>
<tr>
<th>D. LAND ACQUISITION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. LAND PURCHASE</td>
<td>70.39% OF TOTAL COST OF $1,030,239 =</td>
<td></td>
<td></td>
<td>$725,185</td>
</tr>
<tr>
<td>2. ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,875.00</td>
<td>$2,875</td>
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</tbody>
</table>

**TOTAL LAND ACQUISITION** => $728,060

**PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL** => $4,389,042

**NOTES:**

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTEINANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENT THE FORMULA USED FOR CONSTRUCTION AND FEES:

   **A. GROSS ACREAGE SUMMARY**

   **PELANDALE / SNYDER**
   
   CARVER / BANGS
   
   TOTAL GROSS ACRES => 509.25

   **B. PELANDALE / SNYDER PROPORTIONATE SHARE**

   357.46 / 509.25 = 70.19%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER A CARVER BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA, GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
SNYDER AVENUE TO PELANDALE AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. DALE ROAD CENTER 20 FEET</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. SAWCUT AND REMOVE EXISTING PAVEMENT</td>
<td>26,400</td>
<td>SF</td>
<td>$1.50</td>
<td>$39,600</td>
<td></td>
</tr>
<tr>
<td>2. MEDIAN CURB</td>
<td>2,690</td>
<td>LF</td>
<td>$15.00</td>
<td>$40,350</td>
<td></td>
</tr>
<tr>
<td>3. MEDIAN COVER</td>
<td>17,520</td>
<td>SF</td>
<td>$3.50</td>
<td>$61,320</td>
<td></td>
</tr>
<tr>
<td>4. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)</td>
<td>5,280</td>
<td>SF</td>
<td>$2.00</td>
<td>$10,560</td>
<td></td>
</tr>
<tr>
<td>5. STRIPING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$5,000.00</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CONSTRUCTION TOTAL</td>
<td>$156,830</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>10% CONTINGENCY</td>
<td>$15,683</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>TOTAL DALE ROAD CONSTRUCTION</td>
<td>$172,513</td>
</tr>
<tr>
<td>B. FEES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$10,350.78</td>
<td>$10,351</td>
<td></td>
</tr>
<tr>
<td>2. STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$5,175.39</td>
<td>$5,175</td>
<td></td>
</tr>
<tr>
<td>3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$6,900.52</td>
<td>$6,901</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL FEES</td>
<td>$22,427</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DALE ROAD CENTER 20 FEET GRAND TOTAL</td>
<td>$194,940</td>
</tr>
</tbody>
</table>
### II. EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS

#### A. CONSTRUCTION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>30,492</td>
<td>SF</td>
<td>$0.60</td>
<td>$18,295</td>
</tr>
<tr>
<td>2.</td>
<td>PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)</td>
<td>22,104</td>
<td>SF</td>
<td>$2.00</td>
<td>$44,208</td>
</tr>
<tr>
<td>3.</td>
<td>STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. 12&quot; STORM DRAIN</td>
<td>800</td>
<td>LF</td>
<td>$30.00</td>
<td>$24,000</td>
</tr>
<tr>
<td></td>
<td>b. 15&quot; STORM DRAIN</td>
<td>420</td>
<td>LF</td>
<td>$37.00</td>
<td>$15,540</td>
</tr>
<tr>
<td></td>
<td>c. CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>d. 12&quot; CATCH BASIN RUNS</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>e. MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td>4.</td>
<td>10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS</td>
<td>12,300</td>
<td>SF</td>
<td>$3.00</td>
<td>$36,900</td>
</tr>
<tr>
<td>5.</td>
<td>6&quot; VERTICAL CURB AND GUTTER</td>
<td>1,230</td>
<td>LF</td>
<td>$9.00</td>
<td>$11,070</td>
</tr>
<tr>
<td>6.</td>
<td>RETURN AT PELANDALE AVENUE</td>
<td>1</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$1,000</td>
</tr>
<tr>
<td>7.</td>
<td>ELECTROLIERS</td>
<td>3</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$10,500</td>
</tr>
<tr>
<td>8.</td>
<td>LANDSCAPING (12' WIDE STRIP)</td>
<td>14,760</td>
<td>SF</td>
<td>$2.80</td>
<td>$41,328</td>
</tr>
<tr>
<td>9.</td>
<td>SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>1</td>
<td>EST</td>
<td>$3,125.16</td>
<td>$3,125</td>
</tr>
<tr>
<td>10.</td>
<td>TRAFFIC CONTROL</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$4,500.00</td>
<td>$4,500</td>
</tr>
<tr>
<td>11.</td>
<td>TRAFFIC SIGNAL INTERCONNECT</td>
<td>1,230</td>
<td>LF</td>
<td>$10.00</td>
<td>$12,300</td>
</tr>
<tr>
<td>12.</td>
<td>PRIMECOAT</td>
<td>22,104</td>
<td>SF</td>
<td>$0.02</td>
<td>$442</td>
</tr>
</tbody>
</table>

**CONSTRUCTION TOTAL ===>** $232,208

10% CONTINGENCY ===> $23,221

**TOTAL DALE ROAD CONSTRUCTION ===>** $255,429

#### B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$15,325.76</td>
<td>$15,326</td>
</tr>
<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$7,662.88</td>
<td>$7,663</td>
</tr>
<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$10,217.17</td>
<td>$10,217</td>
</tr>
</tbody>
</table>

**TOTAL FEES ===>** $33,206

#### C. LAND ACQUISITION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>RIGHT-OF-WAY DEDICATION</td>
<td>0.70</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$45,500</td>
</tr>
<tr>
<td>2.</td>
<td>RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

**TOTAL LAND ACQUISITION ===>** $47,500

**DALE ROAD FRONTAGE GRAND TOTAL ===>** $336,135

**DALE ROAD GRAND TOTAL ===>** $531,075

**NOTE:**

1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
DALE ROAD

NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS
Snyder Avenue to Pelandale Avenue

FIGURE 2
PELANDALE SNYDER
CFD FORMATION
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>PRESCOTT ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>37,530</td>
<td>SF</td>
<td>$0.60</td>
<td>$22,518</td>
</tr>
<tr>
<td>2.</td>
<td>PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)</td>
<td>18,525</td>
<td>SF</td>
<td>$2.00</td>
<td>$37,050</td>
</tr>
<tr>
<td>3.</td>
<td>2&quot; A.C. OVERLAY (EXISTING INTERIM PRESCOTT)</td>
<td>17,100</td>
<td>SF</td>
<td>$0.60</td>
<td>$10,260</td>
</tr>
<tr>
<td>4.</td>
<td>STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>b.</td>
<td>12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td>c.</td>
<td>MANHOLES</td>
<td>1</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>5.</td>
<td>6&quot; VERTICAL CURB AND GUTTER</td>
<td>1,200</td>
<td>LF</td>
<td>$9.00</td>
<td>$10,800</td>
</tr>
<tr>
<td>6.</td>
<td>10' SIDEWALK</td>
<td>12,000</td>
<td>SF</td>
<td>$3.00</td>
<td>$36,000</td>
</tr>
<tr>
<td>7.</td>
<td>RETURNS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>8.</td>
<td>ELECTROLIERS</td>
<td>4</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$14,000</td>
</tr>
<tr>
<td>9.</td>
<td>PRIMECOAT</td>
<td>18,525</td>
<td>SF</td>
<td>$0.02</td>
<td>$371</td>
</tr>
<tr>
<td></td>
<td>CONSTRUCTION TOTAL</td>
<td></td>
<td></td>
<td>$139,999</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10% CONTINGENCY</td>
<td></td>
<td></td>
<td>$14,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL PRESCOTT ROAD CONSTRUCTION</td>
<td></td>
<td></td>
<td>$153,998</td>
<td></td>
</tr>
</tbody>
</table>

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 | EST | $9,239.90 | $9,240 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $4,619.95 | $4,620 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $6,159.93 | $6,160 |
| TOTAL FEES |       |      | $20,020  |        |

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 1.20 | AC | $65,000.00 | $78,000|
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $2,000.00 | $2,000 |
| TOTAL LAND ACQUISITION |       |      | $80,000   |        |
| PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL |       |      | $254,018  |        |
### II. PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS

#### A. CONSTRUCTION

1. **CLEARING AND GRADING**
   - QUAN.: 37,530 SF
   - UNIT: $0.60
   - AMOUNT: $22,518

2. **PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V., = 50)**
   - QUAN.: 41,400 SF
   - UNIT: $2.00
   - AMOUNT: $82,800

3. **STORM DRAINAGE**
   - **a. CATCH BASINS**
     - QUAN.: 2 EA
     - UNIT: $1,000.00
     - AMOUNT: $2,000
   - **b. 12' CATCH BASIN RUNS**
     - QUAN.: 100 LF
     - UNIT: $30.00
     - AMOUNT: $3,000
   - **c. MANHOLES**
     - QUAN.: 1 EA
     - UNIT: $2,000.00
     - AMOUNT: $2,000

4. **6' VERTICAL CURB AND GUTTER**
   - QUAN.: 1,200 LF
   - UNIT: $9.00
   - AMOUNT: $10,800

5. **10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS**
   - QUAN.: 12,000 SF
   - UNIT: $3.00
   - AMOUNT: $36,000

