RESOLUTION APPROVING THE FIRST AMENDMENT TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR THE CONSTRUCTION OF FOUR ONE-BEDROOM PERMANENT SUPPORTIVE UNITS FOR PERSONS WITH MENTAL HEALTH DISABILITIES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units; and

WHEREAS, a percentage of the HOME entitlement funds plus estimated program income may be allocated for the purposes of providing assistance to provide decent and affordable housing to low income households; and

WHEREAS, a Request for Qualifications for Affordable Housing Developers and a Request for Proposals for CHDOs were issued on June 3, 2015 with approximately $900,000 of assistance available in HOME entitlement funds and $200,000 available in CHDO Set-Aside funds; and

WHEREAS, a sub-committee of the Citizens Housing & Community Development Committee (CH&CDC) reviewed the proposals and made a final recommendation to the CD&CDC; and

WHEREAS; on August 19, 2015, the CH&CDC reviewed, discussed and approved a final funding recommendation to the City Council; and

WHEREAS, on September 8, 2015, the City Council, by Resolution No. 2015-344, approved the allocation of $490,000 in HOME entitlement funds and $50,000 in
CHDO Set-Aside funds to Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities; and

WHEREAS, on September 22, 2015, the City Council, by Resolution No. 2015-349, approved a HOME Investment Partnerships Program agreement with Stanislaus County Affordable Housing Corporation; and

WHEREAS, the City has agreed to amend the terms of the HOME Loan Agreement to reduce the default interest rate, clarify repayment obligations, clarify marketing and tenant selection obligations, and adjust insurance requirements; and

WHEREAS, no additional HOME entitlement funds are being committed to the project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby authorizes City Manager to enter into the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities, and authorizing the City Manager, or his designee, to sign all related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-161

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR PROJECT 100918 TO INCLUDE $372,965.52 IN HOME ENTITLEMENT FUNDS TO FULLY FUND THE APPROVED AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO), AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, on September 22, 2015, City Council, by Resolution No, 2015-349, approved a HOME Investment Partnerships Program (HOME) agreement with Stanislaus County Affordable Housing Corporation (STANCO), in the amount of $540,000 to construct four permanent supportive units for persons with mental health disabilities, and

WHEREAS, on December 8, 2015, City Council, by Resolution No. 2015-459, approved a budget adjustment to transfer $117,034.48 in HOME Direct Loan Funds and $50,000 in HOME Community Housing Development Organization (CHDO) Set-Aside Carryover Funds to establish a new Multi Year Project, 100918 within the HOME fund, and

WHEREAS, additional HOME Direct Funds in the amount of $372,965.52 are available to budget, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby authorizes amending the Fiscal Year 2015-2016 budget for Project 100918 to include $372,965.52 in HOME Entitlement Funds, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FIRST AMENDMENT TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN AGREEMENT WITH GREAT VALLEY HOUSING DEVELOPMENT CORPORATION, A NON-PROFIT ORGANIZATION, TO CONSTRUCT FOUR AFFORDABLE HOUSING UNITS FOR VETERANS AT RISK OF HOMELESSNESS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units; and

WHEREAS, a percentage of the HOME entitlement funds plus estimated program income may be allocated for the purposes of providing assistance to provide decent and affordable housing to low income households; and

WHEREAS, a Request for Qualifications for Affordable Housing Developers and a Request for Proposals for CHDOs were issued on June 3, 2015 with approximately $900,000 of assistance available in HOME entitlement funds and $200,000 available in CHDO Set-Aside funds; and

WHEREAS, a sub-committee of the Citizens Housing & Community Development Committee (CH&CDC) reviewed the proposals and made a final recommendation to the CD&CDC; and

WHEREAS; on August 19, 2015, the CH&CDC reviewed, discussed and approved a final funding recommendation to the City Council; and

WHEREAS, on September 8, 2015, the City Council by Resolution No. 2015-343 approved the allocation of $150,000 in HOME entitlement Funds (HOME) Funds and $150,000 in Community Housing Development Organizations (CHDO) Set-Aside Funds
to the Great Valley Housing Development Corporation, for the construction of 4 one-bedroom units for veterans at risk of homelessness; and

WHEREAS, on September 22, 2015, the City Council by Resolution No. 2015-348, approved a HOME Investment Partnerships Program agreement with Great Valley Housing Development Corporation, a non-profit organization; and

WHEREAS, the City has agreed to amend the terms of the Loan Agreement to reduce the default interest rate, clarify repayment obligations, clarify marketing and tenant selection obligations, and adjust insurance requirements; and

WHEREAS, no additional HOME entitlement funds are being committed to the project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby authorizes City Manager to enter into the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Great Valley Housing Development Corporation, a non-profit organization, to construct four affordable housing units for veterans at risk of homelessness, and authorizing the City Manager, or his designee, to execute the agreements and related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-163

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE G STREET AND HATCH ROAD PAVEMENT REHABILITATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH DSS COMPANY, DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA IN THE AMOUNT OF $754,531.13, AND authorizing the CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the G Street and Hatch Road Pavement Rehabilitation Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the G Street and Hatch Road Pavement Rehabilitation Project were opened at 11:00 a.m. on March 1, 2016 for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $754,531.13 received from DSS Company dba Knife River Construction of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to DSS Company dba Knife River Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that this project is exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. The proposed project will rehabilitate existing pavement and complete minor improvements.

BE IT FURTHER RESOLVED that the Council hereby approves the plans and specifications for the G Street and Hatch Road Pavement Rehabilitation Project, accepts the bid of DSS Company dba Knife River Construction of Stockton, California in the
amount of $754,531.13, and awards DSS Company dba Knife River Construction of Stockton, California the contract for the G Street and Hatch Road Pavement Rehabilitation Project, and that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-164

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNTS AS SHOWN IN EXHIBIT A IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE G STREET AND HATCH ROAD PAVEMENT REHABILITATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amounts shown in Exhibit A, in order to fund construction, contingency, construction administration and engineering support during construction for the G Street and Hatch Road Rehabilitation Project, and

WHEREAS, the Fiscal Year 2015-2016 Capital Improvement Program Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
# EXHIBIT A

<table>
<thead>
<tr>
<th>EXPENSES</th>
<th>Available Current Budget</th>
<th>Increase / Decrease</th>
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</table>

$1,535,000  $1,535,000
RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO ISSUE CHANGE ORDERS ON THE G STREET AND HATCH ROAD PAVEMENT REHABILITATION PROJECT IN THE TOTAL AMOUNT UP TO $150,907 (20% OF THE ORIGINAL CONTRACT PRICE)

WHEREAS, the contingency cost for G Street and Hatch Road Pavement Rehabilitation Project has been estimated to be $150,907, twenty-percent (20%) of the original contract price, an amount which exceeds the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and,

WHEREAS, the Director of Utilities shall have authority to approve change orders up to the cumulative amount of $150,907.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders on the G Street and Hatch Road Pavement Rehabilitation Project in the total amount of $150,907 (20% of the original contract price).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH ASSOCIATED ENGINEERING GROUP, INC. (MODESTO, CA) FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT, IN AN AMOUNT NOT TO EXCEED $134,405.00 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $13,440.50 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $147,845.50, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, the City is ready to begin design for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, and

WHEREAS, Hetch Hetchy utilities currently cross Claratina Avenue within the limits of the proposed project, and

WHEREAS, Hetch Hetchy has prior property rights and is governed by the San Francisco Public Utilities Commission, and

WHEREAS, Associated Engineering Group, Inc. (Associated) has recently performed design and utility coordination services with Hetch Hetchy, and

WHEREAS, based on the findings that Associated has the specialized qualifications needed to perform design and utility coordination services with Hetch Hetchy for the subject project, staff finds that the justification meets the City’s sole source criteria as required under the Modesto Municipal Code, and

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Modesto, that the Council approves an agreement with Associated for professional engineering design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, in an amount not to exceed $134,405.00 for the identified scope of services, plus
$13,440.50 for additional services (if needed), for a maximum total amount of
$147,845.50,

NOW, THEREFORE, BE IT RESOLVED that the City Manager, or his designee,
is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO INCLUDE THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT AND APPROPRIATE $200,000 FROM THE CAPITAL FACILITIES FEE FUND TO CIP PROJECT #100945 FOR ENGINEERING/DESIGN/ADMINISTRATION

WHEREAS, a Hetch Hetchy water transmission line currently crosses Claratina Avenue just north of McHenry Avenue, and

WHEREAS, in order for the City to perform work above the water transmission lines the City must coordinate design with the Hetch Hetchy utility crossing and meet all associated requirements and conditions, and

WHEREAS, the City created Project #100945 for the Hetch Hetchy and Claratina Structural Crossing Project, and

WHEREAS, the City is ready to begin design for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Capital Improvement Program (CIP) budget to include the Hetch Hetchy and Claratina Avenue Structural Crossing Project and appropriate $200,000 from the Capital Facilities Fee Fund to CIP Project #100945 for Engineering/Design/Administration.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR THE SAFER GRANT FOR FUNDING FOR NINE (9) ADDITIONAL FIREFIGHTER POSITIONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS

WHEREAS, the Department of Homeland Security- Federal Emergency Management Agency (FEMA) is authorized to administer the Staffing for Fire and Emergency Response (SAFER) grant was created to provide funding directly to fire departments and volunteer firefighter organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities, and

WHEREAS, MFD was awarded a SAFER grant in 2011 and successfully met all program requirements, and

WHEREAS, Modesto Fire Department is seeking authorization to submit a 2015 SAFER grant application requesting funding to hire nine (9) firefighters. This is a two-year program that will pay the salaries and benefits of the nine (9) requested SAFER-funded positions, and

WHEREAS, if awarded the MFD would have the funding to re-staff Engine 11 which was eliminated due to budget reductions in July 2011. The grant requires the MFD to maintain staffing levels and incur no layoffs during the two (2) year grant period, and

WHEREAS, after the performance period there is no obligation to retain SAFER-funded positions. There are no match requirements to this grant program however, it will not fund the costs to train and equip firefighters, uniforms, physicals, etc., and

WHEREAS, Staff recommends submittal of the 2015 SAFER grant application requesting funding to hire nine (9) firefighters and will come back to Council for
approval should the grant be awarded.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application for the SAFER Grant for funding for nine (9) additional Firefighter positions.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 26th day of April, 2016 by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH MS PORTFOLIO, LLC FOR PARTIAL ACQUISITION OF A 2,424 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), IN THE AMOUNT OF $86,200 FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road Project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop and not block southbound traffic flow, and

WHEREAS, on December 11, 2012, City Council by Resolution 2012-509 accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015 by Resolution No. 2015-08 City Council accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and
WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015, by Resolution 2015-467, City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC, and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of real property, and

WHEREAS, an agreement is needed for the acquisition of the real property and City staff recommends approving the Purchase and Sale Agreement for acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with MS Portfolio, LLC for the partial acquisition of a 2,424 square foot portion of real property located at 3401 Dale Road (A.P.N. 076-031-022), in the amount of $86,200 for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A GRANT DEED WITH MS PORTFOLIO, LLC FOR PARTIAL ACQUISITION OF A 2,424 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022) FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT THE GRANT DEED

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop without blocking southbound traffic flow, and

WHEREAS, on December 11, 2012, City Council by Resolution 2012-509 accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015, City Council, by Resolution No. 2015-08 accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and
WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015 by Resolution 2015-467 the City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC, and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of real property, and

WHEREAS, a Grant Deed is required for the acquisition of the real property and City staff recommends approving the Grant Deed for acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed with MS Portfolio, LLC for the partial acquisition of a 2,424 square foot area, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to accept the Grant Deed, and all related documents required to close escrow.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR PARTIAL ACQUISITION OF A 2,424 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), OWNED BY MS PORTFOLIO, LLC FOR THE CML 5059(197) BUS TURNOUT ON SB DALE ROAD PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept a 2,424 square foot portion of real property, for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC, to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A GRANT OF PUBLIC UTILITY EASEMENT WITH MS PORTFOLIO, LLC FOR ACQUISITION OF A 2,447 SQUARE FOOT PUBLIC UTILITY EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), FOR THE CML 5059(197) BUS TURNOUT ON SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road Project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop without blocking southbound traffic flow, and

WHEREAS, on December 11, 2012, City Council by Resolution 2012-509 accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015, City Council, by Resolution No. 2015-08 accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and
WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015 by Resolution 2015-467 the City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of a Public Utility Easement for the construction of the bus stop, and

WHEREAS, a Grant of Public Utility Easement is required for the acquisition of a Public Utility Easement and City Staff recommends approving the Grant of Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Public Utility Easement with MS Portfolio, LLC for the acquisition of a 2,447 square foot Public Utility Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: ____________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT OF PUBLIC UTILITY EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), OWNED BY MS PORTFOLIO, LLC FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept a 2,447 square foot Public Utility Easement, for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for CML 5059(197) Bus Turnout on SB Dale Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A GRANT OF TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH MS PORTFOLIO, LLC FOR ACQUISITION OF A 5,135 SQUARE FOOT TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), FOR CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road Project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop without blocking southbound traffic flow, and

WHEREAS, on December 11, 2012 by Resolution 2012-509 City Council accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015 by Resolution No. 2015-08 City Council accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and
WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015 by Resolution 2015-467 City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of a Temporary Construction Easement for the construction of the bus stop, and

WHEREAS, a Grant of Temporary Construction Easement is required for the construction portion of the project and City staff recommends approving the Grant of Temporary Construction Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Temporary Construction Easement Agreement with MS Portfolio, LLC for the acquisition of a 5,135 square foot Temporary Construction Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour,
who moved its adoption, which motion being dulyseconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-175

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT OF TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), OWNED BY MS PORTFOLIO, LLC FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept a 5,135 square foot Temporary Construction Easement, for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for CML 5059(197) Bus Turnout on SB Dale Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF THIRTEEN REPLACEMENT, AND SEVEN NEW HALF-TON PICKUP TRUCKS FOR THE PUBLIC WORKS, UTILITIES, AND POLICE DEPARTMENTS TO ALBANY FORD, ALBANY, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $585,319

WHEREAS, the replacement of thirteen half-ton pickup trucks for various departments has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, the purchase of seven new half-ton pickup trucks for various departments was approved in the adopted Fiscal Year 2015-16 budget to support the growth in personnel, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment listed in Attachment “A”, through various competitive processes, and

WHEREAS, the departments are currently using holdback units or rental units to perform daily tasks. The long term effect of using rental equipment results in higher cost to the department, and

WHEREAS, The Purchasing Division issued RFB 1516-22 for the purchase of twenty non-brand specific half-ton pickup trucks on the City’s website under the commodity codes for half-ton trucks and specialized bodies. Prospective bidders were given notice online of the bid opportunity, and
WHEREAS, bids were formally opened in the City Clerk’s office on March 1, 2016. Three companies chose to respond. All three companies provided responsive and responsible bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of twenty half-ton pickup trucks to Albany Ford, Albany CA, for a total estimated cost of $585,319, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of twenty half-ton pickup trucks to Albany Ford, Albany, CA conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for thirteen replacement half-ton pickups are budgeted in Fiscal Year 2015-16, in the replacement fund account for all City Departments including Public Works, Utilities, and the Police Department, and

WHEREAS, sufficient funds for seven new half-ton pickups are budgeted in Fiscal Year 2015-16, in Utilities and Public Works accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of thirteen replacement, and seven new half-ton pickup trucks for the Public Works and Utilities Departments to Albany Ford, Albany, CA, for an estimated total cost of $585,319.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is authorized to issue a purchase order.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: Ah You

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
### Attachment "A"

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-177

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO REPLACEMENT STREET SWEEPERS FOR THE PUBLIC WORKS DEPARTMENT TO MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $610,006

WHEREAS, the replacement of two street sweepers for the Public Works Department, Street Sweeping Division have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, replacement units are essential in maintaining current operations, facilities, and/or services, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, and

WHEREAS, The Purchasing Division issued RFB 1516-19 for the purchase of two non-brand specific street sweepers on the City’s website under the commodity code for trucks with specialized bodies. Prospective bidders were notified online of the bid opportunity. Six companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk’s office on February 2, 2016. Three companies chose to respond. There were no local vendors capable of providing this type of equipment. Two companies provided responsive and responsible bids, and
WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two street sweepers to Municipal Maintenance, Sacramento, CA, for a total estimated cost of $610,006, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of two street sweepers to Municipal Maintenance Equipment, Sacramento, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2015-16, in account: 5409-53246-57003. Funding for these vehicles was collected thru the internal service fund (ISF) via straight-line depreciation over the life of the vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of two street sweepers to Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of $610,006.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of April, 2016, by Councilmember Grewal, who
moved its adoption, which motion being duly seconded by Councilmember Ah You, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-178

RESOLUTION APPROVING REINSTATEMENT OF THE DROUGHT STAGE II REQUIREMENTS OF THE CITY OF MODESTO DROUGHT CONTINGENCY PLAN TO ALLOW OUTDOOR WATERING TO TWO DAYS A WEEK EFFECTIVE MAY 1, 2016 THROUGH OCTOBER 31, 2016

WHEREAS, on March 17, 2015, the State Water Resources Control Board (SWRCB) adopted additional emergency drought regulations to govern the use of urban water in California, which required the City of Modesto to meet a thirty-six percent (36%) cumulative reduction for the period of June 2015 through February 2016, and

WHEREAS, Section 11-1.14 of the Modesto Municipal Code authorizes the City Council to establish rules and regulations by resolution concerning the City’s municipal water system, the use of water, and water conservation, and

WHEREAS, on November 24, 2015 City Council, by Resolution No. 2015-455, revised the City of Modesto Drought Contingency Plan and enacted Drought Stage IIA requirements to restrict outdoor watering to one day a week effective December 1, 2015, and

WHEREAS, California continues to endure severe drought conditions and most of the state, including our local area, is experiencing exceptional drought conditions as defined by the United States Drought Monitor, and

WHEREAS, the Governor recently extended the emergency drought regulations through October 2016 by executive order, and

WHEREAS, the SWRCB eased the restriction for the City of Modesto to require a thirty-four percent (34%) cumulative reduction in water use through October 2016, and
WHEREAS, staff recommended that the City Council approve returning to Drought Stage II of the Drought Contingency Plan effective May 1, 2016 through October 31, 2016 and,

WHEREAS, Drought Stage II of the Drought Contingency Plan implements a two-day per week outdoor watering schedule for all City of Modesto customers with addresses ending in an even number watering only on Tuesdays and Saturdays and addresses ending in an odd number watering only on Wednesdays and Sundays, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves reinstatement of the Drought Stage II requirements of the City of Modesto Drought Contingency Plan that restrict outdoor watering to two days a week effective May 1, 2016 through October 31, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(600) (STANCO)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by STANCO on December 10, 2015, to reclassify from R-1, Low-Density Residential Zone, to Planned Development Zone, P-D (600) for a four-unit medium-density supportive housing complex and community resource center, for property located at 522 E. Granger Avenue, described as follows:

R-1 to P-D(600)

Real Property in the City of Modesto, County of Stanislaus, State of California, described as follows:

PARCEL A AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON MARCH 2, 1978 IN BOOK 26 OF PARCEL MAPS AT PAGE 89, STANISLAUS COUNTY RECORDS.