6. **RETURNS**
   - QUAN.: 4 EA
   - UNIT: $800.00
   - AMOUNT: $3,200

7. **ELECTROLIERS**
   - QUAN.: 3 EA
   - UNIT: $3,500.00
   - AMOUNT: $10,500

8. **LANDSCAPING (12' WIDE STRIP)**
   - QUAN.: 14,400 SF
   - UNIT: $2.80
   - AMOUNT: $40,320

9. **SIGNAGE AND STRIPING**
   - (5% OF GRADING AND PAVEMENT COST)
   - QUAN.: 1 EST
   - UNIT: $5,265.90
   - AMOUNT: $5,266

10. **TRAFFIC CONTROL**
    - UNIT: LUMP SUM
    - QUAN.: $2,500.00
    - AMOUNT: $2,500

11. **TRAFFIC SIGNAL INTERCONNECT**
    - QUAN.: 1,200 LF
    - UNIT: $10.00
    - AMOUNT: $12,000

12. **PRIMECOAT**
    - QUAN.: 41,400 SF
    - UNIT: $0.02
    - AMOUNT: $828

**CONSTRUCTION TOTAL**

$$= \$233,732$$

10% **CONTINGENCY**

$$= \$23,373$$

**TOTAL PRESCOTT ROAD CONSTRUCTION**

$$= \$257,105$$

#### B. FEES

1. **ENGINEERING (6% OF CONSTRUCTION TOTAL)**
   - QUAN.: 1 EST
   - UNIT: $15,426.31
   - AMOUNT: $15,426

2. **STAKING (3% OF CONSTRUCTION TOTAL)**
   - QUAN.: 1 EST
   - UNIT: $7,713.15
   - AMOUNT: $7,713

3. **CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)**
   - QUAN.: 1 EST
   - UNIT: $10,284.20
   - AMOUNT: $10,284

**TOTAL FEES**

$$= \$33,424$$

#### C. LAND ACQUISITION

1. **RIGHT-OF-WAY DEDICATION**
   - QUAN.: 1.25 AC
   - UNIT: $65,000.00
   - AMOUNT: $81,250

2. **RIGHT-OF-WAY ADMINISTRATION**
   - UNIT: LUMP SUM
   - QUAN.: $2,500.00
   - AMOUNT: $2,500

**TOTAL LAND ACQUISITION**

$$= \$83,750$$

**PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL**

$$= \$374,279$$

**PRESCOTT ROAD GRAND TOTAL**

$$= \$628,297$$
NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
PRESCOTT ROAD

SNYDER AVENUE TO PELANDALE AVENUE

FIGURE 3
PELANDALE SNYDER
CFD FORMATION
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PE LANDALE AVENUE (1,450’ C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
</table>

I. TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)

A. CONSTRUCTION

1. CLEARING AND GRADING 87,245 SF $0.60 $52,347
2. PAVEMENT (0.50’ A.C. OVER 0.65’ A.B., T.I. = 10, R.V. = 50) 81,410 SF $2.00 $162,820
3. STORM DRAINAGE
   a. CATCH BASINS 4 EA $1,000.00 $4,000
   b. 12” STORM DRAIN 600 LF $30.00 $18,000
   c. 12” CATCH BASIN RUNS 200 LF $30.00 $6,000
   d. MANHOLES 3 EA $2,000.00 $6,000
4. 6” VERTICAL CURB AND GUTTER 2,432 LF $9.00 $21,888
5. 10’ SIDEWALK 24,320 SF $3.00 $72,960
6. REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD 717 LF $20.00 $14,340
7. CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.) LUMP SUM LS $20,000.00 $20,000
8. ELECTROLIERS 9 EA $3,500.00 $31,500
9. SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST) 1 EST $10,758.35 $10,758
10. TRAFFIC CONTROL LUMP SUM LS $7,000.00 $7,000
11. TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY) 1,400 LF $10.00 $14,000
12. RELOCATE OVERHEAD POWER LINES 4 EA $7,000.00 $28,000
13. LANDSCAPING (12’ WIDE STRIP BOTH SIDES) 36,996 SF $2.80 $103,589
14. PRIMECOAT 81,410 SF $0.02 $1,628

CONSTRUCTION TOTAL =====> $574,830
15% CONTINGENCY =====> $86,225

TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE =====> $661,055
ITEM DESCRIPTION QUAN. UNIT UNIT COST AMOUNT

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) 1 EST $39,663.29 $39,663
2. STAKING (3% OF CONSTRUCTION TOTAL) 1 EST $19,831.85 $19,832
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) 1 EST $26,442.20 $26,442

TOTAL FEES =====> $85,937

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION 0.776 AC $65,000.00 $50,440
2. RIGHT-OF-WAY ADMINISTRATION LUMP SUM LS $2,000.00 $2,000

TOTAL LAND ACQUISITION =====> $52,440

TOTAL TULLY ROAD FRONTAGE =====> $799,432

II. TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF

A. CONSTRUCTION
1. SAWCUT AND REMOVE EXISTING PAVEMENT 27,360 SF $1.50 $41,040
2. MEDIAN CURB 3,090 LF $15.00 $46,350
3. MEDIAN LANDSCAPING 23,120 SF $3.50 $80,920
4. PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50) 27,360 SF $2.00 $54,720
5. STRIPING LUMP SUM LS $6,000.00 $6,000

CONSTRUCTION TOTAL =====> $229,030

10% CONTINGENCY =====> $22,903

TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34' FEET =====> $251,933

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) 1 EST $15,115.98 $15,116
2. STAKING (3% OF CONSTRUCTION TOTAL) 1 EST $7,557.99 $7,558
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) 1 EST $10,077.32 $10,077

TOTAL FEES =====> $32,751

TOTAL TULLY ROAD CENTER 34 FEET =====> $284,684

TOTAL AMOUNT FUNDED BY CFF =====> $220,000

TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDELE-SNYDER CFD =====> $64,684

III. TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE

A. CONSTRUCTION
1. TRAFFIC SIGNAL LUMP SUM LS $130,000.00 $130,000

CONSTRUCTION TOTAL =====> $130,000
## Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

### B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$7,800.00</td>
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<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
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<td>$3,900.00</td>
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<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$5,200.00</td>
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**TOTAL FEES ====>** $16,900

**TOTAL TRAFFIC SIGNAL TULLY AND SNYDER ====>** $146,900

**TULLY ROAD GRAND TOTAL ====>** $1,011,016

### NOTES:

1. THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS. THE CENTER 34 FEET OF IMPROVEMENTS ON TULLY ROAD ARE FUNDED BY THE CFF PROGRAM, HOWEVER, THE FUNDS ARE NOT AVAILABLE FOR THE ENTIRE PROJECT SO A PORTION OF THE PROJECT NOT FUNDED BY CFF WILL BE FUNDED BY THE PELANDALE-SNYDER CFD.

2. THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26+/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.

3. THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.

4. THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50' EXISTING TO 57' CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.

5. THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.

6. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
SNYDER AVENUE
NORTH SIDE ADJACENT TO STORM DRAIN BASIN,
WEST OF PRESCOTT ROAD (352'), SOUTH SIDE
ADJACENT TO BIKE TRAIL FROM
PRESCOTT ROAD TO CARVER ROAD (2,639' C.L. TO C.L.)
(REFERENCE FIGURES 5, 5A, 5B, AND 5C)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
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<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>I. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. CONSTRUCTION</td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1. CLEARING AND GRADING</td>
<td>4,960</td>
<td>SF</td>
<td>$0.35</td>
<td>$1,736</td>
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<tr>
<td>2. PAVEMENT (0.40' A.C. OVER 0.55' A.B., T.I. = 8 R.V. = 46)</td>
<td>4,085</td>
<td>SF</td>
<td>$2.00</td>
<td>$8,170</td>
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<td>3. 6&quot; VERTICAL CURB AND GUTTER</td>
<td>352</td>
<td>LF</td>
<td>$9.00</td>
<td>$3,168</td>
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<td>4. 5' SIDEWALK</td>
<td>1,760</td>
<td>SF</td>
<td>$3.00</td>
<td>$5,260</td>
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<td>5. STORM DRAINAGE a. 12&quot; STORM DRAIN</td>
<td>265</td>
<td>LF</td>
<td>$30.00</td>
<td>$7,950</td>
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<tr>
<td>b. CATCH BASIN</td>
<td>1</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$1,000</td>
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<tr>
<td>c. STORM MANHOLE</td>
<td>1</td>
<td>EA</td>
<td>$2,500.00</td>
<td>$2,500</td>
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<tr>
<td>6. SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)</td>
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<td>EST</td>
<td>$495.30</td>
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<td>7. TRAFFIC CONTROL</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$1,000.00</td>
<td>$1,000</td>
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<td>8. IRRIGATION REMOVAL</td>
<td>316</td>
<td>LF</td>
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<td>CONSTRUCTION TOTAL</td>
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<td>10% CONTINGENCY</td>
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<td>$3,446</td>
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<td>TOTAL SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN CONSTRUCTION</td>
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<td>$37,905</td>
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<td>B. FEES</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1. ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
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<td>EST</td>
<td>$2,274.31</td>
<td>$2,274</td>
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<td>2. STAKING (3% OF CONSTRUCTION TOTAL)</td>
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<td>EST</td>
<td>$1,137.16</td>
<td>$1,137</td>
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<td>3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
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<td>EST</td>
<td>$1,516.21</td>
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<tr>
<td>TOTAL FEES</td>
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<td>$4,928</td>
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<td>C. LAND ACQUISITION</td>
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<td></td>
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</tr>
<tr>
<td>1. RIGHT-OF-WAY DEDICATION</td>
<td>0.11</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$7,410</td>
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<td>2. RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,500.00</td>
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<tr>
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</tr>
<tr>
<td>TOTAL LAND ACQUISITION</td>
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<td></td>
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<td>$9,910</td>
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<td>SNYDER AVENUE ADJACENT TO THE STORM DRAIN BASIN TOTAL</td>
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<td></td>
<td>$52,743</td>
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</table>
## II. Snyder Avenue South Side Adjacent to Bike Trail Construction

### A. Construction

<table>
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<tr>
<th>Item</th>
<th>Description</th>
<th>Quan.</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Clearing and Grading</td>
<td>51,575</td>
<td>SF</td>
<td>$0.35</td>
<td>$18,051</td>
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<tr>
<td>2.</td>
<td>Paving (0.40' A.C. over 0.55' A.B.; T.I. = 8, R.V. = 48)</td>
<td>47,020</td>
<td>SF</td>
<td>$2.00</td>
<td>$94,040</td>
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<td>3.</td>
<td>Paving Removal</td>
<td>59,730</td>
<td>SF</td>
<td>$1.50</td>
<td>$89,595</td>
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<td>4.</td>
<td>6'' Vertical Curb and Gutter</td>
<td>2,538</td>
<td>LF</td>
<td>$9.00</td>
<td>$22,842</td>
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<tr>
<td>5.</td>
<td>Storm Drainage</td>
<td></td>
<td></td>
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<tr>
<td>a.</td>
<td>12'' Catch Basin Runs (50 L.F. per C.B.)</td>
<td>250</td>
<td>LF</td>
<td>$30.00</td>
<td>$7,500</td>
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<td>b.</td>
<td>Catch Basins</td>
<td>5</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$5,000</td>
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<tr>
<td>c.</td>
<td>Storm Manhole</td>
<td>5</td>
<td>EA</td>
<td>$2,500.00</td>
<td>$12,500</td>
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<tr>
<td>6.</td>
<td>Electroliers (660' Intervals)</td>
<td>4</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$14,000</td>
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<tr>
<td>7.</td>
<td>Signing / Striping (5% of Grading and Paving Cost)</td>
<td>1 EST</td>
<td>EST</td>
<td>$5,604.56</td>
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<td>8.</td>
<td>Traffic Control</td>
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<td>9.</td>
<td>Abandon Existing Pump Station No. 47</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$4,500.00</td>
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</tbody>
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CONSTRUCTION TOTAL $278,633

10% CONTINGENCY $27,863

TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION $306,496

### B. Fees

<table>
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<tr>
<th>Item</th>
<th>Description</th>
<th>Quan.</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Amount</th>
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<tbody>
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<td>1.</td>
<td>Engineering (6% of Construction Total)</td>
<td>1 EST</td>
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<td>Staking (3% of Construction Total)</td>
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<td>$9,194.88</td>
<td>$9,195</td>
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<td>3.</td>
<td>Construction Management (4% of Construction Total)</td>
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<td>$12,259.84</td>
<td>$12,260</td>
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TOTAL FEES $39,844

### C. Land Acquisition

<table>
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<th>Item</th>
<th>Description</th>
<th>Quan.</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Right-of-Way Dedication</td>
<td>1.58</td>
<td>AC</td>
<td>$65,000.00</td>
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<td>2.</td>
<td>Right-of-Way Administration</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,500.00</td>
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</table>

TOTAL LAND ACQUISITION $105,200

SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL $451,541

SNYDER AVENUE GRAND TOTAL $504,283
NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
Snyder Avenue Adjacent to Storm Drain Basin (Sec. A)

Notes:
1. Match existing pavement per city standards.

Carver Road to Prescott Road (Sec. B)

Notes:
1. Refer to Figure 5 A for a detailed cross section of the proposed new Snyder alignment.
2. Refer to Figure 5 B for right-of-way take summary.
3. Refer to Figure 5 C for Prescott Snyder intersection detail.

Proposed street improvements and bike trail improvements included within CFD (refer to bike trail section for bike trail costs and improvements).

Figure 5
Pelandale Snyder CFD Formation
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. DESIGN PARAMETERS</td>
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</tr>
<tr>
<td>1. INSTALL 18' BIKE TRAIL SYSTEM (8' PATH, 10' LANDSCAPING, AND 4-6' FENCE) ALONG SNYDER AVENUE FROM PRESCOTT ROAD TO CARVER ROAD.</td>
<td></td>
<td></td>
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<tr>
<td>2. INSTALL 25' BIKE TRAIL SYSTEM (8' PATH, 17' LANDSCAPING, AND 4-6' FENCE) ALONG MODESTO IRRIGATION DISTRICT LATERAL NO. 6 FROM CARVER ROAD TO THE UNION PACIFIC RAILROAD.</td>
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<td>3. TOTAL LENGTH 8276 L.F. OR 1.567 MILES</td>
<td>1.567 MILES</td>
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<td>$105,600.00</td>
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<tr>
<td>II. CLASS I BIKE TRAIL</td>
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<tr>
<td>A. CONSTRUCTION</td>
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</tr>
<tr>
<td>1. 8' BIKE PATH WITH 2' GRAVEL SHOULDER (8,276 L.F. X 8')</td>
<td>66,208 SF</td>
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<td>2. 4'-6' FENCE</td>
<td>8,276 LF</td>
<td>$16.00</td>
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<td>3. LANDSCAPING (6' AREA FROM PRESCOTT TO CARVER (2,770 L.F.); 13' AREA FROM CARVER TO UNION PACIFIC RAILROAD (5,506 L.F.))</td>
<td>88,198 SF</td>
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<td>CONSTRUCTION TOTAL</td>
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<td>10% CONTINGENCY</td>
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<td>TOTAL BIKE PATH</td>
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<td>B. FEES</td>
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<tr>
<td>1. ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$33,777.90</td>
<td>$33,778</td>
<td></td>
</tr>
<tr>
<td>2. STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$16,888.95</td>
<td>$16,889</td>
<td></td>
</tr>
<tr>
<td>3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$22,518.60</td>
<td>$22,519</td>
<td></td>
</tr>
<tr>
<td>TOTAL FEES</td>
<td></td>
<td></td>
<td>$73,185</td>
<td></td>
</tr>
</tbody>
</table>
Pelandale-Snyder Specific Plan Area  
Community Facilities District  
Preliminary Engineer's Estimate  
October 23, 1998  

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. LAND ACQUISITION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>RIGHT-OF-WAY DEDICATION</td>
<td>4.30</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$279,500</td>
</tr>
<tr>
<td>2.</td>
<td>RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,500.00</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

TOTAL LAND ACQUISITION =====> $282,000  
BIKE PATH GRAND TOTAL =====> $918,150  
CFF PORTION TOTAL =====> $165,475  
TOTAL PELANDALE-SNYDER CFD PORTION =====> $752,675  

NOTES:  
1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:  
   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.  
   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.  
2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.
BIKE TRAIL ALONG SNYDER AVENUE

NOTE: SEE SNYDER AVENUE CROSS-SECTIONS FIGURE 5A FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS INCLUDED WITHIN THIS CFD.

BIKE TRAIL ALONG M.I.D. LATERAL

IMPROVEMENTS:

- = BIKE TRAIL ALONG SNYDER AVENUE
- = BIKE TRAIL ALONG M.I.D. LATERAL

FIGURE 6

PELANDALE SNYDER CFD FORMATION
EXHIBIT B

SAMPLE
OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 1998-2
OF
THE CITY OF MODESTO
STATE OF CALIFORNIA
SPECIAL TAX ELECTION
December 15, 1998

BALLOT NO.

?% of land in territory proposed to be included in District
You are entitled to cast ? votes
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, call the Office of the City Clerk of the City of Modesto as soon as possible at (209) 577-5396, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. for instructions.

MARK YOUR CHOICE IN THIS MANNER ONLY: 

MEASURE SUBMITTED
TO VOTE OF VOTERS

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 1998-2 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in the City's Resolution of Formation to be considered by the City Council of the City of Modesto at a public hearing to be held on December 8, 1998, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

BALLOT NO.