CONTAINING 0.41 acres more or less

Also including the southern 30.00 feet of E. Granger Avenue immediately adjacent to the above-described property.

APN: 031-002-046-000

WHEREAS, after a public hearing held on March 7, 2016, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2016-06, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to a Planned Development Zone with medium-density residential uses would provide for development that meets all City standards for a multi-family housing development, the requested zone change will result in an orderly planned use of land
because this multi-family residential development will be compatible with the surrounding residential uses adjacent to the site, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the allowable uses of the Planned Development Zone, P-D(600) are consistent with the site’s proposed General Plan Land Use Designation of “Mixed Use”, which allows for medium-density residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 26, 2016, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of STANCO for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2016-06 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3647-C.S. on the 26th day of April, 2016, reclassifying the above-described property from R-1 Low-Density Residential Zone, to Planned Development Zone, P-D(600),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(600), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Proposed New Development: 522 Granger – 522 Granger Ave. Modesto, CA", stamped approved by the City Council on April 26, 2016.

2. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.

3. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

4. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

5. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-2.2004, Parking Lot Design.

6. Parking stalls adjacent to a landscape planter or walkway should have a dimension of 9 ft. by 15.5 ft. with a 2.5 ft. overhang. Compact stalls should be 7.5 ft. by 12.5 ft. with a 2.5 ft. overhang. All required overhang should be added to the required landscape or walkway. The use of wheelstops is discouraged. For situations where a landscape planter or walkway is not adjacent to the parking stalls and wheelstops are necessary, stalls should have a dimension of 9 ft. by 18 ft. Compact stalls with a wheelstop should be 7.5 ft. by 15 ft. Parking stalls should be redesigned accordingly.

7. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development.

8. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a structure.
to the satisfaction of the Director of Community and Economic Development.

9. All signs shall comply with the sign requirements of the R-3 Zone.

10. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened though the use of landscaping or masonry walls.

11. Any public improvements that are missing, damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications, such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

12. A 10-inch water main fronts the property in Granger Avenue, which is available for connection and adequately sized. It is recommended to utilize existing water service connections for the proposed building. If a new connection or an upgrade to the existing connection is requested, then water connection fees will be applicable and an encroachment permit from the City has to be obtained prior to any construction.

13. A 10-inch sewer main fronts the property in Granger Avenue, which is available for connection and adequately sized. It is recommended to utilize existing sewer service connection for the proposed building. If a new connection or an upgrade to the existing connection is requested, then sewer connection fees will be applicable and an encroachment permit from the City has to be obtained prior to any construction.

14. There is not an existing positive storm drain system available for this project to connect to. Storm water has to be kept on site and has to be designed to current City of Modesto standards. Provide Storm water calculations for checking along with off-site plans prior to building permit issuance.

15. The driveway on Granger Avenue shall be designed to a commercial flared driveway per City of Modesto standard detail 1009.

16. Prior to the issuance of a Grading or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local
SWPPP to Land Development Engineering, Stormwater for review. The submittal shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

17. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures.

18. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot. Floor of enclosures shall be graded to drain into adjacent landscape areas.

19. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain and infiltrate the first 0.5” of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

20. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5” of stormwater run-off from site.

21. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

22. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

23. Applicant to submit landscape and irrigation plans that are compliant with current State of California Model Water Use Ordinance for review and approval when they submit building plan sets to Development Services.

24. Applicant shall plant drainage basin with a “no-mow”-type grass to prevent erosion of soil. This area shall be irrigated to prevent dying off during the summer months.
25. Construction of the community center and dwelling units shall conform to the requirements of the California Building Code and California Fire Code.

26. An Automatic Fire Sprinkler system designed in accordance with NFPA 13 and 13R will be required in the proposed community resource center, family area addition, service addition and dwelling units.

27. All department Conditions of Approval for the project shall be included on the sheet following the title sheet, which shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

28. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the respective utility company, Modesto Irrigation District, and/or City Engineer. Easements for utilities, irrigation, and electrical lines to remain shall be dedicated as required.

29. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris, and all exposed wall surfaces shall be kept free of graffiti.

30. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.

31. The property owner and developer shall, at their sole expense, defend, with counsel selected by the City, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorney’s fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

32. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in
accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.

33. AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

34. AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

35. AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

36. AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

37. AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

38. AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

39. AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

40. AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

41. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

42. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.

43. AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

44. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

45. AQ-54: Install wind breaks at windward side(s) of construction areas.
48. AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

49. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

50. N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

51. The City's Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

52. The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):
   a. A hammer or any other device or implement used to pound or strike an object.
   b. An impact wrench or other tool or equipment powered by compressed air.
   c. A hand-powered saw.
   d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
   e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to a saw, drill, lathe, or router.
   f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to...
pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

53. MEIR Table V-8-1 (e, f)

e. If any find is determined to be significant by a qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(600):

The entire construction program be accomplished in one phase, construction to begin on or before April 26, 2018, and completion to be not later than April 26, 2020.'

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.
SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(600), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on April 26, 2016, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

[Signature]

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: [Signature]

Community & Economic Development Department Planning Division
RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT OF SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM R-1, LOW-DENSITY RESIDENTIAL ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(600), PROPERTY LOCATED AT 522 E. GRANGER AVENUE (STANCO)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, STANCO has proposed that the zoning designation for property on the south side of E. Granger Avenue west of Sunrise Avenue be amended to rezone from R-1, Low-Density Residential Zone to Planned Development Zone, P-D(600), in the City of Modesto (“Project”) for a four-unit medium density supportive housing complex and community resource center, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2016-03 (“Initial Study”) which analyzed whether the subsequent project may cause any 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 report, and

WHEREAS, in accordance with CEQA guidelines beginning on February 11th, 2016, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and
WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 26th, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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 rezone to Planned Development Zone, P-D(600), a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any 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 report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic 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 26th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
EXHIBIT A

Initial Study

EA/C&ED 2016-03
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2016-03

For the proposed:

STANCO Multi-Family Supportive Housing Complex

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

February 8, 2016
City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report (“Master EIR” or “MEIR”). This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether Hintze Avenue Subdivision is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is “within the scope” of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects” means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. “Substantial evidence” means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: STANCO – Multi-Family Supportive Housing Complex

B. Address or Location: South side of E. Granger Avenue, West of Sunrise Avenue East of Melrose Avenue located at 522 E. Granger Avenue

C. Applicant: Steve Madison-STANCO Affordable Housing Corp., 1207 13th Street, Suite 2, Modesto, CA 95356

D. City Contact Person: Rita Doscher

Project Manager: Rita Doscher
Department: Community and Economic Development
Phone Number: (209) 577-5267
E-mail address: rdoscher@modestogov.com

E. Current General Plan Designation(s): MU, Mixed Use

F. Current Zoning Classification(s): R-1, Low Density Residential Zone
G. Surrounding Land Uses:
   North: Single-Family Residential
   South: P-D(175) Single Story Apartments
   East:  P-D(175) Single Story Apartments
   West:  R-2, Single Story Apartments

H. Project Description, including the project type listed in Section II.C

The project site is a 0.41 acre parcel. The project will consist of four single story multi-family dwelling units (approximately 706 square feet each) totaling 2,827 square feet to be provided for supportive housing, and the conversion and expansion of the existing residence (approximately 2,693 square feet) for an onsite community resource center. Required parking, common areas and new fencing are to be provided. The entitlement includes the rezoning of the parcel from R-1, Low Density Residential Zone, to a new Planned Development Zone, with Medium-High Density Residential Zone uses. In addition, the new driveway off of E. Granger Avenue will be improved to meet City standards as required by the City Engineer.

I. Other Public Agencies Whose Approval is Required:
   None
AREA MAP OF PROPOSED REZONING R-1 TO P-D
PDZ-15-001
522 E. GRANGER AVENUE

City of Modesto
General Plan Master EIR
Initial Study EA No. 2016-03
February 8, 2016
PROPOSED SITE PLAN
PDZ-15-001
522 E. GRANGER AVENUE
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.
B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

---------------------------------  ---------------------------------  ----------------------------
Project Manager                  Associate Planner       February 10, 2016
                                      Title               Date
4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any “No” response must be discussed.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
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<tr>
<td>(2) City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.</td>
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<tr>
<td>(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).</td>
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<tr>
<td>(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.</td>
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<tr>
<td>(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.</td>
<td>☒</td>
</tr>
<tr>
<td>(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.</td>
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</table>

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any “no” response must be explained.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.</td>
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</tr>
<tr>
<td>(2) This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:</td>
<td>☒</td>
</tr>
<tr>
<td>(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
<td>☒</td>
</tr>
<tr>
<td>(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.</td>
<td>☒</td>
</tr>
<tr>
<td>(c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.</td>
<td>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto’s significance threshold for automobile traffic, or lower (LOS E or F).
Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:
1. TRAFFIC AND CIRCULATION

<p>| 1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures. |</p>
<table>
<thead>
<tr>
<th>Potential Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
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<tbody>
<tr>
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</table>

| 2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? |
|-----------------------------|-----------------------------------------------|-----------------------------|-----------|
| ☐                           | ☐                                             | ☐                           | ☒         |

| 3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR. |
|-----------------------------|-----------------------------------------------|-----------------------------|-----------|
| ☐                           | ☐                                             | ☐                           | ☒         |

| 4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services). |
|-----------------------------|-----------------------------------------------|-----------------------------|-----------|
| ☐                           | ☐                                             | ☐                           | ☒         |

| 5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff. |
|-----------------------------|-----------------------------------------------|-----------------------------|-----------|
| ☐                           | ☐                                             | ☐                           | ☒         |

| 6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on. |
|-----------------------------|-----------------------------------------------|-----------------------------|-----------|
| ☐                           | ☐                                             | ☐                           | ☒         |

| 7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR. |
|-----------------------------|-----------------------------------------------|-----------------------------|-----------|
| ☐                           | ☐                                             | ☐                           | ☒         |

Discussion:

(1) The project site is zoned R-1, Low Density Residential with the proposal to rezone to a new Planned Development Zone, as part a STANCO multi-family supportive housing complex located on the south side of E. Granger Avenue west of Sunrise Avenue. As part of the
planned development submittal, the addition of four new one bedroom residential dwelling units and the conversion and expansion of the existing house to an onsite community resource center is proposed. The proposed change to allow for the supportive housing complex will not result in an increase in traffic for the site.

(2) The proposed project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project and therefore there are no significant cumulative (long term) traffic impacts.

(4) Police and Fire Staff have reviewed this proposal and Fire has requested the standard Automatic Fire Sprinkler system in the proposed community resource center, family area addition, service addition and dwelling units.

(5) The proposed multi-family units and community resource center will provide parking in accordance with the Municipal Code.

(6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.

(7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NOx) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM$_{10}$) and 2.5 microns or less in diameter (PM$_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO$_x$, PM$_{10}$, and PM$_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be
incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

MEIR AQ-20
To be consistent with the SJVAPCD’s Air Quality Guidelines for General Plans, the City of Modesto should determine air quality impacts using analysis methods and significance thresholds recommended by the SJVAPCD. (General Plan Policy VII-H.2[n])

MEIR AQ-26
Review of new development shall be coordinated with SJVAPCD’s staff to ensure all projects subject to the SJVAPCD rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD’s emission reduction commitments in the PM10 and Ozone Attainment Plans through design features and onsite approval for a development project, or any portion thereof, which upon full build out will include any of the following:
- 50 residential units
- 2,000 square feet of commercial space
- 25,000 square feet of light industrial space
- 100,000 square feet of heavy industrial space
- 20,000 square feet of medical office space
- 39,000 square feet of general office space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of recreational space
- 9,000 square feet of space not identified above. (General Plan Policy VII-H.2[u])

SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites.

MEIR AQ-42
All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

MEIR AQ-43
All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

MEIR AQ-44
All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

MEIR AQ-46
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

MEIR AQ-47
All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
MEIR AQ-48
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

MEIR AQ-49
Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

MEIR AQ-50
Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

MEIR AQ-52
Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

MEIR AQ-53
Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

MEIR AQ-54
Install wind breaks at windward side(s) of construction areas.

MEIR AQ-55
Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

MEIR AQ-56
Limit the area subject to excavation, grading and other construction activity at any one time.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>2. DEGRADATION OF AIR QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NOx, PM10, and PM2.5 by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for</td>
<td>☐</td>
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<tr>
<td>Impact</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>--------</td>
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<td>-----------------------------</td>
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</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NOx, PM_{10}, and PM_{2.5}.</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project includes the conversion and expansion of the existing residence to a community resource center and future development of four one bedroom multi-family residential supportive housing units on approximately 0.41 acres of land. Air pollution emissions associated with the proposed project would result from construction activities and increased traffic volumes. The net increase in emissions generated by these activities and other secondary sources would not exceed the thresholds of significance recommended by the San Joaquin Valley Air Pollution Control District or the development assumptions established in the Master EIR.

(2) The project was referred to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) for comments. Best management practices established by the SJVAPCD for CO, ROG, NOx, PM_{10}, and PM_{2.5} have been incorporated as conditions of approval. The project is required to comply with SJVUAPCD Rule VIII (Fugitive Dust Rules) per MEIR Mitigation Measures MEIR AQ-42 – MEIR AQ-56, which identifies control measures for PM_{10} emissions during the construction phase, as listed above under Existing Mitigation Measures Applicable to this Project.

In addition, the project is subject to SJVAPCD rule 9510 (Indirect Source Review). This rule fulfills the SJVAPCD's emission reduction commitments in the PM_{10} and Ozone Attainment Plans through design features or by payment of applicable off-site mitigation fees.

(3) The project is consistent with the City's policies regarding air quality therefore; project-specific effects will be less than significant.

(4) The project is surrounded on all four sides with land that is developed with single-family and multi-family residential uses. The land uses proposed are not in themselves significant contributors to air pollution levels. The primary source of air pollution associated with the development would be traffic related. Since the traffic impacts do not result in a significant
impact, there are no traffic-related air quality impacts. The PM10 emissions created through
construction activities will be mitigated as called for by the MEIR with the mitigation measure
listed above.

(5) Construction activities for the project could potentially include the application of architectural
coatings and asphalt paving materials that could generate localized temporary odors. The use
of diesel-powered construction equipment could also generate localized temporary odors.
Construction activities will be mitigated as called for by the MEIR with the mitigation measures
listed above. Further, uses permitted within the proposed commercial development would not
create objectionable odors that would affect a substantial number of people.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected
after application of mitigations/policies:

Direct Impacts

**Effect:** Future automobile traffic noise levels and roadway construction and maintenance activities
resulting from development of the Urban Area General Plan will exceed the City’s noise thresholds at
various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3,
page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

**Effect:** Expected noise from airport operations and airport construction projects may expose up to
468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise
levels of 70 dB CNEL.

**Effect:** Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

**Effect:** Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

**Effect:** Traffic from development in the City of Modesto would, when combined with traffic from new
development in the County and other cities, contribute to a cumulative increase in roadside noise
levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are
found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the
project will be incorporated into or made conditions of approval of this project and any new measures
are listed in Section V, Mitigation Applied to Project.

Discussion:

The mitigation measure to be applied to this project includes N-3 from the Master EIR. No new or
additional mitigation measures or alternatives are required to reduce project impacts to a less-than-
significant level.

c. Project-Specific Effects
Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

**Significance Criteria:** Determination of the proposed project’s effects are based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>3. GENERATION OF NOISE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>☐</td>
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<td>☑</td>
</tr>
<tr>
<td>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>☐</td>
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<td>☑</td>
</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
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<td>☑</td>
</tr>
<tr>
<td>4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.</td>
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</table>

**Discussion:**

(1-4) The proposed residential uses are not expected to generate a significant amount of noise. There will be construction noise associated with the project including heavy equipment. Noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area has been incorporated and will mitigate construction related noise impacts to a less than significant level.

4. **EFFECTS ON AGRICULTURAL LANDS**

a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

**Direct Impacts**
Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>4. EFFECTS ON AGRICULTURAL LANDS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.</td>
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<tr>
<td>2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.</td>
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</tbody>
</table>
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.

4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.

**Discussion:**

1) The project is consistent with the General Plan land use policies relating to agricultural land. It is an infill project proposed within the urbanized area of the City. The site currently has an existing house and no agricultural land will be converted for the development of the proposed projects.

2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.

3) The project site is not zoned for agriculture nor is it under Williamson Act contract.

4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The surrounding properties are developed with urban uses.

5. **INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES**

a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

**Direct Impacts**

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

**Cumulative Impacts**

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020.
Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>☑</td>
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<td>☑</td>
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</tr>
<tr>
<td>2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.</td>
<td>☑</td>
<td>☑</td>
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</tr>
<tr>
<td>3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.</td>
<td>☑</td>
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</tbody>
</table>

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.
(2) The project was referred to Land Development Engineering Staff who determined the proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

**Direct Impacts**

**Effect:** Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson’s hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

**Cumulative Impacts**

**Effect:** No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of...
whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the wastewater policies in the General Plan, including Policy V.D.2a, which requires the City to maintain the standards for effluent and bio-solids from its wastewater treatment plants as established by the Central Valley Regional Water Quality Control Board, in compliance with the Federal Clean Water Act and the State Porter-Cologne Act. Wastewater for the project will be treated at the City’s primary and secondary wastewater treatment plants and discharged into the San Joaquin River. The existing wastewater plants have adequate capacity to serve the project.

(2-3) The project was reviewed by Land Development Engineering Staff who determined there is sufficient capacity in the City’s wastewater collection system. The wastewater is ultimately treated at the City’s Primary and Secondary treatment plant. According to the Wastewater Master Plan, recent improvements to the Primary and Secondary Plant have resulted in adequate treatment capacity to accommodate the City’s anticipated growth through 2030. There is sufficient treatment capacity to serve the project in addition to existing demands.

**7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT**

**a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:
Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City’s contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.

4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

Discussion:

(1) The project is consistent with the General Plan's land use policies. It is a multi-family residential project that is consistent in land use and density to what was assumed by the General Plan.

(2-4) The project site is not within a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.
**Effect:** The modification or demolition of a structure more than 50 years in age may be significant.

**Effect:** Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

**Effect:** Construction in an area of high archaeological sensitivity.

**Cumulative Impacts**

**Effect:** No additional cumulative impacts were disclosed in the Master EIR.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

**Discussion:**

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is consistent with the archeological and historical resource policies in the General Plan.