?% of land in territory proposed in the formation of the District

THIS BALLOT HAS A VALUE OF ? VOTES
MODESTO CITY COUNCIL
RESOLUTION NO. 98-654

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED, INCREASING CAPITAL FACILITIES FEES APPLICABLE ONLY TO NEW RESIDENTIAL DEVELOPMENT LACKING VESTED RIGHTS IN EXISTING COMMUNITY FACILITIES FEES, IMPLEMENTING AN INFLATOR MECHANISM FOR PROSPECTIVE ADJUSTMENTS OF CAPITAL FACILITIES FEES, AND DEFERRING CONSIDERATION OF ALL NON-RESIDENTIAL CAPITAL FACILITIES FEE CHANGES

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

WHEREAS, the current CFF are set forth in City Council Resolution 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, and

WHEREAS, City staff has requested that Modesto City Council Resolution No. 88-649, as amended, be further amended to provide for inflation adjustments for CFF fees, and to increase CFF fees for new residential development not vested in existing residential CFF fees, and

WHEREAS, City staff has also requested that the City Council defer consideration of new fees for all non-residential categories, and

WHEREAS, the above-referenced resolutions previously adopted the current fees for police facilities, parks, recreations facilities, wastewater treatment facilities, fire facilities, other City facilities, and capital facilities fees administration, and

WHEREAS, since the adoption of the existing fees pursuant to the above-referenced resolutions, the City has received the CFF Update Report from Townhall Associates, dated June 25, 1998 and recommendations from City contract employee Charles Long in a memorandum dated December 8, 1998, which developed the information necessary to update the
above-referenced facilities requirements of the City with respect to future development as
allowed under the City's 1995 General Plan, and recommended amendments to City Council
Resolution No. 88-649, as amended, to make the above-referenced changes, and

WHEREAS, each of the above reports and memoranda has been made available
for public inspection, and may be viewed during business hours in the Office of the City Clerk,
and these documents establish the factual basis for adjusting or creating fees in accordance with
their recommendations, and set forth the relationship between contemplated future development,
the public facilities set forth in the memorandums and analyses, and the estimated cost of the
facilities, and are incorporated fully herein by this reference, and

WHEREAS, the fees collected pursuant to this resolution shall be used to finance
the municipal facilities identified in the above-referenced reports and analyses, which are
incorporated herein by this referenced, and

WHEREAS, Initial Study CDD 98-62 has been prepared on the CFF Update and
has concluded, in essence, that the CFF Update is within the scope of the Master Environmental
Impact Report prepared on the City's General Plan in 1995 and that there are no new impacts not
previously identified and no new environmental documentation is required, and

WHEREAS, after considering the above-referenced reports and analyses, and the
testimony received at the public hearing, the City Council hereby approves and adopts the
subject reports and analyses, and incorporates the same herein, and further finds that future
development in the City of Modesto as set forth in the reports and analyses will generate
additional demands on municipal services, and

WHEREAS, said matter was set for a public hearing of the City Council to be
held at 4:00 p.m. on December 8, 1998, in the City Council Chambers, City Hall, 801 - 11th
Street, Modesto, California, at which date and time said duly noticed public hearing of the
Council was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council finds and determines that Paragraph No. 2 of Resolution No. 88-649, as
amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176,
92-507, 94-409, 95-393, and 97-122, is hereby amended to change the CFF for single family dwelling units as follows:

2. **AMOUNT OF CAPITAL FACILITIES FEE.**

   The fee for development of single family dwelling units shall be the sum of the amounts specified in the table below:

<table>
<thead>
<tr>
<th>Category of Cost</th>
<th>Fee for Single Family Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Facilities CFF</td>
<td></td>
</tr>
<tr>
<td>Fire</td>
<td>$139</td>
</tr>
<tr>
<td>Police</td>
<td>346</td>
</tr>
<tr>
<td>Parks</td>
<td>2,022</td>
</tr>
<tr>
<td>Governmental</td>
<td>416</td>
</tr>
<tr>
<td>Administration</td>
<td>93</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$3,016</strong></td>
</tr>
<tr>
<td>Transportation CFF</td>
<td></td>
</tr>
<tr>
<td>Streets</td>
<td>2,726</td>
</tr>
<tr>
<td>Public Transportation</td>
<td>96</td>
</tr>
<tr>
<td>Air Quality</td>
<td>56</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$2,878</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,894</strong></td>
</tr>
</tbody>
</table>

Capital Facilities Fees for all other categories of development shall remain at their current levels, except for the annual inflation adjustment that is authorized and directed under this Resolution 98-654.

BE IT FURTHER RESOLVED by the City Council that the consideration of new CFF fees for all other categories of development other than residential subdivisions without vested rights in existing CFF fees shall be deferred until a future Council meeting.

BE IT FURTHER RESOLVED by the City Council that the total CFF charged to any residential unit or non-residential facility or use, as those terms are now or may in the future be defined, shall be administratively adjusted annually to account for inflation. The inflation
adjustment for existing vesting tentative subdivision maps will first be made on March 1, 1999 and then on the first of March each year thereafter. The inflation adjustment will be the change in the Bay Area engineering news record ("ENR") construction cost through the month of December of the year preceding each inflation adjustment. The inflation adjustment for all categories of development other than existing vesting tentative subdivision maps shall first be made on July 1, 1999 based on the ENR construction cost index for the Bay Area through the preceding April. Thereafter, an additional adjustment will be made on or about July 1st of each subsequent year. The Director of Engineering and Transportation of the City is hereby authorized and directed to administratively make the adjustments called for annually.

BE IT FURTHER RESOLVED by the City Council that the findings of Initial Study CDD 98-62 are hereby acknowledged, namely,

A. The CFF Update is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017), and
B. The proposed CFF Update will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required, and
C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1), and
D. There are no specific features unique to this CFF Update that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply citywide including this project as appropriate.

BE IT FURTHER RESOLVED by the City Council that in addition to the other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Sections 10561
and 15273 of the State CEQA Guidelines because:

(1) The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of police, fire facilities, parks and recreation facilities, wastewater treatment facilities, other City facilities, air quality facilities, public transportation facilities and street facilities, as well as the purchase of certain items of capital equipment.

(2) However, the addition of capital facilities to new neighborhoods will not take effect until there has been CEQA review of the development projects which will pay for said capital facilities via the Capital Facilities Fee mechanism established or increased by this resolution. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either established or increases Capital Facilities Fees to fund the Capital Facilities Fees that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

BE IT FURTHER RESOLVED by the City Council that the Townhall Associates Update Report of June 25, 1998, and the Long report of December 8, 1998, and the testimony received at the public hearing, have established:

1. That there is a reasonable relationship between the need for the
public facilities designated in the reports and analyses, and in the City's General Plan and
Specific Plans generated in accordance with that plan, and the City's Capital Improvement Plan,
and the impacts of the types of development for which the corresponding fees are charged,

2. That there is a reasonable relationship between the fees, uses, and the type of development for which the fee is charged,

3. That there is a reasonable relationship between the amount of the various fees and the cost of the public facilities or portions of the public facilities attributable to the development and types of development upon which the various fees are imposed,

4. That the cost estimates set forth in the reports are reasonable cost estimates for constructing these facilities, and that the fees expected to be generated by future developments will not exceed the total costs of constructing the public facilities just referenced,

5. The Long report and the Townhall Associates CFF Update Report establish a linkage or nexus between development in the City's Urban Reserve (unincorporated area of the City's General Plan Area) and the need for additional public facilities or improvements to existing public facilities within the City of Modesto as well as within the Urban Reserve. Therefore, the term “development” as used in the preceding four subparagraphs shall include but not be limited to development that may be approved or allowed by Stanislaus County in the City's Urban Reserve prior to the annexation of said Urban Reserve or portions thereof to the City of Modesto. Because of this clearly established nexus, it is the intention of the City Council of the City of Modesto that the fees created by this resolution for streets facilities, air quality facilities, and public transportation facilities be imposed by the County of Stanislaus on development approved of or allowed by the County of Stanislaus in the City's Urban Reserve area and collected by the City of Modesto,
6. The City Council further finds that the methods of allocation of the fee increments proposed in the Long report and the Townhall Associates CFF Update Report and enacted herein, do bear a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the respective fees.

BE IT FURTHER RESOLVED that the City will not unreasonably withhold the granting of an initial one year extension to the holder of a vesting tentative subdivision map for the sole purpose of making such maps subject to the increased CFF fees contained in this resolution.

BE IT FURTHER RESOLVED by the City Council that with respect to lots in final subdivisions that are currently under active development, and where the initial two-year vesting period has expired, and where all subdivision improvements have been installed, that a procedure will be implemented for listing such lots with the appropriate City department for the purpose of permitting those lots to develop under the current lower fee, and not be subject to the new fees enacted herein. The last day upon which such lots can be listed with the appropriate City department will be March 1, 1999. Thereafter, lots so listed would be permitted to pay the current (older) fee for building permits pulled through March 1, 2001. Any building permits pulled for listed lots after March 1, 2001, would be subject to the new higher fees contained herein.

BE IT FURTHER RESOLVED by the City Council that should any fee provision, clause, paragraph or subparagraph of this resolution or application thereof to any person or circumstances be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect without the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.
BE IT FURTHER RESOLVED by the City Council that this resolution shall take effect in accordance with law on January 7, 1999.

BE IT FURTHER RESOLVED by the City Council that to the extent any portion of any of the resolutions set forth above conflicts with any of the provisions of this resolution, the language of this resolution shall prevail, and the language in the previous resolution to the contrary is hereby superseded and revoked.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-656

A RESOLUTION ORDERING THE COFFEE-CLARATINA
REORGANIZATION TO THE CITY OF MODESTO.
(UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission
(LAFCO), by Resolution No. 98-07, dated October 28, 1998, approved the proposed Coffee-
Claratina Reorganization to the City of Modesto (CITY), upon condition that it be processed
as an uninhabited reorganization, and designated said Reorganization the Coffee-Claratina
Reorganization, and

WHEREAS, the type of reorganization being acted on is an uninhabited
annexation consisting of 83.480 acres of land to the City of Modesto and to the Modesto
Municipal Sewer District No. 1, and a detachment of 83.480 acres from the Stanislaus
Consolidated Fire Protection District, and

WHEREAS, said proposed Reorganization is located south of Claratina
Avenue, East of McHenry Avenue, north of the existing City limits and west of Coffee Road,
and

WHEREAS, LAFCO Resolution No. 98-07 indicated the following:

(a) The subject territory is within the primary area of the Modesto Sphere of
Influenced and adjacent to the city limits.