2-3. The existing house, built in 1959, is not listed or eligible as a historic resource or landmark and will not be demolished.

4. The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

5. The project does not conflict with local policies affecting biological resources.

**9. INCREASED DEMAND FOR STORM DRAINAGE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

City Engineering staff has reviewed the project and required conditions of approval to implement General Plan Policies for development including compliance with the Storm Drain Management Plan and the utilization of low impact strategies and meet the standards contained in the “Guidance Manual for New Development-Storm Water Quality Control Measures.” No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>9. INCREASED DEMAND FOR STORM DRAINAGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
</tr>
<tr>
<td>2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
</tr>
<tr>
<td>3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with applicable storm drain policies in the Urban Area General Plan. Construction activities will comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity (MIER Policy SD-9). In addition, the City will ensure that new development complies with the City of Modesto’s Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures (MIER Policy SD-11). These policies will be implemented as conditions of project approval.

(2) The City’s Land Development Engineering Staff have reviewed the project and determined the project would not create significant flooding or unanticipated sources of runoff. The development is in an area that is served by Rockwells for stormwater. Implementation of City Standards Chapter 5 Section 4.02 for Rockwell design standards in the cul-de-sac will be required. All lots shall be graded from the back to the front to insure all storm water is disposed to right-of-way. Storm drain improvement plans shall be submitted to the City Engineer for review and approval prior to issuance of an Encroachment permit. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project will utilize low impact strategies and meet the standards contained in the “Guidance Manual for New Development-Storm Water Quality Control Measures.” This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects
Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>10. FLOODING AND WATER QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would violate water quality standards or waste discharge requirements.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the flooding and water quality policies in the General Plan.
The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

The project is not located within a 100-year flood plain and is limited to commercial uses.

The project is not located within a 100-year flood plain.

The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

The project will not violate water quality standards or waste discharge requirements.

The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

The City’s Land Development Engineering Staff have reviewed the project and determined the project would not create significant flooding or unanticipated sources of runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects
Section V-H.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is consistent with the parks and open space policies in the General Plan.
2. The project would not eliminate an existing park or designated open space. The project is on a site with an existing single-family home.
3. The project would not result in an increase in the use of existing park facilities as it only involves the addition of 4 one-bedroom dwelling units and conversion and expansion of the existing residence, and deterioration or other physical changes to the facilities are not expected to occur as a result of the project.

**12. INCREASED DEMAND FOR SCHOOLS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:
Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>12. INCREASED DEMAND FOR SCHOOLS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools who indicated no opposition to the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts
Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts
Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

City of Modesto
General Plan Master EIR

Initial Study EA No. 2016-03
February 8, 2016

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13. INCREASED DEMAND FOR POLICE SERVICES

<table>
<thead>
<tr>
<th>Impact Level</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.
Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>14. INCREASED DEMAND FOR FIRE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project site will be serviced by Fire Station No. 3 at 637 El Vista Avenue, 1.47 miles distant.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid waste mitigation measures pertinent to the proposed project are found on pages V-1S-4 through V-1S-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section V-15.8 of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>15. GENERATION OF SOLID WASTE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the solid waste policies in the General Plan.

(2) This project was referred to the Solid Waste Division for review, and no indication was given that there would be a problem serving this project.
16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. **Master EIR and/or New Mitigation Measures Applied to the Project**

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>16. GENERATION OF HAZARDOUS MATERIALS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
### Table

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

### Discussion:

1. The project is consistent with the hazardous materials policies in the General Plan.
2. The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).
3. The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.
4. The project site is not known to contain any contaminants.

### 17. GEOLOGY, SOILS, AND MINERAL RESOURCES

#### a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

#### b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.
Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.
18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

**Cumulative Impacts**

**Effect:** Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>18. ENERGY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful,</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
### TABLE 1

<table>
<thead>
<tr>
<th>Inefficient, and unnecessary than assumed in the Urban Area General Plan.</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

**Discussion:**

1. The project is consistent with the energy policies in the General Plan.

2. The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

### 19. EFFECTS ON VISUAL RESOURCES

#### a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

**Direct Impacts**

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

**Cumulative Impacts**

Effect: No additional cumulative impacts were disclosed in the Master EIR.

#### b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

#### c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>19. EFFECTS ON VISUAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the policies relating to the visual resources in the General Plan.
(2) The project would not impact views from riverside areas and parks.
(3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the
project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>20. LAND USE AND PLANNING</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is designated Mixed Use in the General Plan. The proposed multi-family residential supportive housing complex is consistent with the current General Plan Land Use designation. The project is consistent with land use and planning policies in the General Plan.

(2) The project would not divide an established community. The areas to the north, west, east and south is developed with single-family and multi-family residential zoned uses. The proposed complex is consistent with the surround uses and would not divide the existing neighborhood.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.
21. **CLIMATE CHANGE**

a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

**Direct Impacts**

*Effect:* Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

**Cumulative Impacts**

*Effect:* Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. **Master EIR and/or New Mitigation Measures Applied to the Project**

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>21. CLIMATE CHANGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to climate change in the Urban Area</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

City of Modesto  
General Plan Master EIR  
Initial Study EA No. 2016-03  
February 8, 2016
<table>
<thead>
<tr>
<th>General Plan.</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project is required to develop in accordance with climate change policies included in the UAGP and the MIER.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO₂ emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO₂ emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the Air Resources Board. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.
V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

**Traffic and Circulation:**

N/A

**Degradation of Air Quality:**

SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites.

**MEIR AQ-42**

All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

**MEIR AQ-43**

All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

**MEIR AQ-44**

All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
MEIR AQ-46
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

MEIR AQ-47
All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

MEIR AQ-48
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

MEIR AQ-49
Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

MEIR AQ-50
Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

MEIR AQ-52
Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

MEIR AQ-53
Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

MEIR AQ-54
Install wind breaks at windward side(s) of construction areas.

MEIR AQ-55
Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.

MEIR AQ-56
Limit the area subject to excavation, grading and other construction activity at any one time.

**Generation of Noise:**

MEIR N-3
The project shall comply with the City’s noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air
compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

**Effects on Agricultural Lands:**
N/A

**Increased Demand for Long-Term Water Supplies:**
N/A

**Increased Demand for Sanitary Sewer Services:**
N/A

**Loss of Sensitive Wildlife and Plant Habitat:**
N/A

**Disturbance of Archaeological/Historic Sites:**
MEIR Table V-8-1(e, f)

**Increased Demand for Storm Drainage:**
MEIR SD-9
Construction activities shall comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity.

**Flooding and Water Quality:**
N/A

**Increased Demand for Parks and Open Space:**
N/A

**Increased Demand for Schools:**
N/A

**Increased Demand for Police Services:**
N/A

**Increased Demand for Fire Services:**
N/A

**Generation of Solid Waste:**
Generation of Hazardous Materials:
N/A

Geology, Soils, and Mineral Resources:
N/A

Energy:
N/A

Effects on Visual Resources:
N/A

Land Use and Planning:
N/A

Climate Change:
N/A
RESOLUTION RESCINDING RESOLUTION NO. 2014-129 AND ADOPTING
SEWER SERVICE RATES, EFFECTIVE JULY 1, 2016, FOR FISCAL YEARS
2016-17 THROUGH 2020-21 IN ACCORDANCE WITH PROPOSITION 218

WHEREAS, the City of Modesto provides wastewater (sewer) service to over
60,000 accounts consisting of residential, multi-family, commercial, and industrial
customers located within the City of Modesto as well as the City of Ceres and the Empire
Sanitary District and portions of unincorporated Stanislaus County; and

WHEREAS, the City’s sewer utility is a self-supporting utility enterprise funded
by customer revenues; and

WHEREAS, the City’s current sewer rate structure requires significant
adjustments to fund the utility and maintain compliance with Proposition 218, the law
that governs water and sewer rates; and

WHEREAS, Proposition 218 amended the California Constitution to establish a
process that public agencies must follow when imposing new or increasing “property
related fees” (Cal. Const. Article XIIID); and

WHEREAS, sewer service fees are property-related fees and thus subject to
Proposition 218’s procedural and substantive requirements; and

WHEREAS, the City previously approved a sewer rate structure in accordance
with Proposition 218 by Resolution No. 2007-463 in 2007 and adopted subsequent
adjustments based on the rate structure thereafter; and

WHEREAS, the City engaged Bartle Wells Associates (“BWA”) in 2015 to
conduct a comprehensive review of the City’s sewer rates and charges in accordance with
Proposition 218; and
WHEREAS, BWA prepared a report dated January 2016 entitled “City of Modesto Sewer Rate and Fee Study” (“Report”), containing analyses and recommendations for adjusting the City’s sewer rates and charges; and

WHEREAS, the Report analyzes the number of sewer customers, projections for customer growth, sewer revenues, sewer capital improvement programs, operations and maintenance needs, customer services costs, and volume and strength of wastewater discharge; and

WHEREAS, the Report concludes that the revenues generated under existing sewer rates are insufficient to meet sewer utility’s revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City’s sewer system, including new capital improvement projects identified in the soon to be completed Wastewater Master Plan Update; and

WHEREAS, the Report recommends increasing the City’s existing sewer rates and charges, and makes certain recommendations for the City’s sewer services rates for the period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrates that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrates that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing sewer services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property
owners and ratepayers in compliance with California Constitution Article XIIID, Section 6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on April 26, 2016, the City Council duly held the public hearing, and at its conclusion the City Clerk tabulated the number of written and oral protests received, if any, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving wastewater services.

**FINDINGS**

WHEREAS, the Council of the City of Modesto hereby finds as follows:

(A) The purposes of the updated wastewater (sewer) services rates established pursuant to this Resolution are to: (1) recover the reasonable estimated cost of the services for which the rates are charged; (2) provide that such costs are allocated among City sewer customers so as to bear a fair and reasonable relationship to customers’ burdens on and benefits from City sewer services; (3) ensure that charges for wastewater services do not exceed the proportionate cost of providing sewer services attributable to each parcel; (4) secure the financial stability of the sewer system; (5) ensure high quality service; and (6) provide a sound financial plan that will assist in funding capital improvement projects necessary to serve wastewater customers.

(B) The updated sewer services rates established pursuant to this Resolution are not levied for general revenue purposes.

(C) After consideration of the Report, the testimony received at the noticed public hearing, the agenda report, the background documents to the agenda report, and all
correspondence received (together, "Record"), the City Council of the City of Modesto approves and adopts the Report by this Resolution.

(D) Adoption of the rates set forth in this Resolution is intended to recover costs necessary to maintain the current level of City sewer services for current and future City customers. As such, such rates as they relate to provision of sewer services to City customers are not a "project" within the meaning of the California Environmental Quality Act or C.E.Q.A. (Public Resources Code § 21080(b)(8)(D)).

(E) The Record establishes that the costs listed in the Report as those incurred by the City in providing sewer services to City customers are reasonable estimates of the cost of providing such services, and that the revisions recommended in the Report for existing sewer service rates are necessary to recover the reasonable, estimated cost of providing such services for which the rates are charged, to allocate such costs among City customers so that they bear a fair and reasonable relationship to customers' burdens on and benefits from City's sewer services, to ensure that charges for wastewater services do not exceed the proportionate cost of providing sewer services attributable to each parcel and to secure the financial stability of City's sewer utility in accordance with the analyses contained in the Report.

The procedures followed and the rates adopted are in compliance with California Constitution Article XIIIID.

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

SECTION 1. DEFINITIONS. For the purposes of this Resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal
Code entitled “Definitions” shall apply, except as provided herein or as context requires a different meaning.

(A) Director: The City officers(s) or designee(s) in charge of utilities.

(B) Monthly Account Charge: A monthly fee charged to every sewer account to pay the actual fixed sewer system costs not allocable to sewer flow and strength components.

(C) Person: Any individual, partnership, corporation or other legal entity whatsoever apply for or receiving City sewer service.

(D) Cannery Segregation Line (CanSeg Line): The line used by City’s cannery customers during canning season. The CanSeg Line collects and conveys the canneries’ process flow directly to the Rancho for land application. The cannery process flow does not receive treatment during the cannery season.

(E) Apartment: One (1) dwelling unit located within in a building or portion thereof containing five (5) or more dwelling units; one (1) mobile home space in a mobile home park.

(F) Secondary Scalping: Secondary treatment to be provided to City’s cannery customers’ process water.

(G) Single Family Residential: One (1) dwelling unit or a suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family; one (1) mobile home on any area or tract of land.

(H) Multiple Family: One (1) dwelling unit located within a building or portion thereof containing two (2) to four (4) dwelling units; one (1) additional dwelling unit or mobile home on any area or tract of land.
SECTION 2. SEWER SERVICE CHARGE FOR RESIDENTIAL SEWER SERVICE. Each person receiving residential sewer service shall pay a sewer service charge to the City. The maximum monthly sewer service charges for dwelling units, mobile homes, and mobile home spaces in mobile home parks, including the monthly account charge, for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Account Charge ($/Account)</td>
<td>$4.34</td>
<td>$4.40</td>
<td>$4.42</td>
<td>$4.46</td>
<td>$4.50</td>
</tr>
<tr>
<td>Residential Rates ($/Dwelling Unit)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Residential, Mobile Home on a lot</td>
<td>$27.58</td>
<td>$29.36</td>
<td>$31.36</td>
<td>$33.39</td>
<td>$35.67</td>
</tr>
<tr>
<td>Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot</td>
<td>$23.67</td>
<td>$22.59</td>
<td>$24.03</td>
<td>$25.57</td>
<td>$27.50</td>
</tr>
<tr>
<td>Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park</td>
<td>$17.96</td>
<td>$20.33</td>
<td>$21.50</td>
<td>$22.73</td>
<td>$24.36</td>
</tr>
</tbody>
</table>

SECTION 3. SEWER SERVICE CHARGE FOR COMMERCIAL SERVICE. Each person receiving commercial sewer service shall pay a maximum sewer service charge to the City. The maximum monthly sewer service charges for commercial customers, including the monthly account charge, for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:
## Commercial Sewer Rates

<table>
<thead>
<tr>
<th>Category</th>
<th>Current Charge ($/100 cubic feet)</th>
<th>FY2016/17</th>
<th>FY2017/18</th>
<th>FY2018/19</th>
<th>FY2019/20</th>
<th>FY2020/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1-BOD + TSS is 400 mg/l or less</td>
<td>$2.35</td>
<td>$2.76</td>
<td>$3.01</td>
<td>$3.29</td>
<td>$3.55</td>
<td>$3.88</td>
</tr>
<tr>
<td>Group 2-BOD + TSS is 401 mg/l to 900 mg/l</td>
<td>$2.89</td>
<td>$3.78</td>
<td>$4.07</td>
<td>$4.40</td>
<td>$4.70</td>
<td>$5.07</td>
</tr>
<tr>
<td>Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l</td>
<td>$3.45</td>
<td>$4.80</td>
<td>$5.13</td>
<td>$5.50</td>
<td>$5.85</td>
<td>$6.27</td>
</tr>
<tr>
<td>Group 4-BOD + TSS is 1,401 mg/l or more</td>
<td>$4.11</td>
<td>$6.03</td>
<td>$6.40</td>
<td>$6.83</td>
<td>$7.23</td>
<td>$7.71</td>
</tr>
</tbody>
</table>

(A) Commercial users shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as BOD) and Total Suspended Solids (hereinafter referred to as TSS) strength characteristics and shall pay sewer service charges based on the quantity of water used, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director shall determine the waste strength characteristics of commercial users and assign them to one of the commercial users groups set forth in the table above.

(B) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users receiving any water from a private source shall allow the City to furnish, install and maintain a water meter with the user.
paying for the cost of the meter and installation. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director.

(C) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (b) above.

(D) Churches, assembly halls and similar facilities shall be considered Group 1.

(E) Schools Districts will have their wastewater flow computed by either of the following methods at their discretion:

(1) School Districts may elect to be billed on water consumption as a Group 1 Commercial discharger.

(i) A one-time inspection by the City's Water Division staff to confirm there is no indoor water use on the outdoor use meter will be done at no charge to the District.

(ii) An annual audit and site inspection will be conducted by the City and paid for by the District.

(a) Inspection fee will be based on time and materials.
(2) School Districts that have not separated all of their outdoor water systems may elect to continue to be billed based on estimates of the average volume per pupil/staff times the average daily attendance (ADA) of pupils plus staff.

(i) School District will be required to enter into an agreement with the City consenting to be billed on an ADA basis.

(ii) The Director is authorized to enter into these agreements with the School Districts on behalf of the City.

(iii) Should the School District fail or refuse to enter into the above noted agreement, District will be billed based on water consumption until an agreement is executed.

(3) For School Districts planning to separate their outdoor water systems in the future, the City will provide the option to be billed on water consumption on an annual basis.

SECTION 4. SEWER SERVICE CHARGE FOR INDUSTRIAL SERVICE.

Each person receiving industrial sewer service shall pay a maximum sewer service charge to the City. The maximum monthly sewer service charges for industrial customers, including the monthly account charge, for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:

<table>
<thead>
<tr>
<th>Industrial Charges (these three components are additive)</th>
<th>Current</th>
<th>FY2016/17</th>
<th>FY2017/18</th>
<th>FY2018/19</th>
<th>FY2019/20</th>
<th>FY2020/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow Charge ($/Million gallons)</td>
<td>$2,534</td>
<td>$2,604</td>
<td>$2,888</td>
<td>$3,212</td>
<td>$3,516</td>
<td>$3,901</td>
</tr>
<tr>
<td>BOD Charge ($/1,000 lbs)</td>
<td>$129</td>
<td>$213</td>
<td>$226</td>
<td>$238</td>
<td>$246</td>
<td>$263</td>
</tr>
<tr>
<td>TSS Charge ($/1,000 lbs)</td>
<td>$224</td>
<td>$441</td>
<td>$454</td>
<td>$471</td>
<td>$491</td>
<td>$504</td>
</tr>
</tbody>
</table>
(A) The charges for industrial wastewater services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for industrial users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

   (1) If an industrial customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an industrial customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

   (2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for industrial and sanitary discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 5. FLOW ESTIMATES. The Director will estimate flow where he/she determines metered flow measurements are unreliable.