(b) The boundaries, as proposed, would create an area, consisting of the
Modesto Mobile Home park, which is substantially surrounded on five of the six sides by city
limits and considered to be an island by LAFCO.
(c) Government Code Section 56109 prohibits the creation of an island unless otherwise determined by LAFCO pursuant to subdivision (o) of Section 56375.

(d) Government Code Section 56375(o) allows LAFCO to waive the restrictions of Section 56109 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation is so located that it cannot be reasonably annexed to another city or incorporated as a new city.

(e) The Modesto Mobile Home Park is adjacent to the existing city limits and within the City of Modesto's Sphere of Influence and cannot reasonably annex to another city or incorporate as a new city.

(f) The Modesto Mobile Home Park is a unique social and economic community in the County which provides affordable rents to its residents and annexation of the park at this time could create undue financial burdens on its residents, and the ultimate loss of the affordable housing opportunity.

(g) The territory is determined to be uninhabited, and two of the six property owners have consented in writing to the filing of the petition.

(h) The City of Modesto has prepared a Specific Plan for the Coffee-Claratina Comprehensive Planning District.

(i) The proposal will result in planned, orderly and efficient development of the area and provision of services.

and
WHEREAS, LAFCO found that the substantially surrounded island, created by the exclusion of the Modesto Mobile Home Park, cannot be reasonably annexed to another city or incorporated as a new city; and that the inclusion of the island would be detrimental to the orderly development of the community at this time, as it could place undue financial burdens on the residents and ultimately the loss of an affordable housing opportunity in the County, and

WHEREAS, two of the six property owners in said uninhabited territory have consented in writing to the filing of a petition, and

WHEREAS, the terms and conditions of the proposal as approved by LAFCO are as follows:

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

(b) Designated, pursuant to Section 56852 of the California Government Code, the City of Modesto as the Conducting Authority and directed the City to initiate reorganization proceedings, and

WHEREAS, this action is being taken pursuant to Section 57000 et seq. of the Government Code of the State of California, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on December 8 at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the date, time and place for hearing protests against said reorganization, and the City clerk gave notice to all persons legally entitled thereto, and

WHEREAS, the reasons for this annexation are as follows:
(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will result in planned, orderly and efficient development of the area, and

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

WHEREAS, this Council finds and determines that written protests were filed and not withdrawn by property owners owning less than 50% of the assessed value of the land within the annexation territory, and

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

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

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

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

3. That said territory is hereby ordered to be annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.
4. Said territory is hereby ordered detached from the Stanislaus Consolidated Fire Protection District.

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

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, 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"
COFFEE-CLARATINA REORGANIZATION TO THE CITY OF MODESTO

DESCRIPTION

All that certain real property situate in portions of Sections 4, 5 and 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northeast corner of Parcel "A" as shown on map filed in Book 24 of Parcel Maps, Page 76, Stanislaus County Records, being also the northeast corner of the "North McHenry No. 3 Addition" to the City of Modesto; thence North 89°29'33" West along the northerly line of said Parcel "A" and westerly extension thereof, being also the northerly line of said "North McHenry No. 3 Addition", a distance of 1758.49 feet to the east line of land described in Grant deed to Sidney M. Smith recorded in Volume 1826 of Official Records, Page 487, Stanislaus County Records; thence North 0°22'51" West along said east line of the Smith land, a distance of 249.36 feet to the northeast corner of said Smith land; thence North 89°29'41" West along the north line of said Smith land and westerly extension thereof, a distance of 938.85 feet to the east line of Parcel "2" as shown on map filed in Book 36 of Parcel Maps, Page 38, Stanislaus County Records; thence North 1°14'43" West along said east line of Parcel "2" and northerly extension thereof, being also the west right-of-way line of McHenry Avenue, a distance of 513.25 feet to the north line of land described in Grant Deed recorded in Book 2455 of Official Records, Page 882, Stanislaus County Records; thence South 88°52'41" East along said north line a distance of 30.03 feet; thence North 1°14'43" West along the existing west right-of-way line of McHenry Avenue, parallel with and 25.00 feet west of the west line of said Section 4, a distance of 357.72 feet to the westerly extension of the south lines of Parcels "2", "3" and "4" as shown on map filed in Book 31 of Parcel Maps, Page 22, Stanislaus County Records; thence easterly along the existing north right-of-way line of Claratina Avenue the following 11 courses:

1. South 89°30'27" East along said south lines of Parcels "2", "3" and "4" and the westerly extension thereof, a distance of 953.96 feet to the southeast corner of said Parcel "4",
2. South 1°14'27" East along the southerly extension of the east line of said Parcel "4" a distance of 30.01 feet,
3. South 89°30'27" East 486.67 feet to the southeasterly line of the 110.00 foot wide Hetch Hetchy right-of-way,
4. North 70°09'50" East along said southeasterly line of Hetch Hetchy Right-of-way a distance of 86.35 feet,
5. South 89°30'27" East 79.48 feet to the east line of Parcel "B" as shown on map filed in Book 17 of Parcel Maps, Page 69, Stanislaus County Records,
6. South 1°15'41" East along said east line of Parcel "B" a distance of 30.01 feet to the southeast corner of said Parcel "B", and

Approved as to description

Page 1 of 2

ON

BY
7. South 89°30'27" East 1062.38 feet to the southerly extension of the west line of Parcel "1" as shown on map filed in Book 23 of Parcel Maps, Page 40, Stanislaus County Records;
8. North 1°11'04" West along said southerly extension of the west line of Parcel "1" a distance of 30.02 feet to the southwest corner of said Parcel "1",
9. South 88°58'12" East along the south line of said parcel "1" a distance of 222.11 feet to the west line of Parcel "2" as shown on said map filed in Book 23 of Parcel Maps, Page 40,
10. South 1°11'04" East along said west line of Parcel "2" a distance of 30.02 feet, and
11. South 88°58'12" East 438.12 feet to the northerly extension of the east line of Parcel "B" as shown on map filed in Book 37 of Parcel Maps, Page 43, Stanislaus County Records; thence South 1°10'16" East along said east line of Parcel "B" and northerly extension thereof a distance of 1373.57 feet to the southeast corner of said Parcel "B"; thence North 88°43'48" West along the north line of "Hillsboro Park No. 1" according to the official map thereof filed in Volume 26 of Maps, Page 70, Stanislaus County Records, being also the north line of the "Sylvan No. 3 Addition" to the City of Modesto, a distance of 659.61 feet to the northwest corner of said "Hillsboro Park No. 1"; thence North 1°12'06" West along the east line of Parcel "A" as shown on said map filed in Book 24 of Parcel Maps, Page 76, being also the east line of said "North McHenry No. 3 Addition", a distance of 280.11 feet to the point of beginning.

Containing 83.48 Acres.

[Stamp]

Approved as to description

ON [Signature]

BY [Signature]
COFFIT-CLARITINA REORGANIZATION
10 THE CITY OF MODESTO

LOCATED IN PORTIONS OF SECTIONS 4, 5 AND 9.
T.3 S., R.9 E., M.D.B. & M.
STANISLAUS COUNTY, CALIFORNIA

AREA: 83.480 Acres

Approved as to description

On 11-5-98

BY

DELAMARE-FULTZ
ENGINEERING AND SURVEYING
2427 TULIP ROAD SUITE A MODESTO CA 95350
TELEPHONE (209) 576-7430
MODESTO CITY COUNCIL
RESOLUTION NO. 98-657

A RESOLUTION ORDERING THE KIERNAN AVENUE
REORGANIZATION TO THE CITY OF MODESTO.
(UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission
(LAFCO) by Resolution No. 98-06 dated October 28, 1998, approved the proposed Kiernan
Avenue Reorganization to the City of Modesto (CITY) upon condition that it be processed as
an uninhabited reorganization pursuant to the provisions of Section 57000 et seq. of the
Government Code of the State of California and designated said Reorganization the Kiernan
Avenue Reorganization, and

WHEREAS, the type of reorganization being acted on is an uninhabited
annexation consisting of 173.45 acres of land to the City of Modesto and to the Modesto
Municipal Sewer District No. 1, and a detachment of 173.45 acres from the Salida Fire
Protection District, and

WHEREAS, said proposed Reorganization consists is located on the east side of
Dale Road between Kiernan Avenue and Pelandale Avenue, and

WHEREAS, LAFCO, found in its Resolution No. 98-06, that (a) the subject
territory is within the Modesto Sphere of Influence and designated within the “Primary” Area
of Influence; (b) the boundaries of the proposal are consistent with adopted Commission
policy; (c) the territory involved is uninhabited; (d) the proposal was initiated by Resolution of
Application pursuant to Government Code Section 56800; (e) the City has adopted various
plans for providing services and has prezoned the territory; (f) approval of the proposal will
result in planned, orderly and efficient development of the area; (g) the City had adopted Resolution 98-429 indicating it will provide adequate and appropriate municipal services to the area; and, (h) the City has stated their intention not to succeed to the two Williamson Act contracts upon annexation, and

WHEREAS, by said resolution, LAFCO approved the proposal subject to the terms and conditions as follows:

That it be processed as a reorganization consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Salida Fire Protection District, and

WHEREAS, LAFCO by said resolution No. 98-06 found that the City of Modesto shall be responsible for monitoring and reporting to insure CEQA compliance, and designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, this action is being taken pursuant to Section 57000 et seq. of the Government Code of the State of California, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on December 8, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the date, time and place for hearing protests against said reorganization, and the City Clerk gave notice to all persons legally entitled thereto, and

WHEREAS, the reasons for this annexation are as follows:
(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will result in planned, orderly and efficient development of the area.