SECTION 6. SEPTAGE CHARGE FOR DUMPING SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The City accepts septic waste at its sewage treatment plant. Each person dumping septic waste at the sewage treatment plant shall
pay a maximum sewer service charge to the City. The maximum septage charge for
each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the
end of Fiscal Year 2020/21—shall be as follows:

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</tr>
</thead>
<tbody>
<tr>
<td>Flow charge per 1,000 gallons</td>
<td>$67</td>
<td>$61</td>
<td>$63</td>
<td>$66</td>
<td>$69</td>
</tr>
</tbody>
</table>

SECTION 7. SEWER SERVICE CHARGE FOR CANSEG LINE SEWER

SERVICE. Each person using CanSeg Line sewer service shall pay a maximum sewer
service charge to the City. The maximum monthly sewer service charges for CanSeg
customers, including the monthly account charge, for each of the next five fiscal years—
beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be
as follows:

<table>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Account Charge ($/Account)</td>
<td>$4.34</td>
<td>$4.40</td>
<td>$4.42</td>
<td>$4.46</td>
<td>$4.50</td>
</tr>
<tr>
<td>CanSeg Line Charges (these three components are additive)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flow Charge ($/Million gallons)</td>
<td>$2,534.00</td>
<td>$2,680</td>
<td>$2,841</td>
<td>$3,012</td>
<td>$3,191</td>
</tr>
<tr>
<td>BOD Charge ($/1,000 lbs)</td>
<td>$129.00</td>
<td>$1.39</td>
<td>$1.48</td>
<td>$1.57</td>
<td>$1.66</td>
</tr>
<tr>
<td>TSS Charge ($/1,000 lbs)</td>
<td>$224.00</td>
<td>$4.04</td>
<td>$4.29</td>
<td>$4.54</td>
<td>$4.81</td>
</tr>
</tbody>
</table>

(A) The charges for CanSeg Line services—flow, BOD, and TSS—are
additive, such that the total monthly charge shall be based upon the amount of each component
listed in the table above.

(B) The monthly sewer service charges for CanSeg Line users shall be based
in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a CanSeg Line user has an effluent meter for industrial
flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If a CanSeg Line customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for CanSeg Line discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWER SERVICE CHARGE FOR SECONDARY SCALPING. Secondary scalping service is anticipated to come online in Fiscal Year 2020/21. Each person receiving secondary scalping sewer service shall pay a maximum sewer service charge to the City. The maximum monthly sewer service charges for secondary scalping customers, including the monthly account charges, shall be as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary Scalping Rates (these components are additive)</td>
<td></td>
</tr>
<tr>
<td>Flow Charge ($/Million gallons)</td>
<td>$891.84</td>
</tr>
<tr>
<td>BOD Charge ($/1,000 lbs)</td>
<td>$98.25</td>
</tr>
<tr>
<td>TSS Charge ($/1,000 lbs)</td>
<td>$305.65</td>
</tr>
<tr>
<td>Annual Secondary Scalping Secondary Can Seg Capacity Charge (these components are additive)</td>
<td></td>
</tr>
<tr>
<td>Flow ($/Million gallons per day, maximum day capacity)</td>
<td>$117,837.54</td>
</tr>
<tr>
<td>BOD ($/lbs per day, maximum day capacity)</td>
<td>$11.43</td>
</tr>
<tr>
<td>TSS ($/lbs per, maximum day capacity)</td>
<td>$27.29</td>
</tr>
</tbody>
</table>
(A) The usage-based charges for secondary scalping sewer services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above. In addition, customers who opt to have their wastewater processed through the secondary scalping system will be charged an annual fee labeled a “capacity fee” in the Study, in the amounts set forth in the table above.

(B) The monthly usage-based sewer service charges for secondary scalping sewer services shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a secondary scalping customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an secondary scalping customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for secondary scalping sewer services shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWAGE TREATMENT FOR OUTSIDE PUBLIC AGENCIES. Pursuant to agreements approved by the City Council, the City of
Modesto will accept and treat sewage collected from sewer systems external to the City and the City’s Sewer District No. 1. The City’s charges for treatment of sewage collected from outside of the City and the City’s Sewer District No. 1 are negotiated by the parties to and established in the agreements.

SECTION 9. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The cost of service set forth above shall be re-examined not less than every four (4) years by professionals competent in the field. Such professionals shall provide a report to the City updating both the fixed and volume based costs as appropriate and as recommended to the Council by the Director and Director of Finance. Beginning on July 1, 2017 and annually thereafter, the Director of Finance with the concurrence of the Director, shall have the authority to adjust the above rates by an amount not to exceed the not-seasonally-adjusted annual percentage increase in the April Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers for the San Francisco CMSA that is currently prepared by the Department of Finance.

SECTION 10. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation on or after July 1, 2016.

SECTION 11. RESCISSION OF PRIOR RESOLUTIONS. All previous sewer rate and fee resolutions relating to or derived from the sewer rate structure adopted by Resolution No. 2007-463, including Resolution No. 2014-129, are hereby rescinded effective July 1, 2016.

SECTION 12. ANNUAL REVIEW OF ADOPTED RATE INCREASES. The City Council shall conduct an annual review of each adopted sewer rate increase prior to its implementation for fiscal years beginning after June 30, 2017. Said review
shall be completed by the City Council at least sixty (60) days in advance of the new sewer rate becoming effective. The rates shown in this Resolution shall be implemented on the dates shown unless City Council takes action otherwise.

SECTION 13. SEVERABILITY. The rates, charges, and all portions of this Resolution are severable. Should any of the rates or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of the resolution shall be and continue in full force and effect, except as to those rates, charges and/or portions of this Resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of April, 2016, by Councilmember Zoslocki,
who moved its adoption, which motion being duly seconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A SEWER CAPACITY FEE STUDY PREPARED BY BARTLE WELL ASSOCIATES AND ADOPTING SEWER CAPACITY CHARGES, EFFECTIVE JULY 1, 2016

WHEREAS, the City of Modesto provides wastewater (sewer) service to over 60,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as the City of Ceres and the Empire Sanitary District and portions of unincorporated Stanislaus County; and

WHEREAS, the City’s sewer utility is a self-supporting utility enterprise primarily funded by customer revenues such as sewer service rates and sewer connection fees and capacity charges; and

WHEREAS, Section 5-6.801 of the Modesto Municipal Code authorizes the Council to establish, by resolution, charges for connecting a property to the City’s sewage system known as sewer connection fees or capacity charges; and

WHEREAS, sewer capacity charges are a one-time charge levied to new and expanded residential and commercial developments seeking to connect to the City’s sewage system that account for the costs associated of expanding capacity to serve new development; and

WHEREAS, sewer capacity charges must be adopted pursuant to the Mitigation Fee Act (“the Act,” Gov. Code § 66000 et seq.) which authorizes public agencies to impose capacity charges on development projects to defray some, or all, of the costs of public improvements related to those projects; and

WHEREAS, the City engaged Bartle Wells Associates (“BWA”), to prepare a nexus report demonstrating the nexus between the costs of facilities serving new
development and the proposed sewer capacity charges and to calculate the amount of the charges to satisfy the requirements of the Act; and

WHEREAS, on April 26, 2016, the City Council held a lawfully noticed public hearing to consider the proposed sewer capacity fee.

FINDINGS

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

(A) The foregoing recitals are true and correct and made a part of this Resolution.

(B) The City of Modesto Sewer Capacity Fee Study, prepared by BWA, dated April 2016 (Exhibit A) ("Study"), is approved by Council and is incorporated by reference as part of this Resolution, as if set forth fully herein.

(C) The documents and other material constituting the record for these proceedings are located and available during regular business hours at the City of Modesto, Utilities Division, 1010 10th Street, Modesto, California.

(D) The sewer capacity fee set forth in this Resolution, is a "capacity charge" as that term is defined in Government Code section 66013(b)(3), the purpose of which is to finance the repair and replacement of existing sewer facilities and to upgrade and construct new sewer facilities to expand capacity to accommodate impacts caused by new development in the City.

(E) The sewer capacity charge set forth in this Resolution, as demonstrated in the Study, does not exceed the estimated reasonable cost of providing sewer transportation and treatment facilities to new development.
(F) Collection, management, and expenditure of the sewer capacity charge will comply with the requirements of Government Code section 66013, because as demonstrated in this Resolution, the charge and any interest accrued will be deposited in a separate fund, and the City will annually report on the monies collected and expended.

(G) In adopting and imposing the sewer capacity charge, the City has complied with the procedures for adoption described in Government Code sections 66016, 66017, and 66018, because the City held a lawfully noticed public hearing on April 26, 2016, at which oral and written presentations could be made, the proposed sewer capacity charge is to be adopted by Resolution, and the proposed sewer capacity charge will not become effective until July 1, 2016, which is more than sixty (60) days from the date of the public hearing.

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

SECTION 1. DEFINITIONS. For the purposes of this Resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal Code entitled “Definitions” shall apply, except as provided herein or as context requires a different meaning.

(A) Capacity Charge or Capacity Fee shall mean a one-time charge to be paid by or on behalf of a prospective wastewater discharger for new or modified facilities existing in or planned to be added to the City Wastewater System, minus Deficiencies. Capacity Fee and Capacity Charge are used interchangeably in this Resolution and the Study.
(B) City Wastewater System shall mean the City’s physical assets dedicated to the provision of wastewater transmission and treatment, including assets for the collection, treatment, pumping, storage, land application, metering, testing and reporting of wastewater, within or connected to physical assets in City’s Municipal Sewer District No. 1.

(C) Connection shall mean the attachment of pipe facilities to the City Wastewater System to commence wastewater transmission and treatment service.

(D) Deficiencies shall mean Wastewater facilities required by law, or recommended by generally recognized authority, as being necessary to the provision of a modern, safe, adequate wastewater system of the City’s size, with prudent reserves of transmission and treatment infrastructure to meet reasonable foreseeable contingencies that are absent from the City Wastewater System at any particular point in time.

(E) Director shall mean the City officer(s) or designee(s) in charge of utilities.

(F) Wastewater Flow or Flow shall mean the actual or estimated maximum daily quantity of wastewater or wastewater flow being transmitted for treatment expressed in gallons per day (gpd).

(G) Solids Content shall mean a synonym for Total Suspended Solids ("TSS"), the primary indicator of the cost of treatment and/or removal of the solid components of wastewater expressed in pounds per day (ppd). Solids Content and TSS are used interchangeably in this Resolution and the Study, and are also referred to as pollutant loading.

(H) Strength shall mean a synonym for Five Day Biochemical Oxygen Demand ("BOD"), the primary indicator of the cost of treatment of the organic content of
wastewater expressed in pounds per day (ppd). Strength and BOD are used interchangeably in this Resolution and the Study, and are also referred to as pollutant loading.

(I)  Unit Costs of Capacity shall mean the cost in dollars and/or cents per gallon ($/gpd) or pound ($/ppd), as appropriate, to transmit wastewater flow and pollutant loading.

(J)  Unit of Capacity shall mean wastewater flow and pollutant loading.

(K)  Wastewater shall mean sewer. Wastewater and sewer are used interchangeably in this Resolution and the Study.

Single Family Residential: One (1) dwelling unit or a suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family; one (1) mobile home on any area or tract of land.

(M)  Multiple Family: One (1) dwelling unit located within a building or portion thereof containing two (2) to four (4) dwelling units; one (1) additional dwelling unit or mobile home on any area or tract of land.

(N)  Apartment: One (1) dwelling unit located within in a building or portion thereof containing five (5) or more dwelling units; one (1) mobile home space in a mobile home park.

SECTION 2. RESIDENTIAL SEWER CAPACITY CHARGE IMPOSED.

(1)  The Sewer Capacity Fees for residential development, on or before July 1, 2016, are based on the specific type of development and the reasonable estimates of the flow and loading characteristics of each particular development type. The residential Sewer Capacity Charges shall be as follows:
Residential Sewer Capacity Fees

<table>
<thead>
<tr>
<th>Mobile Home on Lot</th>
<th>Flow</th>
<th>BOD</th>
<th>TSS</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>gpd</td>
<td>270 mg/l</td>
<td>310 mg/l</td>
<td></td>
</tr>
<tr>
<td>Flow and Loads</td>
<td>215</td>
<td>0.484137</td>
<td>0.555861</td>
<td></td>
</tr>
<tr>
<td>Unit Cost</td>
<td>$9.44</td>
<td>$232.66</td>
<td>$900.59</td>
<td></td>
</tr>
<tr>
<td>Proposed Capacity Fee</td>
<td>$2,030</td>
<td>$113</td>
<td>$501</td>
<td>$2,643</td>
</tr>
<tr>
<td>Current fee</td>
<td></td>
<td></td>
<td></td>
<td>$5,146</td>
</tr>
</tbody>
</table>

Multi-family Dwelling Unit

<table>
<thead>
<tr>
<th>Flow</th>
<th>BOD</th>
<th>TSS</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>270 mg/l</td>
<td>310 mg/l</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flow and Loads</td>
<td>175</td>
<td>0.394065</td>
<td>0.452445</td>
</tr>
<tr>
<td>Unit Cost</td>
<td>$9.44</td>
<td>$232.66</td>
<td>$900.59</td>
</tr>
<tr>
<td>Proposed Capacity Fee</td>
<td>$1,652</td>
<td>$92</td>
<td>$407</td>
</tr>
<tr>
<td>Current fee</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Apartment Dwelling Unit or Mobile Home in Mobile Home Park

<table>
<thead>
<tr>
<th>Flow</th>
<th>BOD</th>
<th>TSS</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>270 mg/l</td>
<td>310 mg/l</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flow and Loads</td>
<td>150</td>
<td>0.33777</td>
<td>0.38781</td>
</tr>
<tr>
<td>Unit Cost</td>
<td>$9.44</td>
<td>$232.66</td>
<td>$900.59</td>
</tr>
<tr>
<td>Proposed Capacity Fee</td>
<td>$1,416</td>
<td>$79</td>
<td>$349</td>
</tr>
<tr>
<td>Current fee</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) The Unit Costs of Capacity Charge for connecting residential dischargers, on and before July 1, 2016, shall be $9.44 per gallon per day of Flow, $232.66 per pound of BOD per day, and $900.59 per pound of TSS per day.

SECTION 3. NON-RESIDENTIAL SEWER CAPACITY FEE IMPOSED.

(1) The Sewer Capacity Charge for a non-residential development, on or before July 1, 2016, shall be based on the specific type of new development and the reasonable estimates of the flow and loading characteristics of each particular development type. The non-residential Sewer Capacity Charges shall be as follows:

Schedule of Non-residential Sewer Capacity Fees

<table>
<thead>
<tr>
<th>User Classification</th>
<th>Current Fee</th>
<th>Wastewater Flow</th>
<th>BOD (mg/l)</th>
<th>TSS (mg/l)</th>
<th>Proposed Fee</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Office</td>
<td>$1.77</td>
<td>per sf</td>
<td>0.1 gpd/sf</td>
<td>200</td>
<td>$1.13</td>
<td>-36%</td>
</tr>
<tr>
<td>Medical/Dental Office</td>
<td>$3.90</td>
<td>per sf</td>
<td>0.22 gpd/sf</td>
<td>200</td>
<td>$2.49</td>
<td>-36%</td>
</tr>
<tr>
<td>User Classification</td>
<td>Current Fee</td>
<td>Wastewater Flow</td>
<td>BOD (mg/l)</td>
<td>TSS (mg/l)</td>
<td>Proposed Fee</td>
<td>% Change</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------</td>
<td>------------------</td>
<td>------------</td>
<td>------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>Hotels, Motels – Excluding bars and restaurants</td>
<td>$2,306.78 per room</td>
<td>130 gpd/room</td>
<td>200</td>
<td>200</td>
<td>$1,472.93</td>
<td>-36%</td>
</tr>
<tr>
<td>Laundry - Industrial</td>
<td>$2,457.69 per sf</td>
<td>100 gpd/sf</td>
<td>450</td>
<td>240</td>
<td>$1,211.58</td>
<td>-51%</td>
</tr>
<tr>
<td>Laundry - Coin Operated</td>
<td>$2,306.78 per machine</td>
<td>130 gpd/machine</td>
<td>150</td>
<td>110</td>
<td>$1,372.44</td>
<td>-41%</td>
</tr>
<tr>
<td>Laundries, Full Service Dry Cleaner</td>
<td>$11.40 per sf</td>
<td>0.55 gpd/sf</td>
<td>150</td>
<td>110</td>
<td>$5.81</td>
<td>-49%</td>
</tr>
<tr>
<td>Market – Grocery</td>
<td>$2.48 per sf</td>
<td>0.14 gpd/sf</td>
<td>200</td>
<td>200</td>
<td>$1.59</td>
<td>-36%</td>
</tr>
<tr>
<td>Category</td>
<td>Charge per sf</td>
<td>gpd/sf</td>
<td>Feet</td>
<td>Fees</td>
<td>Savings</td>
<td>Percentage</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------</td>
<td>--------</td>
<td>------</td>
<td>-------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>Mortuaries</td>
<td>$2.38</td>
<td></td>
<td></td>
<td>$1.53</td>
<td>-36%</td>
<td></td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>$1.42</td>
<td>0.09</td>
<td>800</td>
<td>$0.91</td>
<td>-36%</td>
<td></td>
</tr>
<tr>
<td>Printers</td>
<td>$2.48</td>
<td>0.08</td>
<td>200</td>
<td>$0.91</td>
<td>-36%</td>
<td></td>
</tr>
<tr>
<td>Restaurant - Fast Food and Small Non-Franchise</td>
<td>$16.86</td>
<td>0.14</td>
<td>200</td>
<td>$0.91</td>
<td>-36%</td>
<td>Eliminated</td>
</tr>
<tr>
<td>Restaurant - Fast Food and Small Non-Franchise with Grease Interceptor</td>
<td>$12.09</td>
<td>0.4</td>
<td>1000</td>
<td>$4.81</td>
<td>-60%</td>
<td></td>
</tr>
<tr>
<td>Restaurant - Full Service Franchise</td>
<td>$29.23</td>
<td>0.4</td>
<td>400</td>
<td>$10.82</td>
<td>-48%</td>
<td>Eliminated</td>
</tr>
<tr>
<td>Restaurant - Full Service Franchise with Grease Interceptor</td>
<td>$20.96</td>
<td>0.9</td>
<td>1000</td>
<td>$1.359.63</td>
<td>-36%</td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle Park</td>
<td>$2,129.34</td>
<td>0.9</td>
<td>400</td>
<td>$1.359.63</td>
<td>-36%</td>
<td></td>
</tr>
<tr>
<td>Theaters</td>
<td>$26.79</td>
<td>120</td>
<td>200</td>
<td>$17.11</td>
<td>-36%</td>
<td></td>
</tr>
<tr>
<td>Veterinary Hospital</td>
<td>$4.08</td>
<td>1.51</td>
<td>200</td>
<td>$2.61</td>
<td>-36%</td>
<td></td>
</tr>
<tr>
<td>Shopping Center - Up to 25% Dining</td>
<td>$6.51</td>
<td>0.23</td>
<td>200</td>
<td>$3.99</td>
<td>-39%</td>
<td></td>
</tr>
<tr>
<td>Shopping Center - Up to 50% Dining</td>
<td>$12.84</td>
<td>0.32</td>
<td>400</td>
<td>$7.62</td>
<td>-41%</td>
<td></td>
</tr>
<tr>
<td>Shopping Center - Up to 75% Dining</td>
<td>$20.41</td>
<td>0.56</td>
<td>600</td>
<td>$11.80</td>
<td>-42%</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION 4. DIRECTOR AUTHORITY.** The Director is hereby authorized to charge the new Capacity Charges between the adoption date of this Resolution and the date the fees are effective.

**SECTION 5. PAYMENT OF CAPACITY FEE.** The Capacity Charge for residential construction set forth above shall be paid at the time a building permit is issued for a building or structure. In those cases where a building exists, the Capacity Charge shall be collected at the time at which a plumbing permit is issued to connect the building or structure to the City Wastewater System. The Capacity Charge for non-residential property set forth above shall be paid at the time an encroachment permit is issued for the connection. The Council may, by resolutions adopted from time to time,
establish conditions under which a capacity fee may be spread over time and paid in installments.

SECTION XX. SCHEDULE OF CHARGES.

SCHEDULE OF CHARGES
FOR CONNECTION TO CITY WASTEWATER SYSTEM

<table>
<thead>
<tr>
<th>MMC Reference</th>
<th>Name of Charge and Itemization</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-6.802</td>
<td>Subtrunk Extension Charge:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residential &amp; Commercial</td>
<td>$645.00 per gross acre</td>
</tr>
</tbody>
</table>

The acreage used to determine wastewater subtrunk connection fees shall be as follows:

The acreage used to determine the wastewater subtrunk fee shall be the total area developed, or being developed, which is owned, leased, or controlled by the user.

In those instances where the total acreage owned, leased, or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as that acreage is developed.

Notwithstanding anything to the contrary contained in Chapter 6 of Title 5 of the MMC and this Resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased, or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).
If the property is later developed beyond that development approved by the Council, the developer shall pay a wastewater subtrunk charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of wastewater subtrunk redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a wastewater subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

SECTION 6. POLICIES AFFECTING APPLICABLE SEWER CAPACITY CHARGES IN VARIOUS CIRCUMSTANCES:

(A) Non-residential Sewer Capacity Charges shall be based solely upon estimated or actual wastewater Flow, BOD, and TSS.

(B) The Director may develop a schedule of estimated Flow, BOD, and TSS Content for new or modified connections which may be reviewed annually by staff and the Finance Committee.

(C) The Director may also develop a schedule of estimated or actual Flow, BOD, and TSS for any proposed changes in use, building or structure footprint, size of a parcel, or partial development of a larger parcel which, in the reasonable discretion of the Director, could result in a net change in wastewater Flow, BOD, and/or TSS.

(D) Where use or size changes or partial development result in an estimated net change in estimated or actual Flow, BOD, and TSS, the Capacity Charge shall be calculated using the appropriate Unit Costs for that net charge.

(E) When the remainder of a partially developed parcel is improved, the Capacity Charge for the improved portion of the parcel shall be calculated based upon estimated Flow, BOD, and TSS.
(F) The Director may review the actual water use for each non-residential account approximately twelve (12) months post-connection to verify the original Flow estimate.

(G) The Director may review the Flow, BOD, and TSS of commercial and industrial accounts approximately twelve (12) months post-connection to verify the original estimates.

(H) If any of the above post-connection reviews reveal a variance of at least plus or minus ten percent (10%) from the estimated capacity fee components, additional Capacity Charges or refund of the variance shall result based on the entire variance.

(I) Where the bond redemption charges have been paid for an entire parcel which is not completely developed, the Capacity Charge for the undeveloped portion shall be calculated based on the estimated Flow, BOD, and TSS expected from the land to be developed, and reduced by the part of the previously paid bond redemption charge proportional to the previously undeveloped area of the entire parcel.

(J) If a parcel contains more than one use, the Capacity Charge shall be based on the sum of the estimated Flow, BOD, and TSS from each expected use. In cases where the specific future use is not known, the Director may develop a composite estimated Flow, BOD, and TSS based on similar type developments.

SECTION 7. INFLATOR INDEX. The Director shall have the authority, on an annual basis, effective July 1 of each year, to adjust Flow, BOD, and/or TSS based costs by an amount not to exceed the annual percentage increase reported in the month of April in the Construction Cost Index found in the Engineering News Record for the San Francisco region.
SECTION 8. WASTEWATER CAPACITY CHARGE DEFERRAL

PROGRAM FOR EXISTING RESIDENTIAL UNITS SEEKING TO CONNECT TO THE CITY’S WASTEWATER TREATMENT SYSTEM.

(A) Existing residential units connecting to the City’s wastewater treatment system shall be required to pay ten percent (10%) of the wastewater Capacity Charge at the time of connection.

(B) Existing residential units connecting to the City’s wastewater treatment system shall be required to pay the remaining ninety percent (90%) over a ten (10)-year period with interest as established by the Director of Finance.

SECTION 9. SEVERABILITY. The fees, charges, and all portions of this Resolution are severable. Should any of the fees or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of this Resolution shall be and continue in full force and effect, except as to those fees, charges and/or portions of the resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.
The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

ADAM U. LINDGREN, City Attorney
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SECTION 1: EXECUTIVE SUMMARY

1.1 Background
The City of Modesto (City) is currently conducting a Wastewater Master Plan to determine capital improvements to the City’s wastewater system. The City of Modesto provides wastewater (sewer) service to a population of over 200,000 within the City limits and to about 900 customers within the Empire Sanitary District. The City’s wastewater system consists of a sewer collection system, the Sutter Wastewater Treatment Plant (primary treatment), the Jennings Wastewater Treatment Plant (secondary and tertiary treatment), a Cannery Segregation Pipeline (CanSeg Line), and the Ranch at the Jennings Plant. A new 12.6 million gallon per day tertiary treatment plant (Phase 2 plant) will come into service this year. Improvements to existing wastewater treatment facilities are needed to correct deficiencies in existing facilities and to expand the capacity of the wastewater system for new development.

The cost of facilities serving new development will be recovered through sewer capacity fee revenues. Capacity fees are one-time hook-up fees paid by development when permits are issued for construction. The City last conducted an in-depth sewer capacity fee study in 2007 and implemented the recommended fee in Resolution No. 2007-287. Since 2007, the City has adopted annual inflationary cost increases to the sewer fee. The City engaged Bartle Wells Associates (BWA) to conduct a comprehensive analysis to establish a nexus between the cost of facilities serving new customers and the sewer capacity fee. This study supports the City’s 2015 Strategic Plan by recommending fair and reasonable sewer fees for new customers and by providing funding for the extension of sewer service to new business development areas.

1.2 Capacity Fee Study Process
As part of the master planning process, Carollo Engineers identified wastewater system improvements. These improvements include projects to correct existing deficiencies and projects to expand the capacity of infrastructure to serve growth. Projects needed to correct existing deficiencies, also referred to as rehabilitation and reliability projects, benefit existing customers and should be funded through the City’s monthly sewer rate revenue. Capacity expansion projects benefit new customers and should be funded through capacity fee revenue. By appropriately assigning the benefit of each project to existing customers or growth (new) customers, the City fairly recovers the cost of facilities and avoids cross-customer subsidies.

The cost of facilities allocated to growth is divided by the capacity of those facilities to calculate unit costs of capacity. For wastewater service, the units of capacity are wastewater flow and pollutant loading. Wastewater flow capacity is set as average day flow expressed as gallons per day (gpd). Pollutant loading capacity consists of pounds per day (ppd) of biochemical oxygen demand (BOD) and pounds per day of total suspended solids (TSS). The unit costs of capacity are expressed as $/gpd of flow and $/ppd of BOD and TSS.
The final step of the capacity fee study process is to apply the unit costs to the capacity required to serve new development. The flow and pollutant loading charges are multiplied by the estimated flow and loading for different types of customers. A summary of the capacity fee study process is provided in Figure 1.

**Figure 1: Capacity Fee Study Process**

1. **Step 1 - Determine the Cost of Facilities for Fee Recovery**
   - Determine the recoverable cost of facilities benefiting new development that will be recovered by the capacity fee

2. **Step 2 - Determine the Capacity of Facilities**
   - Determine the capacity of facilities identified in Step 1

3. **Step 3 - Calculate the Unit Costs of Capacity**
   - Calculate the flow, BOD, and TSS unit costs of capacity by dividing the costs identified for fee recovery in Step 1 by the capacity of those facilities identified in Step 2

4. **Step 4 - Apply the Unit Costs to the Capacity Needs of New Development**
   - Apply the unit cost of capacity to the infrastructure capacity needs of new development to determine an equitable capacity fee
1.3 **Recommended Sewer Capacity Fee**

This capacity fee study reflects:

- Updated facility cost information based on the Wastewater Master Plan
- Updated unit costs for flow, BOD, and TSS
- Revised flow and loading characteristics for residential and commercial customers
- City policy to actively monitor and enforce the requirement that all new restaurants install grease interceptors

The recommended capacity fee will lower the unit cost of flow and BOD capacity in the wastewater system and increase the unit cost of TSS. The recommended single family residential sewer capacity fee will reduce the current fee of $5,146 to $2,643 (see Table 1-1, below).

---

**Table 1-1: Executive Summary Sewer Capacity Fees**

City of Modesto

Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th>Category</th>
<th>Current (FY2016)</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow ($/gpd)</td>
<td>$14.85</td>
<td>$9.44</td>
</tr>
<tr>
<td>BOD ($/ppd)</td>
<td>$1,371.11</td>
<td>$232.66</td>
</tr>
<tr>
<td>TSS ($/ppd)</td>
<td>$364.32</td>
<td>$900.59</td>
</tr>
<tr>
<td>Single family residential Sewer capacity fee</td>
<td>$5,146</td>
<td>$2,643</td>
</tr>
</tbody>
</table>
SECTION 2: ALLOCATION OF FACILITIES

Bartle Wells Associates worked closely with City staff and Carollo Engineers to review wastewater system improvement capital costs and to determine an appropriate methodology for the calculation of the sewer capacity fee.

2.1 Methodology

In developing the Wastewater Master Plan, Carollo Engineers identified capital improvement projects to rehabilitate existing infrastructure and projects to expand capacity to serve growth. Rehabilitation projects improve existing infrastructure so that facilities can continue to provide service through build-out. Capacity expansion projects are triggered by the increased flows and pollutant loading of new development. These projects would not be needed absent growth. Based on the categorization of capital improvement projects, BWA recommends the incremental approach for calculation of the sewer capacity fee.

Incremental Approach (Buy-in + Expansion): Under this approach, new connections buy-in for the remaining share of capacity in existing facilities available to serve growth, plus pay for future expansion-related improvements needed to meet the capacity needs of growth through projected build-out.

- Cost Recovery: The cost of the estimated percentage of existing facilities available to serve growth plus the cost of anticipated expansion-related capital improvements (in current dollars)
- Denominator: Expansion capacity in City facilities with completion of the growth-related capital improvements

The proposed methodology recovers all capacity costs related to growth and avoids charging new development for existing system capacity costs that benefit existing users. The following subsections develop the buy-in and expansion costs for the sewer collection system and wastewater treatment facilities. Please note that the capital improvements described in this report do not include projects solely benefiting existing customers or projects benefitting the Cannery Segregation Line. Rehabilitation projects that benefit only existing customers are funded through monthly sewer rate revenues and project costs cannot be recovered from capacity fee revenues. Cannery Segregation Line projects benefit the City’s five existing cannery customers and the project costs are proposed to be recovered as described in the Sewer Rate and Fee Study Report, January 2016 (available at http://www.modestogov.com/uppd/reports/wastewater/rates/sewer_rate.asp).

2.2 Collection System Cost Allocation

Carollo Engineers developed capital improvement plans for the City’s collection and treatment systems. Rehabilitation projects for the existing collection system are provided in Table 2-1. Projects are allocated between existing and future customers based on each group’s proportional share of the average dry weather flow (ADWF) at build-out. The future customers’ buy-in to the collection system consists of $43.6 million of repair and replacement costs.
Table 2-2 describes the collection system capacity expansion projects. Most expansion projects solely benefit future customers and are allocated 100% to growth. Projects that benefit both existing and future customers are allocated cost responsibility based on average dry weather flow at build-out. The total collection system expansion cost allocated to future customer is $39.2 million.

The combined cost of the collection system for future customers is $82.8 million. This cost is divided by 14.3 mgd, the incremental average day flow of future customers through build-out. Carollo Engineers determined that the current flow of the collection system is 70.7 mgd and build-out capacity is 85.0 mgd. Thus, the incremental capacity increase between the present and build-out is 14.3 mgd. The future customers' share of collection system costs ($82.8 million) is divided by the future customers' capacity (14.3 mgd) to calculate the unit cost of capacity of $5.79 per gallon per day.
Table 2-1: Collection Improvements – Buy-in to Facility Improvements
City of Modesto
Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th>Project</th>
<th>Description/Purpose</th>
<th>Project Cost</th>
<th>Existing ADWF (mgd)</th>
<th>Build-out ADWF (mgd)</th>
<th>Exisiting User Benefit %</th>
<th>Future User Benefit %</th>
<th>Existing Benefit</th>
<th>Future Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Trunk</td>
<td>Convey flows from the new Shackelford PS to the new River Trunk in Colorado</td>
<td>$1,944,000</td>
<td>1.2741</td>
<td>2.2800</td>
<td>56%</td>
<td>44%</td>
<td>$1,086,000</td>
<td>$858,000</td>
</tr>
<tr>
<td>Shackelford Lift Station -</td>
<td>Eliminate the siphon below the Tuolumne River</td>
<td>$2,989,000</td>
<td>1.2741</td>
<td>2.2800</td>
<td>56%</td>
<td>44%</td>
<td>$1,670,000</td>
<td>$1,319,000</td>
</tr>
<tr>
<td>East of Crows Landing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant</td>
<td>$3,211,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$1,896,000</td>
<td>$1,315,000</td>
</tr>
<tr>
<td>Tuolumne Avenue</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant</td>
<td>$8,648,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$5,105,000</td>
<td>$3,543,000</td>
</tr>
<tr>
<td>Colorado Avenue</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant</td>
<td>$7,442,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$4,393,000</td>
<td>$3,049,000</td>
</tr>
<tr>
<td>Colorado Avenue</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>Provide peak wet weather diversion for the existing Sutter Trunk</td>
<td>$1,137,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$671,000</td>
<td>$466,000</td>
</tr>
<tr>
<td>Tuolumne Boulevard</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Force Main -</td>
<td>Two force mains allows the system to maintain flushing velocities through a wide range of flows and will convey flows from the River Trunk Pump Station</td>
<td>$5,818,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$3,435,000</td>
<td>$2,383,000</td>
</tr>
<tr>
<td>Tuolumne Boulevard</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>A gravity extension of the Dry Creek crossing that conveys flows to the River Trunk Pump Station</td>
<td>$16,967,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$10,017,000</td>
<td>$6,950,000</td>
</tr>
<tr>
<td>Beard Brook North Gravity</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Alignment</td>
<td></td>
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</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>Redirect flows to the River Trunk Pump Station</td>
<td>$2,071,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$1,223,000</td>
<td>$848,000</td>
</tr>
<tr>
<td>B Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>Based on the results of the condition assessment, the Sutter Ave Trunk will require rehabilitation</td>
<td>$533,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$315,000</td>
<td>$218,000</td>
</tr>
<tr>
<td>Sutter Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gravity Pipeline -</td>
<td>Convey flows from the new Shackelford PS to the new River Trunk in Colorado</td>
<td>$14,069,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$8,506,000</td>
<td>$5,763,000</td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
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</tr>
<tr>
<td>River Trunk Lift Station -</td>
<td>Eliminate River Trunk inverted siphon and associated issues</td>
<td>$33,483,000</td>
<td>10.23678</td>
<td>17.34000</td>
<td>59%</td>
<td>41%</td>
<td>$19,767,000</td>
<td>$13,716,000</td>
</tr>
<tr>
<td>Morton Boulevard</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Rumble Trunk</td>
<td>Increase the firm capacity from 1.37 mgd to 2.33 mgd to meet existing and future PWWFs.</td>
<td>$8,413,000</td>
<td>0.4550</td>
<td>0.6320</td>
<td>72%</td>
<td>28%</td>
<td>$6,070,000</td>
<td>$2,343,000</td>
</tr>
<tr>
<td>Project</td>
<td>Description/Purpose</td>
<td>Project Cost</td>
<td>Existing ADWF (mgd)</td>
<td>Build-out ADWF (mgd)</td>
<td>Existing User Benefit %</td>
<td>Future User Benefit %</td>
<td>Existing Benefit</td>
<td>Future Benefit</td>
</tr>
<tr>
<td>---------------------------------</td>
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</tr>
<tr>
<td><strong>Empire Trunk</strong></td>
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</tr>
<tr>
<td>Gravity Pipeline - Hoover Avenue</td>
<td>The existing pipelines exceed the maximum d/D under PWWF at approximately 95-percent capacity.</td>
<td>$476,000</td>
<td>0.073</td>
<td>0.085</td>
<td>86%</td>
<td>14%</td>
<td>$409,000</td>
<td>$67,000</td>
</tr>
<tr>
<td>Gravity Pipeline - Benson Avenue</td>
<td>The 15-inch diameter trunk in Benson Avenue exceeds the d/D criteria under PWWF at approximately 93 percent capacity.</td>
<td>$507,000</td>
<td>0.061</td>
<td>0.063</td>
<td>97%</td>
<td>3%</td>
<td>$491,000</td>
<td>$16,000</td>
</tr>
<tr>
<td>Benson Lift Station - Benson Avenue</td>
<td>Increase the firm capacity from 0.22 mgd to 1.3 mgd to meet existing and future PWWFs.</td>
<td>$4,656,000</td>
<td>0.0319</td>
<td>0.0320</td>
<td>99.65%</td>
<td>0.35%</td>
<td>$4,640,000</td>
<td>$16,000</td>
</tr>
<tr>
<td><strong>West Trunk</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Hahn Lift Station - Honey Creek Road and Nightingale Drive</td>
<td>Increase the firm capacity from 0.65 mgd to 1.3 mgd to meet existing and future PWWFs.</td>
<td>$4,976,000</td>
<td>0.45800</td>
<td>0.53375</td>
<td>86%</td>
<td>14%</td>
<td>$4,270,000</td>
<td>$706,000</td>
</tr>
<tr>
<td><strong>Downtown Trunk</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gravity Pipeline - Kimble Street and Floto Street</td>
<td>The existing 10-inch diameter pipelines exceed the maximum d/D criteria under PWWF at approximately 90-percent capacity.</td>
<td>$333,000</td>
<td>0.240</td>
<td>0.250</td>
<td>96%</td>
<td>4%</td>
<td>$319,000</td>
<td>$14,000</td>
</tr>
<tr>
<td>Gravity Pipeline - J Street</td>
<td>The trunk in J Street exceeds the maximum d/D criteria under PWWF and causes the existing 12-inch pipeline to surcharge.</td>
<td>$869,000</td>
<td>0.411</td>
<td>0.430</td>
<td>96%</td>
<td>4%</td>
<td>$831,000</td>
<td>$38,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$74,914,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$43,628,000</td>
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<tr>
<td>mgd</td>
<td></td>
<td>14.3</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Buy-in to collection system ($/gpd)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3.05</td>
</tr>
</tbody>
</table>