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

WHEREAS, this Council finds and determines that written protests were filed and not withdrawn by property owners owning less than 50% of the assessed value of the land within the annexation territory, and

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

WHEREAS, two (2) parcels of land within said Kiernan Avenue Reorganization territory are subject to California Land Conservation Act Contracts (Williamson Act Contracts), and

WHEREAS, on February 3, 1975, the Council adopted Resolution No. 75-246 which protested the execution of the Hans and Donald Wagner Open Space Contract Application No. 75-2008 to the Stanislaus County Local Agency Formation Commission, hereinafter referred to as “LAFCO”, pertaining to Assessor’s Parcel No. 078-18-021; and, on December 28, 1982, the Council adopted Resolution No. 82-930 which protested the execution of the Reza Vossoughi, et al., Open Space Contract Application No. 83-3846 to LAFCO, pertaining to Assessor’s Parcel No. 078-18-027, and

WHEREAS, copies of said City Council Resolution Nos. 75-246 and 82-930 are attached hereto as Exhibit “B” and incorporated herein by reference, and
WHEREAS, the City intends to not succeed to the above protested contracts and upon approval of the Kiernan Avenue Reorganization, all contracts that were protested to as identified on Exhibit “B”, attached hereto, would be null and void,

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

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

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

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

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

BE IT FURTHER RESOLVED that the Council of the City of Modesto, pursuant to the provisions of Government Code Section 51243, hereby states its intention not to succeed to the California Land Conservation Act Contracts referred to above. Said contracts pertaining to property in the Kiernan Avenue Reorganization to the City of Modesto are more specifically identified on Exhibit “B” attached hereto and incorporated herein by reference.
BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"
KIERNAN AVENUE
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property in portions of Sections 35 and 36, Township 2 South, Range 8 East and Sections 1 and 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 16 Record of Surveys, at Page 16, Stanislaus County Records, said point being the Northwest corner of the PELANDALE-SNYDER REORGANIZATION to the City of Modesto; thence North 89° 17' 50" East on the North line of said Pelandale-Snyder Reorganization and the South line of the North half of the South half of said Section 1 a distance of 50.00 feet to the POINT OF BEGINNING of this description; thence continuing on last said line North 89° 17' 50" East 2598.09 feet to the east line of the West half of said Section 1; thence on said East line North 0° 23' 41" West 1360.27 feet to the North line of Bangs Avenue (20.00 feet half-width); thence on said North line of Bangs Avenue South 89° 20' 49" West 662.15 feet to the Southerly extension of the East line of Parcel B as shown on the map recorded in Volume 37 of Parcel Maps, Page 61, Stanislaus County Records; thence on said Southerly extension and the East line of said Parcel B North 0° 15' 40" West 1295.81 feet to the Northeast corner of said Parcel B; thence on the North line of said Parcel B South 89° 26' 32" West 659.32 feet to the Southeast corner of Lot 38 of the Albemerl Tract, filed in Volume 4 of Maps, Page 19, Stanislaus County Records; thence on the East line of said Lot 38 South 0° 08' 48" West 666.18 feet to the Southeast corner of Lot 37 of said Albemerl Tract; thence on the South line of said Lot 37 South 89° 35' 04" West 613.40 feet to the East line of the West 678 feet of said Lot 37; thence on said East line North 0° 08' 25" West 692.71 feet to the North line of Kiernan Avenue (State Highway 219) (50.00 feet half-width); thence on the North line of said Kiernan Avenue the following five (5) courses: (1) South 89° 43' 37" West 223.33 feet; (2) North 86° 51' 46" West 251.06 feet; (3) North 0° 16' 23" West 15.07 feet; (4) South 89° 43' 37" West 173.34 feet; (5) North 0° 16' 23" West 42.45 feet to the East line of Dale Road (30.00 feet half-width); thence leaving said east line North 83° 41' 06" West 55.38 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence South 0° 17' 31" East 190.00 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence on the West line of said Dale Road (25.00 feet half-width) South 0° 08' 25" East 2581.23 feet to the South line of the North half of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian; thence continue on the West line of said Dale Road South 0° 08' 32" East 90.40 feet to the North line of the FLEUR DE VILLE reorganization to the City of Modesto; thence on said North line North 89° 38' 17" East 25.00 feet; thence continue on said North line North 89° 17' 59" East 50.00 feet to the East line of Dale Road (50.00 feet half-width); thence on the East line of said Dale Road South 0° 08' 32" East 1233.92 feet to the point of beginning.

Containing 173.45 Acres.

Approved as to description

ON 4-23-98

BY: [Signature]
**Basis of Bearings:**

Bearings shown are based on the 1962 adjustment of the California High Precision Geodetic Network, California Coordinate System Zone 3, North American Datum of 1983.

1. Course: N 89-17-50 E Distance: 2598.09
2. Course: N 00-23-41 W Distance: 1360.27
3. Course: S 89-20-49 W Distance: 662.15
4. Course: N 00-15-40 W Distance: 1295.81
5. Course: S 89-26-32 W Distance: 653.32
6. Course: N 00-15-48 W Distance: 666.18
7. Course: S 89-35-04 W Distance: 613.40
8. Course: N 00-08-25 W Distance: 692.71
9. Course: S 89-43-37 W Distance: 223.33
10. Course: N 89-51-46 W Distance: 251.06
11. Course: N 00-16-23 W Distance: 15.07
12. Course: S 89-43-37 W Distance: 173.34
13. Course: N 00-08-25 W Distance: 1295.81
14. Course: S 89-43-37 W Distance: 55.38
15. Course: S 00-17-31 E Distance: 190.00
16. Course: S 00-08-25 E Distance: 2531.23
17. Course: S 00-08-32 E Distance: 90.40
18. Course: N 89-38-17 E Distance: 25.00
19. Course: N 89-17-59 E Distance: 50.00
20. Course: S 00-08-32 E Distance: 1233.92

Area = 173.45 acres
EXHIBIT "B"
MODESTO CITY COUNCIL
RESOLUTION NO.75-246

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING
THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION
NO. 75-2008 (Hans and Donald Wagner).

WHEREAS, an Open Space Contract Application has been referred
to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has
been fully considered, and

WHEREAS, the City staff has recommended that the City protest
the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City
of Modesto that it does hereby protest the execution of an Open Space Contract
on Application No. 75-2008 (Hans and Donald Wagner).

BE IT FURTHER RESOLVED that this protest be filed with the
Stanislaus County Board of Supervisors and the Stanislaus County Local Agency
Formation Commission and the Local Agency Formation Commission is hereby
requested to hold a hearing and consider this protest as provided for in Section

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 3rd day of February, 75, by Councilman Dunlap, who moved its adoption, which motion
being duly seconded by Councilman Elliott, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

ATTEST: W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ELWYN L. JOHNSON, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 82-930

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION NO. 83-3846 (REZA VOSSOUGHI, et al.)

WHEREAS, an Open Space Contract Application has been referred to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has been fully considered, and

WHEREAS, the City staff has recommended that the City protest the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby protest the execution of an Open Space Contract on Application No. 83-3846 (Reza Vossoughi, et al.).

BE IT FURTHER RESOLVED that this protest be filed with the Stanislaus County Board of Supervisors and the Stanislaus County Local Agency Formation Commission and the Local Agency Formation Commission is hereby requested to hold a hearing and consider this protest as provided for in Section 51243.5 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1982, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember
Bright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

(Seal)

APPROVED AS TO FORM:

By ELWIN L. JOHNSON, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-658

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 7 AND FOR CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF SYLVAN AVENUE EAST OF ESTA AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (K-D LAND AND CATTLE COMPANY)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by K-D Land and Cattle Company for a Precise Plan for Area No. 7, property located on the south side of Sylvan Avenue east of Esta Avenue, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, and
WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. 98-47, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-67, adopted on November 16, 1998, and City staff, by a report dated November 25, 1998, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 7 of the Village One Specific Plan as set forth in said Resolution No. 98-67, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area 7, property located on the south side Sylvan Avenue east of Esta Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 8, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-47, entitled "City of Modesto Initial Study Precise Plan No. 7 and Rezoning to Specific Plan-Overlay Zone", for the proposed project, and the Council hereby makes the following findings:
1. There are no substantial changes in the proposed Precise Plan and rezoning which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the Precise Plan and rezoning are being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. 98-47, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. 98-47, entitled "City of Modesto Initial Study Precise Plan No. 7 and Rezoning to Specific Plan-Overlay Zone", is attached hereto as Exhibit "A", and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Frisher, 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
I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, if the following findings can be made:

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

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

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

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

II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 7 and rezone to Specific Plan-Overlay Zone

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353
C. **Contact person and phone number:**
   Steve Mitchell, Community Development Department, (209) 577-5287

D. **Project Location:**
   The south side of Sylvan Avenue east of Esta Avenue.

E. **Project Sponsor:**
   K-D Land & Cattle Co., 2725 Santiago Dr., Modesto, CA 95354

F. **General Plan Designation:**
   Village Residential (VR)

G. **Current Zoning:**
   Specific Plan-Holding (SP-H) Zone

H. **Description of Proposed Project:**
   The Precise Plan and rezoning are to allow for the development of 29 acres in the Village One Specific Plan, for a 136-lot single-family subdivision.