City of Modesto – Sewer Capacity Fee Study 2016
### Table 2-2: Collection Improvements – Expansion

**City of Modesto**

**Sewer Capacity Fee Study**

<table>
<thead>
<tr>
<th>Project</th>
<th>Description/Purpose</th>
<th>Project Cost</th>
<th>Existing ADWF (mgd)</th>
<th>Build-out ADWF (mgd)</th>
<th>Existing User Benefit %</th>
<th>Future User Benefit %</th>
<th>Existing Benefit</th>
<th>Future Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dale Trunk</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gravity Pipeline - Undeveloped Area</td>
<td>This group of improvements is recommended to service future growth within the Kiernan-Carver and Kiernan-Carver North CPD's.</td>
<td>$2,227,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$2,227,000</td>
</tr>
<tr>
<td>Chapman Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapman Lift Station - Chapman Road</td>
<td>The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.</td>
<td>$2,041,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$2,041,000</td>
</tr>
<tr>
<td><strong>Lakewood Trunk</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gravity Pipeline - Litt Road,</td>
<td>This group of improvements will service business, commercial and residential growth to the east within the Village One CPD.</td>
<td>$2,640,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$2,640,000</td>
</tr>
<tr>
<td>Plainview Road, Claus Road, Merle Ave</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Litt Lift Station - Litt Road</td>
<td>The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.</td>
<td>$1,347,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$1,347,000</td>
</tr>
<tr>
<td><strong>Rumble Trunk</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gravity Pipeline - McHenry Avenue</td>
<td>This sewer trunk extension will provide service to future development in the Pelandale/McHenry CPD.</td>
<td>$200,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$200,000</td>
</tr>
<tr>
<td>Gravity Pipeline - Clairmont Avenue</td>
<td>Under PWWF conditions this reach of the Rumble Trunk experiences flow depths in excess of the maximum d/D at approximately 90-percent capacity.</td>
<td>$2,470,000</td>
<td>1.0237</td>
<td>1.2686</td>
<td>81%</td>
<td>19%</td>
<td>$1,993,000</td>
<td>$477,000</td>
</tr>
<tr>
<td>and Maud Kumpf Terrace</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>North Trunk</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gravity Pipeline - Bangs Ave, Tully</td>
<td>Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.</td>
<td>$11,323,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$11,323,000</td>
</tr>
<tr>
<td>Road and Palendale Ave, American</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ave, and Kiernan Ave</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pelandale Lift Station - Palendale</td>
<td>The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.</td>
<td>$180,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$180,000</td>
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<tr>
<td>Avenue</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keirnan Lift Station - Kiernan</td>
<td>The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.</td>
<td>$354,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$354,000</td>
</tr>
<tr>
<td>Avenue and Carver Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sonoma Trunk</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gravity Pipeline - Undeveloped Area</td>
<td>This group of improvements is recommended to service future growth within Roselle-Claribel CPD.</td>
<td>$4,022,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$4,022,000</td>
</tr>
<tr>
<td>Wood Sorrel Lift Station - North of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodsorrel Drive and Sylvan Avenue</td>
<td>The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.</td>
<td>$76,000</td>
<td>0%</td>
<td>100%</td>
<td>0%</td>
<td>100%</td>
<td>$0</td>
<td>$76,000</td>
</tr>
</tbody>
</table>
**Gravity Pipeline**

The trunk in Jefferson Avenue exceeds the d/D criteria at approximately 89 percent capacity.

<table>
<thead>
<tr>
<th>Gravity Pipeline</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson Street</td>
<td>$275,000</td>
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</tbody>
</table>

**Ustick Trunk**

<table>
<thead>
<tr>
<th>Gravity Pipeline</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whitmore Avenue</td>
<td>$980,000</td>
</tr>
<tr>
<td>Whitmore Avenue</td>
<td>$99,000</td>
</tr>
<tr>
<td>Whitmore/Carpenter Lift</td>
<td>$710,000</td>
</tr>
<tr>
<td>Ustick Road</td>
<td>$700,000</td>
</tr>
</tbody>
</table>

**West Trunk**

<table>
<thead>
<tr>
<th>Gravity Pipeline</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dakota Avenue</td>
<td>$1,333,000</td>
</tr>
<tr>
<td>Dakota Avenue</td>
<td>$2,150,000</td>
</tr>
<tr>
<td>Dakota Avenue</td>
<td>$319,000</td>
</tr>
<tr>
<td>Kansas Avenue</td>
<td>$1,433,000</td>
</tr>
<tr>
<td>Kansas Avenue</td>
<td>$769,000</td>
</tr>
<tr>
<td>Kansas Avenue</td>
<td>$2,954,000</td>
</tr>
<tr>
<td>Dakota Avenue</td>
<td>$983,000</td>
</tr>
<tr>
<td>Woodland Avenue</td>
<td>$1,293,000</td>
</tr>
<tr>
<td>Poult Road</td>
<td>$4,664,000</td>
</tr>
<tr>
<td>Carpenter Road to Sutter Plant</td>
<td>$296,000</td>
</tr>
</tbody>
</table>

**Total**

$6,619,000

mgd

14.3

Expansion charge for collection system ($/gpd)

$2.74
2.3 Wastewater Treatment Cost Allocation

Wastewater flow within the City of Modesto’s service area is collected and conveyed to the Sutter Wastewater Treatment Plant for primary treatment. The primary treated flow is then transported to the Jennings Wastewater Treatment Plant via an Outfall Pipeline. The Wastewater Master Plan includes improvements to eventually provide primary treatment at the Jennings Plant. Currently, at the Jennings Plant, the flow is conveyed through either the secondary treatment stream or the tertiary treatment stream. The tertiary treatment plant was recently upgraded and will begin operations this year. A buy-in to the tertiary treatment improvements is not included in the sewer capacity fee. Phase 2 of the tertiary improvements was conducted to meet new discharge requirements for the benefit of existing customers. Future recycled water capital improvements are also excluded from the capacity fee calculation. The City intends to finance recycled water projects and fund debt service costs via recycled water sales revenue.

Table 2-3, Table 2-4, and Table 2-5 describe wastewater treatment improvements for the Sutter Wastewater Treatment Plant, Outfall Pipeline, and Jennings Wastewater Treatment Plant that are at least partially allocated to future customers. Projects that solely benefit existing customers are not included in the capacity fee calculation. The Sutter Wastewater Treatment Plant and Outfall Pipeline improvements are allocated to existing and future customers based on build-out flow of the wastewater system. Improvements to the Sutter Wastewater Treatment Plant are needed to improve hydraulic capacity. Eventually, primary treatment facilities will be relocated to the Jennings Wastewater Treatment Plant. The Outfall Pipeline capital projects are needed to improve corroded facilities, eliminate flood risk, provide redundancy, and increase capacity. The Outfall Pipeline facilities will serve both existing and future customers through build-out.

The Jennings Wastewater Treatment Plant improvements consist of primary treatment projects to replace aging infrastructure at the Sutter Plant and secondary treatment improvements. The Jennings Plant improvements are allocated between existing and future customers based on the build-out capacity of the secondary treatment stream. The City is also planning to conduct secondary treatment expansion to allow existing cannery customers to increase their wastewater effluent and “scalp” flow to the secondary treatment plant. The Improvements benefitting cannery customers are excluded from the sewer capacity fee calculations shown in this report. It is proposed that cannery customers will pay secondary scalping fees as described in the Sewer Rate and Fee Study Report, January 2016.

The final step in the cost allocation process is to assign facility costs to flow, BOD, and TSS. This ensures that each type of new development pays its proportional share of collection and treatment facilities. As shown in the previous subsection, collection treatment capacity is allocated solely to flow. Treatment capacity costs are allocated to flow, BOD, and TSS based on industry standard allocations. For example, most primary treatment projects are allocated 70%/10%/20% to flow, BOD, and TSS, respectively, and most secondary treatment projects are allocated 40%/30%/30% to flow, BOD, and TSS. The final result of these allocations is a capacity unit cost per gallon per day (gpd) of flow and pounds per day (ppd) of BOD and TSS.
# Table 2-3: Sutter Plant Improvements - Buy-in to Facility Improvements

City of Modesto  
Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Existing User Cost</th>
<th>Future User Cost</th>
<th>Existing User Benefit %</th>
<th>Future User Benefit %</th>
<th>Future User Costs Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sutter Plant Improvements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
<td>85.0 mgd</td>
<td>14.3 mgd</td>
<td>70.7%</td>
<td>14.3%</td>
<td>14.3 mgd 42,934 ppd 38,184 ppd</td>
</tr>
<tr>
<td><strong>Headworks, Dryden Box, and Influent Flume Improvement Project</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New West Junction Structure</td>
<td>$300,000</td>
<td>$250,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>100% 0% 0% 100%</td>
</tr>
<tr>
<td>Influent Screening</td>
<td>$4,075,000</td>
<td>$3,389,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>70% 10% 20% 100%</td>
</tr>
<tr>
<td>Grit Removal</td>
<td>$1,469,000</td>
<td>$1,222,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>70% 10% 20% 100%</td>
</tr>
<tr>
<td>Headworks Building Odor Control Improvements</td>
<td>$3,009,000</td>
<td>$2,503,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>70% 10% 20% 100%</td>
</tr>
<tr>
<td>Influent Parshall Flumes</td>
<td>$336,000</td>
<td>$279,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>100% 0% 0% 100%</td>
</tr>
<tr>
<td>Influent Screw Pump Addition</td>
<td>$2,198,000</td>
<td>$0</td>
<td>0%</td>
<td>100%</td>
<td>70% 10% 20% 100%</td>
</tr>
<tr>
<td>Total</td>
<td>$11,387,000</td>
<td>$7,643,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>$0.19/gpd $8.47/ppd $19.06/ppd</td>
</tr>
</tbody>
</table>

$/unit $0.19/gpd $8.47/ppd $19.06/ppd
Table 2-4: Outfall Pipelines – Buy-in to Facility Improvements
City of Modesto
Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Total</th>
<th>Existing User Benefit</th>
<th>Future User Benefit</th>
<th>Existing User Benefit</th>
<th>Future User Benefit</th>
<th>Future User Costs Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Benefit %</td>
<td>Benefit %</td>
<td>Benefit %</td>
<td>Benefit %</td>
<td>Flow</td>
</tr>
<tr>
<td>Outfall Pipelines</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14.3</td>
</tr>
<tr>
<td>Allocation</td>
<td>85.0</td>
<td>70.7</td>
<td>14.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mgd</td>
<td>mgd</td>
<td>mgd</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outfall Pump Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
<tr>
<td>Replacement</td>
<td></td>
<td>83.2%</td>
<td>16.8%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuolumne River Pipe Crossings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
<tr>
<td>Replacement of Existing Crossings</td>
<td>$5,934,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>$4,936,000</td>
<td>$998,000</td>
<td>100%</td>
</tr>
<tr>
<td>Crossing for Third Outfall</td>
<td>$5,012,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>$4,169,000</td>
<td>$843,000</td>
<td>100%</td>
</tr>
<tr>
<td>Third Outfall Pipeline</td>
<td>$48,543,000</td>
<td>83.2%</td>
<td>16.8%</td>
<td>$40,376,000</td>
<td>$8,167,000</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td>$76,821,000</td>
<td></td>
<td></td>
<td>$63,897,000</td>
<td>$12,924,000</td>
<td></td>
</tr>
</tbody>
</table>

$/unit                                |       | $0.90/gpd             |

City of Modesto – Sewer Capacity Fee Study 2016
Table 2-5: Jennings Plant Improvements – Buy-in to Facility Improvements
City of Modesto
Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Existing User Benefit %</th>
<th>Future User Benefit %</th>
<th>Existing User Cost</th>
<th>Future User Cost</th>
<th>Future User Costs Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>Flow</td>
</tr>
<tr>
<td>Jennings Plant Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
<td>27.4 mgd</td>
<td>20.4 mgd</td>
<td>7.0 mgd</td>
<td></td>
<td>7.0 mgd</td>
</tr>
<tr>
<td>Primary Treatment and Solids Handling Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Treatment Facilities</td>
<td></td>
<td></td>
<td></td>
<td>$15,969,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Yard Piping and Structures</td>
<td></td>
<td></td>
<td></td>
<td>$13,174,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Anaerobic Digesters</td>
<td></td>
<td></td>
<td></td>
<td>$40,855,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Solids Processing Building</td>
<td></td>
<td></td>
<td></td>
<td>$11,756,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Sludge Cake Drying Beds</td>
<td></td>
<td></td>
<td></td>
<td>$11,776,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Secondary Treatment</td>
<td></td>
<td></td>
<td></td>
<td>$9,150,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Fixed Film Reactors and Pump Station Rehabilitation</td>
<td></td>
<td></td>
<td></td>
<td>$391,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Peroxide Feed System</td>
<td></td>
<td></td>
<td></td>
<td>$1,802,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Aerator in Recirculation Channel</td>
<td></td>
<td></td>
<td></td>
<td>$169,000</td>
<td>74.5%</td>
</tr>
<tr>
<td>Dissolved Air Flotation (DAF) Piping Modifications</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$105,042,000</td>
<td></td>
<td>$78,207,000</td>
<td>$26,835,000</td>
<td>$17,902,000</td>
</tr>
</tbody>
</table>

$/unit $2.56/gpd $224.19/ppd $881.53/ppd
SECTION 3: PROPOSED FEE

3.1 Capacity Unit Costs
The capacity fee unit costs developed in the previous section are totaled in Table 3-1. Table 3-2 compares the current and proposed unit costs. The proposed flow and BOD capacity unit costs are lower than current costs. The proposed TSS unit cost is higher.

Table 3-1: Sewer Capacity Fee Summary
City of Modesto
Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th>Component</th>
<th>Capital Costs Allocated to Future Users</th>
<th>Flow $/gpd</th>
<th>BOD $/ppd</th>
<th>TSS $/ppd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection System</td>
<td>$82,847,000</td>
<td>$5.79</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Sutter Plant Improvements</td>
<td>$3,744,000</td>
<td>$0.19</td>
<td>$0.00</td>
<td>$8.47</td>
</tr>
<tr>
<td>Outfall Pipelines</td>
<td>$12,924,000</td>
<td>$0.90</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Jennings Plant Improvements</td>
<td>$26,835,000</td>
<td>$2.56</td>
<td>$224.19</td>
<td>$881.53</td>
</tr>
<tr>
<td>Total Capacity Fee</td>
<td>$126,350,000</td>
<td>$9.44</td>
<td>$232.66</td>
<td>$900.59</td>
</tr>
</tbody>
</table>

Table 3-2: Capacity Unit Cost Comparison
City of Modesto
Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th>Category</th>
<th>Current (FY2016)</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow ($/gpd)</td>
<td>$14.85</td>
<td>$9.44</td>
</tr>
<tr>
<td>BOD ($/ppd)</td>
<td>$1,371.11</td>
<td>$232.66</td>
</tr>
<tr>
<td>TSS ($/ppd)</td>
<td>$364.32</td>
<td>$900.59</td>
</tr>
</tbody>
</table>

3.2 Discussion of Fee Adjustment
The recommended sewer capacity fee reflects an adjustment to the cost allocation of the tertiary treatment facilities. The cost basis for the current capacity fee was established in the report Sewer Capacity Charges, April 2007 by Brown and Caldwell and the fee has been increased annually by an inflationary factor. The 2007 capacity fee report assumed that the City would conduct phased tertiary capital projects, as follows: Phase 1 - make improvements and expand capacity through 2011, Phase 2 - make improvements and expand capacity through 2016, and Phase 3 - make improvements and expand capacity through the projected build-out year of 2030. Ultimately, the City conducted capital projects to establish the tertiary treatment stream. However, the focus of the Phase 1 and Phase 2 tertiary projects shifted from capacity expansion to regulatory compliance. The Phase 2 projects, as constructed, were needed to maintain current capacity under more stringent discharge requirements. The secondary
treatment improvements will provide capacity for future development. In conclusion, the current capacity fee included tertiary treatment expansion projects that were ultimately revised. Secondary treatment expansion is preferred by the City as it is lower cost.

### 3.3 Residential Capacity Fee Impacts

The current and proposed residential sewer capacity fees are presented in Table 3-3. The proposed residential capacity fees reflect updated unit costs of capacity and updated flow and loading assumptions. Single family residential flow and loading characteristics were determined by Carollo Engineers as part of the Wastewater Master Plan. BWA estimated the flow of multi-family and apartment dwelling units.

<table>
<thead>
<tr>
<th>Table 3-3: Residential Sewer Capacity Fees City of Modesto Sewer Capacity Fee Study</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single Family Dwelling Unit or Mobile Home on Lot</strong></td>
</tr>
<tr>
<td>Flow</td>
</tr>
<tr>
<td>Flow and Loads</td>
</tr>
<tr>
<td>Unit Cost</td>
</tr>
<tr>
<td>Proposed Capacity Fee</td>
</tr>
<tr>
<td>Current fee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Multi-family Dwelling Unit</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow</td>
</tr>
<tr>
<td>Flow and Loads</td>
</tr>
<tr>
<td>Unit Cost</td>
</tr>
<tr>
<td>Proposed Capacity Fee</td>
</tr>
<tr>
<td>Current fee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Apartment Dwelling Unit or Mobile Home in Mobile Home Park</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow</td>
</tr>
<tr>
<td>Flow and Loads</td>
</tr>
<tr>
<td>Unit Cost</td>
</tr>
<tr>
<td>Proposed Capacity Fee</td>
</tr>
<tr>
<td>Current fee</td>
</tr>
</tbody>
</table>
As calculated above, the single family residential sewer capacity fee is proposed to decrease from $5,146 to $2,643. The fee change reflects both the adjustment to residential flow and loading characteristics and the change to the unit costs of capacity. The current residential capacity fee is in the mid-range of fees charged by other local wastewater agencies, and the proposed fee is on the lower-end of the surveyed fees.