I. **Surrounding land uses:**
   The project is adjoined on the east by a single-family subdivision currently under construction, to the south by agricultural parcels designated in the Village One Specific Plan for residential development, to the west by ranchette parcels, and to the north by agricultural land designated for a high school and park.

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

### III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

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

   Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

   1. **Traffic and Circulation**

      Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development proposed by this Precise Plan and
rezoning is consistent with the Village One Specific Plan in land use and intensity (136 dwelling units), and provides a circulation system consistent with the Specific Plan. It also provides for a pedestrian overcrossing called for in the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. **Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are consistent with those in the Village One EIR, air quality impacts are also consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

3. **Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. **Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

5. **Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.
6. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess
of those analyzed by the Village One EIR. In addition, the Precise Plan provides for a pedestrian overcrossing for the proposed high school north of Sylvan Avenue, in accordance with the Village One Specific Plan. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

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

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell,
Associate Planner

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 Community Development Department - Attention: Steve Mitchell
3
MODESTO CITY COUNCIL
RESOLUTION NO. 98-659

A RESOLUTION APPROVING REVISED TERMS OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE NORTH MCHENRY AREA TAX SHARING AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revised terms of an agreement between the City of Modesto and the County of Stanislaus for the North McHenry Area Tax Sharing Agreement be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING BONNIE CERRUTTI TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. Bonnie Cerrutti is hereby appointed to the Airport Advisory Committee with a term expiration date of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING HORACE HENLINE AND JOAN BONACCINE TO THE GOLF COURSE ADVISORY COMMITTEE

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

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

SECTION 1. Horace Henline and Joan Bonaccine are hereby appointed to the Golf Course Advisory Committee each with a term expiration date of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-662

A RESOLUTION APPOINTING CAROLYN FRASER AS THE HUMAN
RELATIONS COMMISSION REPRESENTATIVE TO THE EQUAL
OPPORTUNITY/DISABILITY COMMISSION AND ARNOLD NAIMARK AS THE
HUMAN RELATIONS COMMISSION REPRESENTATIVE TO THE CITIZENS
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Carolyn Fraser is hereby appointed as the Human Relations
Commission representative to the Equal Opportunity/Disability Commission with a term
expiration of December 31, 1999; and Arnold Naimark is hereby appointed as the Human
Relations Commission representative to the Citizens Housing & Community
Development Committee with a term expiration date of December 31, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of December, 1998, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-663

A RESOLUTION REAPPOINTING JACK HINKLE AND ROBERT HAUFF TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. Jack Hinkle and Robert Hauff are hereby reappointed to Airport Advisory Committee each with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-664

A RESOLUTION REAPPOINTING FRANK BOOTS, DAVID BORING, AND TOM SLATER TO THE DOWNTOWN IMPROVEMENT DISTRICT

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

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

SECTION 1. Frank Boots, David Boring, and Tom Slater are hereby reappointed to the Downtown Improvement District, each with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION REAPPOINTING JAMES ANDERSON, CLARENCE ATTERBURY, DWIGHT BATEMAN, EDWIN PENFOLD, DONALD HORTON, JOSEPH MARTINEZ AND SHELLY SCRIBNER TO THE EQUAL OPPORTUNITY/DISABILITY 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 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Equal Opportunity/Disability Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION REAPPOINTING JESS DACUYCUY TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. Jess Dacuycuay is hereby reappointed to the Human Relations Commission, with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-667

A RESOLUTION REAPPOINTING BILL LATHAM AND JERRY BEAMISH TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Bill Latham and Jerry Beamish are hereby reappointed to the Landmark Preservation Commission, each with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
JEAN ZAHR, City Clerk
A RESOLUTION REAPPOINTING TONY VARNI TO THE REDEVELOPMENT 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. Tony Varni is hereby reappointed to the Redevelopment Commission, with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
A RESOLUTION REAPPOINTING MARY GROGAN, DAVE GIANELLI, AND MARGARET LEAMAN TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE

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

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

SECTION 1. Mary Grogan, Dave Gianelli and Margaret Leaman are hereby reappointed to the Tuolumne River Regional Park Citizens Advisory Committee, each with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-670

A RESOLUTION REJECTING BIDS FOR THE WASTEWATER COLLECTION MAINTENANCE BUILDING PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON JULY 14, 1998

WHEREAS, the bids received for Wastewater Collection Maintenance Building were opened at 11:00 a.m. on July 14, 1998, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so widespread that staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Wastewater Collection Maintenance Building, opened in the office of the City Clerk on July 14, 1998, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PARTICIPATION AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA HIGHWAY PATROL AND THE OFFICE OF TRAFFIC SAFETY FOR A GRANT PROJECT TITLED “PEDESTRIAN CORRIDOR SAFETY”

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the participation agreement between the City of Modesto and the California Highway Patrol and the Office of Traffic Safety for a grant project titled Pedestrian Corridor Safety be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-672

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE NEW REVENUE OF $30,000 AND APPROPRIATE FUNDS TO ORGANIZATION #1961

WHEREAS, the California Highway Patrol recently received a grant from the State Office of Traffic Safety to increase pedestrian safety. The CHP has requested that the City of Modesto provide pedestrian enforcement to seven targeted roadways on a police officer overtime basis; and

WHEREAS, these grants funds provide the opportunity to offer extra traffic enforcement as well as participate in a pedestrian safety grant project. The $30,000 will provide approximately 1000 hours of traffic enforcement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th></th>
<th>Current Budget</th>
<th>Increase</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue #010-190-1961-3176</td>
<td>$ -0-</td>
<td>$30,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>Expense #010-190-1961-0130</td>
<td>$748,890</td>
<td>$30,000</td>
<td>$778,890</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 City Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and 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. 98-673

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:

Construction Inspector

The job specifications for the classification of Construction Inspector, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 15, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
CONSTRUCTION INSPECTOR

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

DEFINITION

To inspect workmanship and materials used in a variety of public works projects and to ensure conformance with plans, specifications and Departmental regulations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

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

Essential Functions:

Prepare a variety of construction activity records and reports; maintain as-built notes for each set of plans.

Inspect public improvement projects for compliance to plans, specifications, and applicable codes. Typical projects include street improvements, bridges, traffic signals, pump stations, utility pipelines, and public buildings.

Monitor project cost and schedules. Take appropriate action to meet budget and maintain schedule, and to mitigate potential claims for delays.

Review traffic control plans and monitor the contractor's activity to assure safe flow of traffic through a construction zone.

Prepare monthly progress payments in a timely manner; prepare weekly statements of working days; record the quantity of material used and progress of work performed.
Essential Functions: (Continued)

Inspect materials for identifications as conforming to specifications.

Coordinate and arrange for a variety of field tests, monitor results and arrange for rework, as necessary.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Coordinate changes to the project via contract change order process and procedures.

Inspect adjacent properties for damage from construction activity.

Confer with property owners regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, equipment and safety hazards of constructions inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

Materials sampling and testing procedures.

Engineering mechanics of structures.

Applicable laws, regulations, specifications, codes and departmental policies governing the construction of assigned projects.

Contract change order procedures.

Traffic control principles through a construction zone, and safety hazards working around an open excavation.
Ability to:

Understand and interpret engineering plans and specifications and prepare accurate engineering records.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

Deal firmly and tactfully with contractors, engineers and property owners.

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

Communicate clearly and concisely, both orally and in writing and use a personal computer.

Experience and Training Guidelines

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

Experience:

Two years of increasingly responsible experience performing construction inspection responsibilities in a variety of public works construction including preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments.

Training:

Equivalent to an Associate of Arts degree with major course work in civil engineering, construction technology or a related field.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SCOTT LAMUNYON FARMING FOR LEASE OF A 34-ACRE PORTION OF DRY CREEK REGIONAL PARK THROUGH JUNE 30, 1999

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Scott LaMunyon Farming for the lease of a 34-acre portion of Dry Creek Regional Park through June 30, 1999 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 98-675

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AND 11 VEHICLES FROM FLEET SERVICES DIVISION 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 desires to sell surplus, lost, stolen, unclaimed and/or seized property accumulated by the City of Modesto and 11 vehicles from Fleet Services Division, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, January 2, 1999 for vehicles and Saturday, January 16, 1999 for surplus property, 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 that it does hereby authorize the sale of surplus, lost, stolen, unclaimed and/or seized...
property accumulated by the City of Modesto and 11 vehicles from Fleet Services Division a
list of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a
public auction to be conducted by Roger Ernst and Associates on Saturday, January 2, 1999
for vehicles and Saturday, January 16, 1999 for surplus property, at their facility located at
824 W. Kiernan Avenue, subject to an agreement between the City of Modesto and Roger
Ernst and Associates for auctioneering services which was entered into on the 4th day of
October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject
also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed
for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the
official newspaper of the City of Modesto. Said notice shall set forth the time and place of the
sale and that the list of the items to be offered for sale can be inspected in the Office of the
City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

12/14/98
MODESTO CITY COUNCIL
RESOLUTION NO. 98-676

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO CANVASSING THE RESULTS OF THE
DECEMBER 15, 1998 ELECTION HELD WITHIN
COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) AND ASSERTING
COMPLIANCE WITH THE PROVISIONS OF PROPOSITION
218

WHEREAS, this Council is conducting proceedings pertaining to the formation of
the City's Community Facilities District No. 1998-2 (the "District"), the establishment of an
appropriations limit within the District, and the levy of a special tax sufficient to pay all costs
necessary to finance certain Facilities and Services as described in the City's Resolution No. 98-653, adopted December 8, 1998, and

WHEREAS, on December 15, 1998, an election was held within the District (the
"Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of
levying the special tax and establishing an appropriations limit within the District was approved
by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or
benefit 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"), and
WHEREAS, the City of Modesto has determined that the special tax complies with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws pertaining to the levy of such special taxes,

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

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

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

3. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

4. The levy and collection of the special tax within the District is herewith ordered for the 1999/2000 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the 1999/2000 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax may validly be levied.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs and Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 98-653, the Resolution of Formation, adopted on December 8, 1998 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1998-2 on December 15, 1998, and that the election was conducted by mail or in person at the City Hall of Modesto.