Figure 2: Single Family Residential Sewer Capacity Fee Survey

3.4 Non-residential Capacity Fee Impacts

The sewer capacity fees for non-residential customers depend on the flow and loading characteristics for each type of new development. Blackwater Consulting Engineers, Inc. (Blackwater) conducted a review of the underlying flow and loading assumptions used by the City of Modesto in the report: *Non-residential Wastewater Capacity Charge Methodology, March 2014*. The non-residential sewer capacity fees recommended by BWA reflect Blackwater’s flow and loading recommendations. Table 3-4 provides the current and proposed non-residential capacity fees and flow and loading assumptions. Commercial customers will receive decreases to the sewer capacity fees ranging from 36% to 68%. Going forward, BWA recommends the City monitor and enforce regulations requiring all new restaurants to install grease interceptors. The installation of grease interceptors will reduce the fats, oils, and grease entering the wastewater system and will result in lower capacity fees for restaurants.
<table>
<thead>
<tr>
<th>User Classification</th>
<th>Current Fee</th>
<th>Wastewater Flow</th>
<th>BOD (mg/l)</th>
<th>TSS (mg/l)</th>
<th>Proposed Fee</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office Building</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Office</td>
<td>$1.77</td>
<td>per sf</td>
<td>0.1</td>
<td>200</td>
<td>$1.13</td>
<td>-36%</td>
</tr>
<tr>
<td>Medical/Dental Office</td>
<td>$3.90</td>
<td>per sf</td>
<td>0.22</td>
<td>200</td>
<td>$2.49</td>
<td>-36%</td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>$6.57</td>
<td>per sf</td>
<td>0.37</td>
<td>200</td>
<td>$4.19</td>
<td>-36%</td>
</tr>
<tr>
<td>Dental Clinic</td>
<td>$3.19</td>
<td>per sf</td>
<td>0.18</td>
<td>200</td>
<td>$2.04</td>
<td>-36%</td>
</tr>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auditorium</td>
<td>$2.13</td>
<td>per seat</td>
<td>0.12</td>
<td>200</td>
<td>$1.36</td>
<td>-36%</td>
</tr>
<tr>
<td>Assembly Hall - Food</td>
<td>$3.37</td>
<td>per sf</td>
<td>0.19</td>
<td>200</td>
<td>$2.15</td>
<td>-36%</td>
</tr>
<tr>
<td>Prepared Off-Site</td>
<td>$5.34</td>
<td>per sf</td>
<td>0.19</td>
<td>1000</td>
<td>$3.02</td>
<td>-43%</td>
</tr>
<tr>
<td>Church</td>
<td>$28.75</td>
<td>per seat</td>
<td>1.62</td>
<td>130</td>
<td>$17.28</td>
<td>-40%</td>
</tr>
<tr>
<td>Hospital</td>
<td>$4,436.12</td>
<td>per bed</td>
<td>250</td>
<td>200</td>
<td>$2,832.57</td>
<td>-36%</td>
</tr>
<tr>
<td>Institutional Residential Care Facility - 7 Beds or More</td>
<td>$1,774.45</td>
<td>per bed</td>
<td>100</td>
<td>200</td>
<td>$1,133.03</td>
<td>-36%</td>
</tr>
<tr>
<td>Country Club - Non-Resident Member</td>
<td>$709.78</td>
<td>per capita</td>
<td>20</td>
<td>200</td>
<td>$226.61</td>
<td>-68%</td>
</tr>
<tr>
<td>County Club - Resident Member</td>
<td>$1,774.45</td>
<td>per capita</td>
<td>100</td>
<td>200</td>
<td>$1,133.03</td>
<td>-36%</td>
</tr>
<tr>
<td>Picnic Park</td>
<td>$177.44</td>
<td>per capita</td>
<td>10</td>
<td>200</td>
<td>$113.30</td>
<td>-36%</td>
</tr>
<tr>
<td>Pool</td>
<td>$177.44</td>
<td>per capita</td>
<td>10</td>
<td>200</td>
<td>$113.30</td>
<td>-36%</td>
</tr>
<tr>
<td>Tennis Courts, Outdoor with Toilets and Showers</td>
<td>$1,951.89</td>
<td>per capita</td>
<td>110</td>
<td>200</td>
<td>$1,246.33</td>
<td>-36%</td>
</tr>
<tr>
<td>Tennis Courts, Indoor with Toilets and Showers</td>
<td>$5,145.90</td>
<td>per capita</td>
<td>290</td>
<td>200</td>
<td>$3,285.78</td>
<td>-36%</td>
</tr>
<tr>
<td><strong>School</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>K-8</td>
<td>$88.72</td>
<td>per capita</td>
<td>5</td>
<td>130</td>
<td>$58.34</td>
<td>-40%</td>
</tr>
<tr>
<td>High School/College</td>
<td>$177.44</td>
<td>per capita</td>
<td>10</td>
<td>130</td>
<td>$106.69</td>
<td>-40%</td>
</tr>
<tr>
<td><strong>Warehouse/Distribution</strong></td>
<td>$0.53</td>
<td>per sf</td>
<td>0.03</td>
<td>200</td>
<td>$0.34</td>
<td>-36%</td>
</tr>
<tr>
<td><strong>Retail/Commercial</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail/Commercial</td>
<td>$0.89</td>
<td>per sf</td>
<td>0.04</td>
<td>200</td>
<td>$0.45</td>
<td>-49%</td>
</tr>
<tr>
<td>Auto Body Shop/Auto Dealers</td>
<td>$1.95</td>
<td>per sf</td>
<td>0.11</td>
<td>200</td>
<td>$1.25</td>
<td>-36%</td>
</tr>
<tr>
<td>Bakeries</td>
<td>$10.96</td>
<td>per sf</td>
<td>0.39</td>
<td>1000</td>
<td>$6.20</td>
<td>-43%</td>
</tr>
<tr>
<td>Beauty Shop/Day Spa (with wash sinks)</td>
<td>$4.79</td>
<td>per sf</td>
<td>0.27</td>
<td>200</td>
<td>$3.06</td>
<td>-36%</td>
</tr>
<tr>
<td>Bars without Dining</td>
<td>$6.21</td>
<td>per sf</td>
<td>0.35</td>
<td>200</td>
<td>$3.97</td>
<td>-36%</td>
</tr>
<tr>
<td>Bowling Alley (including dining)</td>
<td>$5.41</td>
<td>per sf</td>
<td>0.23</td>
<td>600</td>
<td>$3.48</td>
<td>-36%</td>
</tr>
<tr>
<td>Cafeteria</td>
<td>$8.71</td>
<td>per sf</td>
<td>0.31</td>
<td>1000</td>
<td>$4.92</td>
<td>-43%</td>
</tr>
<tr>
<td>Car Wash</td>
<td>$17.21</td>
<td>per sf</td>
<td>0.97</td>
<td>200</td>
<td>$10.99</td>
<td>-36%</td>
</tr>
<tr>
<td>Coffee House – No Food Prep</td>
<td>$7.10</td>
<td>per sf</td>
<td>0.4</td>
<td>200</td>
<td>$4.53</td>
<td>-36%</td>
</tr>
<tr>
<td>Dry Cleaner</td>
<td>$0.89</td>
<td>per sf</td>
<td>0.05</td>
<td>200</td>
<td>$0.57</td>
<td>-36%</td>
</tr>
<tr>
<td>Dry Goods</td>
<td>$0.89</td>
<td>per sf</td>
<td>0.05</td>
<td>200</td>
<td>$0.57</td>
<td>-36%</td>
</tr>
<tr>
<td>Delicatessen, Sandwich Shop, Take-N-Bake Pizza</td>
<td>$11.61</td>
<td>per sf</td>
<td>0.35</td>
<td>300</td>
<td>$4.30</td>
<td>-63%</td>
</tr>
<tr>
<td>Donut Shop</td>
<td>$13.94</td>
<td>per sf</td>
<td>0.6</td>
<td>600</td>
<td>$8.62</td>
<td>-38%</td>
</tr>
<tr>
<td>Gyms, Health Clubs</td>
<td>$4.97</td>
<td>per sf</td>
<td>0.28</td>
<td>200</td>
<td>$3.17</td>
<td>-36%</td>
</tr>
<tr>
<td>Health Clubs – No Showers, Pool or Spa</td>
<td>$3.73</td>
<td>per sf</td>
<td>0.21</td>
<td>200</td>
<td>$2.38</td>
<td>-36%</td>
</tr>
<tr>
<td>User Classification</td>
<td>Current Fee</td>
<td>Wastewater Flow</td>
<td>BOD (mg/l)</td>
<td>TSS (mg/l)</td>
<td>Proposed Fee</td>
<td>% Change</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------</td>
<td>-----------------</td>
<td>------------</td>
<td>------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>Hotels, Motels – Excluding bars and restaurants</td>
<td>$2,306.78 per room</td>
<td>130 gpd/room</td>
<td>200</td>
<td>200</td>
<td>$1,472.93</td>
<td>-36%</td>
</tr>
<tr>
<td>Laundry - Industrial</td>
<td>$2,457.69 per sf</td>
<td>100 gpd/sf</td>
<td>450</td>
<td>240</td>
<td>$1,211.58</td>
<td>-51%</td>
</tr>
<tr>
<td>Laundries – Coin Operated</td>
<td>$2,306.78 per machine</td>
<td>130 gpd/machine</td>
<td>150</td>
<td>110</td>
<td>$1,372.44</td>
<td>-41%</td>
</tr>
<tr>
<td>Laundries, Full Service Dry Cleaner</td>
<td>$11.40 per sf</td>
<td>0.55 gpd/sf</td>
<td>150</td>
<td>110</td>
<td>$5.81</td>
<td>-49%</td>
</tr>
<tr>
<td>Market – Grocery</td>
<td>$2.48 per sf</td>
<td>0.14 gpd/sf</td>
<td>200</td>
<td>200</td>
<td>$1.59</td>
<td>-36%</td>
</tr>
<tr>
<td>Mortuaries</td>
<td>$2.38</td>
<td></td>
<td>800</td>
<td>800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>$1.42 per sf</td>
<td>0.09 gpd/sf</td>
<td>800</td>
<td>800</td>
<td>$1.53</td>
<td>-36%</td>
</tr>
<tr>
<td>Printers</td>
<td>$2.48 per sf</td>
<td>0.08 gpd/sf</td>
<td>200</td>
<td>200</td>
<td>$0.81</td>
<td>-36%</td>
</tr>
<tr>
<td>Restaurant – Fast Food and Small Non-Franchise</td>
<td>$16.86 per sf</td>
<td>0.14 gpd/sf</td>
<td>200</td>
<td>200</td>
<td>Eliminated</td>
<td></td>
</tr>
<tr>
<td>Restaurant – Fast Food and Small Non-Franchise with Grease Interceptor</td>
<td>$12.09 per sf</td>
<td>0.4 gpd/sf</td>
<td>1000</td>
<td>600</td>
<td>$4.81</td>
<td>-60%</td>
</tr>
<tr>
<td>Restaurant – Full Service Franchise</td>
<td>$29.23 per sf</td>
<td>0.4 gpd/sf</td>
<td>400</td>
<td>240</td>
<td>Eliminated</td>
<td></td>
</tr>
<tr>
<td>Restaurant – Full Service Franchise with Grease Interceptor</td>
<td>$20.96 per sf</td>
<td>0.9 gpd/sf</td>
<td>1000</td>
<td>600</td>
<td>$10.82</td>
<td>-48%</td>
</tr>
<tr>
<td>Recreational Vehicle Park</td>
<td>$2,129.34 per sf</td>
<td>0.9 gpd/sf</td>
<td>400</td>
<td>240</td>
<td>$1,359.63</td>
<td>-36%</td>
</tr>
<tr>
<td>Theaters</td>
<td>$26.79 per RV Space</td>
<td>120 gpd/RV</td>
<td>200</td>
<td>200</td>
<td>$17.11</td>
<td>-36%</td>
</tr>
<tr>
<td>Veterinary Hospital</td>
<td>$1.08 per seat</td>
<td>1.51 gpd/seat</td>
<td>200</td>
<td>200</td>
<td>$2.61</td>
<td>-36%</td>
</tr>
<tr>
<td>Shopping Center – Up to 25% Dining</td>
<td>$6.51 per sf</td>
<td>0.23 gpd/sf</td>
<td>200</td>
<td>200</td>
<td>$3.99</td>
<td>-36%</td>
</tr>
<tr>
<td>Shopping Center – Up to 50% Dining</td>
<td>$12.84 per sf</td>
<td>0.32 gpd/sf</td>
<td>400</td>
<td>300</td>
<td>$7.62</td>
<td>-41%</td>
</tr>
<tr>
<td>Shopping Center – Up to 75% Dining</td>
<td>$20.41 per sf</td>
<td>0.56 gpd/sf</td>
<td>600</td>
<td>400</td>
<td>$11.80</td>
<td>-42%</td>
</tr>
</tbody>
</table>

Shaded area indicates flow or loading assumption adjusted by Blackwater Consulting Engineers, Inc.

BWA calculated the capacity fees for an example office, restaurant, and warehouse, see Table 3-5. Non-residential capacity fee survey results are provided in Figure 3. For the example office, the current fee is in the mid-range of surveyed fees. The recommended office fee would be in the lower range of surveyed fees. The City of Modesto's current restaurant fee is one of the highest in the Central Valley. The proposed adjustment to the restaurant fee will decrease the fee significantly and bring the fee closer to the fee charged by the City of Turlock. The City of Modesto's current fee for the example warehouse is the lowest of the surveyed fees and will remain the lowest following the recommended fee adjustment.
Table 3-5: Example Non-residential Capacity Fees  
City of Modesto  
Sewer Capacity Fee Study

<table>
<thead>
<tr>
<th></th>
<th>2,000 sq ft office building</th>
<th>3,000 sq ft fast food restaurant (grease trap), 50 seats</th>
<th>10,000 sq ft industrial warehouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current: $/sq ft &amp; total fee</td>
<td>$1.77</td>
<td>$12.09</td>
<td>$36,270</td>
</tr>
<tr>
<td>Proposed: $/sq ft &amp; total fee</td>
<td>$1.13</td>
<td>$4.81</td>
<td>$14,423</td>
</tr>
</tbody>
</table>

Figure 3: Non-residential Sewer Capacity Fee Survey

[Sewer Capacity Fee Survey graph]

1 - Includes frontage fee, main capacity fee, and waste water effluent capacity fee
Sewer Capacity Fee Survey
3,000 square foot fast food restaurant (w/grease trap)
with 50 seats

$30,000
$25,000
$20,000
$15,000
$10,000
$5,000
$0

Ceres
Riverbank
Patterson
Manteca
Waterford
Turlock 1
Modesto (proposed)
Modesto (current)
Hughson

1 - Includes frontage fee, sewer capacity fee, and waste water plant capacity fee

Sewer Capacity Fee Survey
10,000 square foot warehouse

$30,000
$25,000
$20,000
$15,000
$10,000
$5,000
$0

Modesto (proposed)
Modesto (current)
Caldwell
Turlock 1
Riverbank
Manteca
Ceres
Patterson
Waterford
Hughson

1 - Includes frontage fee, sewer capacity fee, and waste water plant capacity fee
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-183

RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL EVENT PERMIT FOR XCLAMATION FESTIVAL 2016, AND CLOSING DOWNTOWN STREETS BETWEEN 9TH AND 12TH STREETS ON J STREET AND I STREET AND BETWEEN 9TH AND 11TH STREETS ON H STREET ON AUGUST 20, 2016 TO EARLY MORNING ON AUGUST 21, 2016

WHEREAS, Modesto Municipal Code Title 4, Chapter 1, Article 4 governs entertainment permits, and provides that the Entertainment Commission has the power and duty to accept, review, gather information regarding, and conduct hearings upon applications for special events permits, and

WHEREAS, the City Council is sitting as the Entertainment Commission due to conflict of interest between the Xclamation Festival 2016 (X-Fest) promoter, Chris Ricci Presents, Inc. and members of the Entertainment Commission, and

WHEREAS, X-Fest is an annual musical event that has been held in downtown Modesto since 2000 and provides musical venues, vendor booths, food and refreshments, and

WHEREAS, Chris Ricci Presents, Inc. submitted a Special Event Entertainment Permit Application on January 15, 2016 for a special event permit for X-Fest on April 5, 2016, which seeks the closure of downtown streets between 9th and 12th streets on J and I streets and between 9th and 11th Streets on H Street on August 20, 2016 to early morning on August 21, 2016, and

WHEREAS, Staff sent deficiency letters dated February 4, 2016 and March 22, 2016, and
WHEREAS, Staff deemed the Application complete on April 4, 2016 and the Notice required by Section 4-1.413(b) of the Modesto Municipal Code was posted on April 7, 2016.

WHEREAS, the City Council held public discussion on the application for a special event permit for X-Fest on April 5, 2016, at which time Staff, Chris Ricci, and the public had the opportunity to speak, and

WHEREAS, City Council conducted a public hearing in compliance with Modesto Municipal Code section 4-1.413 (c) on April 26, 2016, and

WHEREAS, testimony was heard and evidence was introduced with regard to public safety needs and concerns, insurance requirements, public support for X-Fest, economic impact of the event, and prior agreements regarding the event, and

WHEREAS, Section 4-1.413(f) of the Municipal Code provides that the Commission may impose conditions to the permit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto does hereby make the following findings:

A. Finding: The proposed location of X-Fest complies with all of the health, zoning, fire and life safety requirements or standards of all laws of the State of California and the City of Modesto that are applicable to this event.

B. Finding: The proposed location of X-Fest can adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated.

C. Finding: The proposed location of X-Fest has adequate safeguards to prevent emissions of noise, glare, dust or odor that might substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property.
D. Chris Ricci and Chris Ricci Presents, Inc., has not within the past five (5) years, been convicted of a felony or other crime of moral turpitude that is substantially related to the qualifications, functions or duties of a proprietor of the business that will conduct X-Fest.

E. Chris Ricci and Chris Ricci Presents, Inc., does not have a history of committing, permitting or failing to prevent violations of the Modesto Municipal Code, State law or any license or permit in connection with X-Fest.

F. Chris Ricci and Chris Ricci Presents, Inc., has not provided any false or misleading information in the application.

BE IT FURTHER RESOLVED by the Council of the City of Modesto, based on all the evidence in the record including, without limitation, evidence and testimony presented at the April 26, 2016, meeting that it approves the granting of a permit for X-Fest to Chris Ricci Presents, Inc., with the following conditions to be satisfied thirty (30) days prior to the event unless otherwise noted:

1. Special Itinerant and Food Vendor Applications.

2. City of Modesto Business License for Chris Ricci Presents, Inc.

3. City of Modesto Business License and Certificate of Insurance evidencing general liability and workers’ compensation insurance coverage for the event’s security service, Total Protection Group.

4. Certificates of Insurance with insurance companies licensed in the State of California evidencing maintenance of the following stated insurance policies:

   a. Workers Compensation – in compliance with the statutes of the State of California, plus employer’s liability with a minimum limit of liability of $1,000,000.
b. General Liability insurance with a minimum limit of liability per occurrence of $5,000,000 including bodily injury and property damage, products and completed operations, personal and advertising injury coverage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

c. Liquor Liability coverage with minimum $1 million combined single limit coverage per occurrence.

d. Automobile Liability insurance covering all owned, non-owned and hired vehicles of applicant with a combined single limit of no less than one million dollars per occurrence. If vehicles are not owned or leased (long term) by the applicant, then only hired and non-owned coverage applies.