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

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 1998-2 (the “District”) of the City of Modesto (“the City”), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City’s Resolution No. 98-653 (the “Resolution of Formation”) adopted by the City Council of the City of Modesto on December 8, 1998, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 433,000 NO 0

Dated: 

JEAN ZAHR
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 98-676

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO CANVASSING THE RESULTS OF THE
DECEMBER 15, 1998 ELECTION HELD WITHIN
COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-
BANGS/PELANDALE-SNYDER) AND ASSERTING
COMPLIANCE WITH THE PROVISIONS OF PROPOSITION
218

WHEREAS, this Council is conducting proceedings pertaining to the formation of
the City's Community Facilities District No. 1998-2 (the "District"), the establishment of an
appropriations limit within the District, and the levy of a special tax sufficient to pay all costs
necessary to finance certain Facilities and Services as described in the City's Resolution No. 98-
653, adopted December 8, 1998, and

WHEREAS, on December 15, 1998, an election was held within the District (the
"Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of
levying the special tax and establishing an appropriations limit within the District was approved
by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or
benefit 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"), and
WHEREAS, the City of Modesto has determined that the special tax complies with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws pertaining to the levy of such special taxes,

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

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

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

3. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

4. The levy and collection of the special tax within the District is herewith ordered for the 1999/2000 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the 1999/2000 Stanislaus County tax roll.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs and Fisher

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
EXHIBIT A
CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 98-653, the Resolution of Formation, adopted on December 8, 1998 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1998-2 on December 15, 1998, and that the election was conducted by mail or in person at the City Hall of Modesto.

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

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 1998-2 (the “District”) of the City of Modesto (“the City”), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City’s Resolution No. 98-653 (the “Resolution of Formation”) adopted by the City Council of the City of Modesto on December 8, 1998, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 433.09 NO 0

Dated:

JEAN ZAHR
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 98-677

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ASSERTING COMPLIANCE WITH THE PROVISIONS OF PROPOSITION 218 WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND COMMUNITY FACILITIES DISTRICT NO. 1997-1 (NORTH BEYER)

WHEREAS, the County of Stanislaus requires each agency for whom it collects taxes to assert compliance with the provisions of Article XIII C and XIII D of the California Constitution, added by the people through Proposition 218 in 1996, and

WHEREAS, the City of Modesto has by previous proceedings levied special taxes to defray the expenses of infrastructure and services within Community Facilities District No. 1996-1 (Village One) and Community Facilities District No. 1997-1 (North Beyer) (the “Districts”) 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”), and

WHEREAS, the special taxes against the real property are not levied with regard to either property value or benefit, but rather in accordance with the Act, and

WHEREAS, the City of Modesto has determined that these special taxes comply with the provisions of Articles XIII C and XIII D of the California Constitution, and all laws pertaining to the levy of such taxes,
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City of Modesto orders the levy and collection of such special taxes within the Districts for the 1998/1999 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

SECTION 3. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 1998/1999 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax may validly be levied.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-677

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO ASSERTING COMPLIANCE WITH THE
PROVISIONS OF PROPOSITION 218 WITH RESPECT TO
COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE
ONE) AND COMMUNITY FACILITIES DISTRICT NO. 1997-1
(NORTH BEYER)

WHEREAS, the County of Stanislaus requires each agency for whom it collects taxes to
assert compliance with the provisions of Article XIII C and XIII D of the California Constitution,
added by the people through Proposition 218 in 1996, and

WHEREAS, the City of Modesto has by previous proceedings levied special taxes to
defray the expenses of infrastructure and services within Community Facilities District No.
1996-1 (Village One) and Community Facilities District No. 1997-1 (North Beyer) (the
"Districts") 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"), and

WHEREAS, the special taxes against the real property are not levied with regard to either
property value or benefit, but rather in accordance with the Act, and

WHEREAS, the City of Modesto has determined that these special taxes comply with the
provisions of Articles XIII C and XIII D of the California Constitution, and all laws pertaining to
the levy of such taxes,
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City of Modesto orders the levy and collection of such special taxes within the Districts for the 1998/1999 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

SECTION 3. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 1998/1999 Stanislaus County tax roll.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 98-678

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (ANNEXATION #2)

WHEREAS, this Council did, on November 10, 1998, adopt its Resolution No. 98-591 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, 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"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on December 15, 1998, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and
WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.
SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and by this reference incorporated herein.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.
SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7.

(a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT A hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT A is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory.
This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory for each of the ninety days preceding the close of the Election. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 22nd day of December, 1998, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively
evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;
2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.
SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT A
Exhibit “A”

COMMUNITY FACILITIES DISTRICT
NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX
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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written “Report” with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the “District”) and

WHEREAS, the Resolution ordering said “Report” did direct that said “Report” generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

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

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

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

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

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:
PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

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

A. ARTERIAL ROADS

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

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

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

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

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

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

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

C. UTILITY RELOCATION

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

D. PARKS

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

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

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

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

F. OTHER

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

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

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

*Street parkways includes median and roadside landscape and hardscape.
II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report include land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.
III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the Village One Facilities Master Plan adopted June 1996, and as shown on page 28 of the Village One Finance Plan, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Roads</td>
<td>$20,509,278</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$13,240,470</td>
</tr>
<tr>
<td>Utility Relocation</td>
<td>$1,120,458</td>
</tr>
<tr>
<td>Parks</td>
<td>$10,863,967</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other</td>
<td>$2,698,683</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>$48,457,856</strong></td>
</tr>
<tr>
<td>Annual CFD Administration (1%)</td>
<td><strong>$484,579</strong></td>
</tr>
</tbody>
</table>

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or $484,579 over the life of the district.

Total district with administration is: **$48,942,435**
B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

- Annual maintenance cost at buildout in 1996 dollars:

  Community Park and three (3) neighborhood parks .................. $149,073
  Street/Parkways: 1,500,000 sq. ft. x $0.417 / sq. ft. ................ $625,500
  Pathway Landscaping: Subtotal Paths .................. $44,965
  \[ \text{Class I: } \frac{17,089}{5,280} \times 4,020 = 13,560 \]
  \[ \text{Class II: } \frac{82,388}{5,280} \times 1,500 = 23,405 \]
  \[ \text{Class III: } \frac{84,480}{5,280} \times 500 = 8,000 \]
  Pathway Landscaping: \[ \text{Subtotal Paths } = 44,965 \]
  Weed and Litter Abatement .................. $4,251
  Misc. Annual Admin/Cont. (3%) .......................... $26,211
  Total Annual Cost: $850,000

- Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.
IV. RATE AND METHOD (By David Taussig and Associates)

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

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

"City" means the City of Modesto.

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

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

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

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

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

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

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

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

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

“Land Use Class” means any of the five classes listed in Table 1 and Table 2 below.
"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1995-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. ASSIGNMENT TO LAND USE CLASS

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

1. Facilities Special Tax

   a) Very Low Density Residential Property and Village Residential Property

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

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

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

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,654 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$29,398 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$76,228 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,313 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,419 per Gross Acre</td>
</tr>
</tbody>
</table>

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

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

2. Maintenance Special Tax

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

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

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

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

b) Undeveloped Property

Undeveloped Residential Property:

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

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

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

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

Undeveloped Commercial and Undeveloped Industrial Property:

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

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

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

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

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

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

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

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

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

F. ENFORCEMENT

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

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall
track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. Maintenance Fund

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.
VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

______________________________
Jerry L. Slinkard
Vail Engineering Corporation

______________________________
Date
MODESTO CITY COUNCIL
RESOLUTION NO. 98-679

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND DALE E. VOLZ, DBA DELUXE BOOKBINDING FOR A COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the loan agreement between the City of Modesto and Dale E. Volz, dba Deluxe Bookbinding for a Community Development Block Grant Small Business Loan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPOINTING ANDREW MENDLIN TO THE PLANNING COMMISSION

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

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

SECTION 1. Andrew Mendlin is hereby appointed to the Planning Commission with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING SUSAN BANTON 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. Susan Banton is hereby appointed to the Board of Zoning Adjustment with a term expiration of December 31, 2002.

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 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr, City Clerk