5. Modesto Daily and California Daily Alcoholic Beverage Control Applications from alcohol vendor.

6. Provide names and guard card permit numbers of all security guards provided by event’s security company.

7. Require security personnel to remain on site at the event for at least two (2) hours after the conclusion of the event.

8. A signed license agreement, which provides, *inter alia*, that the applicant shall pay to the City a $5,000 administrative fee and that applicant shall reimburse the City for all of its expenses related to this event to include labor and materials for any damage to public or private property that occurs arising out of the event. Said License Agreement shall also
require other conditions for the event such as litter removal, acceptable noise levels, and barricades.


10. A signed Outside Service Agreement with Modesto Police Department and the Fire Department.

Failure to meet the required conditions by the dates required, time being of the essence, shall result in an immediate termination of this Special Event Permit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour

NOES: Councilmembers: Grewal, Zoslocki, Mayor Brandvold

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING AS TO FORM AND AUTHORIZING THE EXECUTION AND
DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE
INCURRENCE OF AN OBLIGATION PURSUANT TO AN INSTALLMENT
SALE AGREEMENT AND GRANT AND AUTHORIZING CERTAIN OTHER
MATTERS RELATING THERETO

RECITALS:

WHEREAS, the City of Modesto is a charter city and a municipal corporation
organized and existing under the laws of the State of California (the “City”); and

WHEREAS, pursuant to Section 200 of the Charter of the City of Modesto and
the City of Modesto Wastewater Treatment Facilities Revenue Bond Law, constituting
Chapter 6 of Title VIII of the Modesto Municipal Code (the “Bond Law”), the City is
authorized to issue revenue bonds to finance the acquisition, construction, improvement,
furnishing, equipping, remodeling, repair, reconstruction or rehabilitation of the
wastewater treatment facilities of the City (the “Enterprise”) or for the purpose of
refunding bonds issued for such purposes; and

WHEREAS, the City has entered into a Wastewater Revenue Bond Indenture,
dated as of April 1, 2005 (the “Master Indenture”), between the City and The Bank of
New York Mellon Trust Company, N.A., as successor trustee (the “Trustee”) to U.S.
Bank National Association, providing for the issuance of wastewater revenue bonds
thereunder and for the pledge of and first claim on the Net Revenues of the Wastewater
System (as defined in the Master Indenture), which are held by the City in the Sewer
Enterprise Fund established under the Master Indenture, to the payment of bonds and
parity obligations issued thereunder; and
WHEREAS, in accordance with the Bond Law and the Master Indenture, as supplemented by a First Supplemental Indenture, dated as of April 1, 2005 (the “First Supplemental Indenture”), a Second Supplemental Indenture, dated as of April 1, 2005 (the “Second Supplemental Indenture”), and a Third Supplemental Indenture, dated as of December 1, 2006 (the “Third Supplemental Indenture,” and together with the Master Indenture, the First Supplemental Indenture and the Second Supplemental Indenture, the “Indenture”), each by and between the City and the Trustee, the City has previously issued its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005A (the “Series 2005A Bonds”), its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005B (“Series 2005B Bonds”) and its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2006A (the “Series 2006 Bonds,” and together with the Series 2005A Bonds and the Series 2005B Bonds, the “Prior Bonds”); and

WHEREAS, the Indenture provides that the City may issue any indebtedness, installment sale obligation, lease obligation or other obligation of the City for borrowed money having an equal lien and charge upon the Net Revenues, therefore payable on a parity with the Prior Bonds (whether or not any Bonds are Outstanding under the Indenture) (“Parity Debt”), from time to time in accordance with the terms of the Indenture; and

WHEREAS, the City previously incurred an obligation (the “2011 SWRCB Obligation”), pursuant to a Project Finance Agreement, dated as of August 26, 2011, as amended on October 4, 2011 and May 11, 2012, by and between the State Water Resources Control Board, an administrative and regulatory agency of the State of
California (the “SWRCB”), and the City, which 2011 SWRCB Obligation constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the City previously issued a bond (the “Series 2015 Bond”), pursuant to a Bond Purchase Agreement, dated as of October 30, 2015, among the City, Capital One Public Funding, LLC, and The Bank of New York Mellon Trust Company, N.A., as paying agent, which Series 2015 Bond constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture, and which refunded all of the Series 2005A Bonds and the November 1, 2023 and 2024 maturities of the Series 2006 Bonds; and

WHEREAS, the City desires to incur an obligation (the “2016 SWRCB Obligation”), which 2016 SWRCB Obligation shall constitute Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the City previously adopted its Resolution No. 2015-420, pursuant to which Resolution No. 2015-420 the City dedicated and pledged sewer charges to be used for payment of the 2016 SWRCB Obligation; and

WHEREAS, the City desires this Resolution (this “Resolution”) to supersede and replace Resolution No. 2015-420 to the extent Resolution No. 2015-420 is inconsistent with this Resolution; and

WHEREAS, The Bank of New York Mellon Trust Company, N.A. serves as Trustee and has agreed to serve as paying agent, bond registrar and authentication agent (the “Paying Agent”) for the 2016 SWRCB Obligation; and

WHEREAS, in connection with the issuance of the 2016 SWRCB Obligation, the City and the SWRCB propose to enter into an Installment Sale Agreement and Grant (the
“Installment Sale Agreement”), by and between the SWRCB and the City, pursuant to which the 2016 SWRCB Obligation will be incurred by the City; and

WHEREAS, the SWRCB requires, pursuant to the Installment Sale Agreement, that (i) the City maintain and fund a separate account (the “Reserve Account”) in an amount (the “Reserve Amount”) equal to one (1) year of debt service with respect to the 2016 SWRCB Obligation, and that such amount consists solely of revenues of the City and does not include any proceeds of any obligations the interest on which is excluded from gross income for federal income tax purposes or investment earnings thereon and (ii) the City adopt a resolution specifying the exact name of the revenue stream securing the 2016 SWRCB Obligation and the designated fund containing such revenues; and

WHEREAS, the form of the Installment Sale Agreement is on file with the City Clerk; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct.

Section 2. Pledge of Net Revenues and Designation of Sewer Enterprise Fund. The City hereby dedicates and pledges the Net Revenues (as defined in the Indenture) contained in the Sewer Enterprise Fund, on a parity with any Bonds or Parity Debt issued pursuant to the Indenture, to payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for Clean Water State Revolving Fund Water Recycling Project No. C-06-8062-110. The City commits to collecting such Net Revenues and maintaining such Sewer Enterprise Fund throughout the term of such financing and until the City has satisfied its repayment obligation
thereunder unless modification or change is approved in writing by the SWRCB. So long as the 2016 SWRCB Obligation and the Installment Sale Agreement are outstanding, the City’s pledge hereunder shall constitute a lien in favor of the SWRCB on the Sewer Enterprise Fund and the Net Revenues on a parity with any Bonds or Parity Debt, without any further action necessary. So long as the 2016 SWRCB Obligation and the Installment Sale Agreement are outstanding, the City commits to maintaining the Sewer Enterprise Fund and the Net Revenues at levels sufficient to meet its obligations under the Installment Sale Agreement.

Section 3. Installment Sale Agreement. The Installment Sale Agreement, in the form presented at this meeting and on file with the City Clerk, is approved. The Mayor (or in his or her absence, the Mayor Pro Tem), the City Manager or the Finance Director of the City (each, an “Authorized Officer”), acting singly, is authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Installment Sale Agreement, with such additions or changes therein, whether material or otherwise, as such Authorized Officer may approve (such approval to be conclusively evidenced by such Authorized Officer’s execution and delivery thereof).

Section 4. Establishment and Funding of the Reserve Account. The City authorizes the establishment of the Reserve Account and the funding of the Reserve Amount from Net Revenues, in accordance with the terms of the Installment Sale Agreement, and directs the Finance Director to take such action as necessary to complete such establishment and funding. The Reserve Amount shall consist solely of Net Revenues and shall not include any proceeds of any obligations the interest on which is
excluded from gross income for federal income tax purposes or investment earnings thereon.

Section 5. Resolution No. 2015-420. This Resolution shall supersede and replace Resolution No. 2015-420 to the extent Resolution No. 2015-420 is inconsistent with this Resolution.

Section 6. Other Acts. The Authorized Officers and all other officers of the City are authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents that they may deem necessary or advisable in order to consummate the sale, issuance and delivery of the 2016 SWRCB Obligation, or otherwise to effectuate the purposes of this Resolution, the Installment Sale Agreement, and any such actions previously taken by such officers are hereby ratified and confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote.

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:
By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A MASTER LICENSE AGREEMENT (MLA) TOGETHER WITH ITS FEE SCHEDULE FOR THE LINKMODESTO PROJECT PHASE ONE (1), TO BE USED BY THE INFORMATION TECHNOLOGY AND PUBLIC WORKS DEPARTMENTS FOR DEPLOYMENT OF FUTURE SMALL CELL AND WI-FI TECHNOLOGY ON THE CITY’S STREET LIGHT POLES. (FUNDING SOURCE: GENERAL FUND)

WHEREAS, LinkModesto is a City wide project designed to make high-speed internet access available throughout the City, and

WHEREAS, the City can lease space upon its vertical elements such as street light poles and Signals and buildings to cell carriers for placement of wireless Small Cell and Wi-Fi transceivers that are now small enough to be unobtrusive, and

WHEREAS, In LinkModesto Phase One, the City expects to receive lease payments (revenue) from cell service providers for placement of Small Cell devices on its street light poles and buildings, and

WHEREAS, to provide a daily measured amount of free Wi-Fi access to the public, the City will work with Wi-Fi providers to place, at no expense to the City, Wi-Fi transceivers on vertical elements such as Street Light Poles (SLP) in targeted areas of the City as well as on select City buildings, and

WHEREAS, to provide for guidelines and expectations for installation of transceivers, City has developed a Master License Agreement, attached hereto, for authorizing providers to install devices,

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

RESCINDED

NOV 22 2016

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2016-465
SECTION I. MASTER LICENSE AGREEMENT. The City Council hereby approves the Master License Agreement (MLA), attached hereto as Exhibit A, for the LinkModesto project Phase One (1), to be used by the Information Technology and Public Works Departments for deployment of future Small Cell and Wi-Fi technology on the City's Street Light Poles.

SECTION II. ANNUAL FEE SCHEDULE. The City Council hereby approves the Annual Fee Schedule attached to the MLA.

SECTION III. EFFECTIVE DATE. This resolution shall become effective on and after May 3, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
MASTER LICENSE AGREEMENT FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES BETWEEN THE CITY OF MODESTO AND [ ]

This Master License Agreement (the "Agreement") made this day of _____, 20__, by and between the City of Modesto, California, a municipal corporation (the "CITY"), and ___________________________ (the "LICENSEE"). The City and Licensee are at times collectively referred to hereinafter as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, the City owns and controls certain buildings, streetlight poles and/or other improvements and/or facilities (hereinafter "City Assets" or "City Property"), and

WHEREAS, Licensee is duly authorized under federal and state law to provide wireless communications services in Modesto, California, and

WHEREAS, Licensee desires to install, maintain and operate wireless communications facilities known as small cells or distributed antenna systems (hereinafter "Facilities") in and/or upon certain City Assets, some of which may be located in the public rights-of-way; and

WHEREAS, the Parties desire to enter into this Agreement to define the general terms and conditions would govern their relationship with installation, maintenance, and operation of Licensee's Facilities on City assets as hereinafter set forth; and

WHEREAS, City and Licensee acknowledge that they will enter into a supplemental license ("Supplement"), a copy of which is attached hereto as Exhibit A, with respect to each particular location or site which Licensee will install said Facilities.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

1. LICENSE. City hereby grants a non-exclusive, revocable license to install, attach, replace, operate, and maintain Licensee Facilities on certain City assets, described in the applicable Supplement. Such use is subject to all of the terms and conditions of this Agreement, including but not limited to Paragraph 3 below, and the applicable Supplement.

2. TERM. This Agreement shall be for a term of ten (10) years commencing upon the execution hereof by both Parties. Each Supplement shall be effective as of the date of execution by both Parties (the "Effective Date"), provided, however, the initial term of each Supplement shall be for ten (10) years and shall commence on the first day of the month following the day that Licensee commences installation of the equipment on the Property (the "Commencement Date").

2.1 Extensions. Each Supplement shall automatically be extended for three (3) additional five (5) year terms unless Licensee terminates it at the end of the then current term by giving City written notice of the intent to terminate at least three (3) months prior to the end of the unexpired term. The initial term and all extensions under a Supplement shall be collectively referred to herein as the "Term". Notwithstanding anything herein, after the expiration of this Agreement, its terms and conditions shall survive and govern with respect to any remaining Supplements in effect until their expiration or termination.

2.2 Annual termination. Notwithstanding anything to the contrary contained herein, provided Licensee is not in default hereunder beyond applicable notice and cure periods, Licensee shall have the right
to terminate each Supplement upon the annual anniversary of the Commencement Date provided that three (3) months prior written notice is given to City.

3. **USE.** Licensee shall use the Property identified in Supplement(s) for the purpose of installing, attaching, maintaining, repairing and operating their Facilities and uses incidental thereto. Licensee's facilities shall be installed, attached, maintained and operated in a workmanlike manner and accordance with all applicable local, state and federal laws, regulations, and specifications, including but not limited, the City's Specifications and Standards, all applicable orders, rules, and/or regulations issued by the California Public Utilities Commission (CPUC) and Federal Communications Commission (FCC); and the National Electric Code. Licensee shall confine activities on Property to strictly those necessary for the exercise of the privilege and activities hereby licensed and shall collaborate and cooperate with City so as not to interfere with the transaction of City business and the convenience of the public, or jeopardize the safety of persons or property. Licensee shall promptly comply with such further conditions and requirements as City may hereafter prescribe.

3.1 **Governmental Approvals.** It is understood and agreed that Licensee's ability to use the Property is contingent upon its obtaining after the execution date of each Supplement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as a satisfactory building or utility pole structural analysis which will permit Licensee use of the Property as set forth above. City shall cooperate with Licensee in its effort to obtain such approvals. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to Licensee is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; and (iii) Licensee determines that such Governmental Approvals may not be obtained in a timely manner, Licensee shall have the right to terminate the applicable Supplement. Notice of Licensee's exercise of its right to terminate shall be given to City in accordance with the notice provisions set forth in Paragraph 15 and shall be effective upon the mailing of such notice by Licensee, or upon such later date as designated by Licensee. All fees paid to said termination date shall be retained by City. Upon such termination, the applicable Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other thereunder. Otherwise, the Licensee shall have no further obligations for the payment of fees to City for the terminated Supplement.

3.2 **Utilities.** Licensee, at Licensee's expense, shall have the right to install utilities and to improve any existing utilities on the Property (including, without limitation, the installation of emergency power generators) upon approval from the City's Traffic Engineer. Licensee shall be solely responsible for the safe and proper use and operation of any such utilities. Prior to the execution of a Supplement, Licensee shall provide written proof of access to utilities from the applicable Utility Company (e.g., Modesto Irrigation District, Turlock Irrigation District).

3.3 **Permits.** Licensee shall apply to the City's Community and Economic Development Department for an encroachment permit for all work to be done within the City's right-of-way during the installation of Licensee's Facilities and pay the applicable permit fee. The requirements and application for which are contained in Exhibit C. The City's approval of any drawings, cable storage requirements schedule, or the issuing of any required permits, shall not in any way impart liability to the City, increase the liability of the City, nor relieve the Licensee of any duties, liabilities, responsibilities, or obligations.

Licensee shall perform all work on Licensee's communications equipment within the public rights-of-way and park vehicles in the streets and other public rights-of-way when necessary for the installation, replacement, abandonment, operation or maintenance of Licensee's Facilities in accordance with the encroachment permit obtained by Licensee. Following completion of work in
the public rights-of-way, Licensee shall repair any affected public rights-of-way as soon as possible, but no later than the time frame established by the encroachment permit issued by the City. No street, alley, highway or public place shall be encumbered for a longer period than shall be necessary to execute the work authorized by the encroachment permit.

3.4 Supplements. The installation of wireless telecommunications facilities on any City Asset and execution of a Supplement shall be subject to the following review and approval process:

a. City Manager, or his designee, shall initially review requests for to execute a Supplement and accompanying site plan to install Licensee’s Facilities on a particular City asset.

b. The Planning Department shall review and approve site plan for proposed Supplement for conformance for with the applicable zoning regulations under Modesto Municipal Code section 10-3.401, et seq., design, and California Environmental Quality Act (CEQA).

c. The Traffic Engineering Division of the Public Works Department shall review and approve site plan, including building or utility pole structural analysis, and issue the necessary permits (e.g. encroachment permit). Licensee shall submit the documentation satisfactory to the City’s Engineer, or his/her designee, according to Exhibit C.

d. The City shall process the request for the first Supplement in an expedited and reasonable fashion consistent with the City’s permit processing timeline and reviewed and approved by the Departments listed above. Subsequent Supplements that are consistent and substantially similar to the first Supplement shall be subject to expedited review and approval by the Public Works Department and the IT Department.

3.5 Emergency Repairs. Licensee shall provide City and maintain a current contact name and phone number to which any emergency repairs or incidents shall be reported to. Licensee and contractors performing work for Licensee shall not be required to pay any fee in order to perform work on Licensee’s communications equipment, or park within the streets and other public rights-of-way when responding to an emergency repair request from City. Emergency repair shall mean any repair needed to be completed within less than 48 hours in order to continue the normal operations of City or Licensee facilities or equipment.

3.6 Collaboration with City. Licensee

3.7 Removal at End of Term. Licensee shall, upon termination of this Agreement, or within sixty (60) days after any earlier termination of a Supplement, remove its facilities and restore the Property to its original condition, reasonable wear and tear and casualty damage excepted. If such time for removal causes Licensee’s facilities to remain on the Property after termination of the Supplement, Licensee shall pay fees at the then existing rate at pro-rata basis, until such time as the removal of the fixtures and/or facilities is completed.

4. REPRESENTATION AND WARRANTIES. Licensee represents and warrants, as of the Effective Date of this Agreement and execution thereof, following:

4.1 Licensee is either: (a) a personal wireless service provider authorized, certificated or licensed by the FCC or other agency, (b) an operator of a distributed antenna system network authorized, certificated or licensed by the FCC, the CPUC or other agency, (c) a wireline provider of Telecommunications Service authorized, certificated or licensed by the CPUC, or (d) a provider of Multichannel Video Services which is franchised by the CPUC or other agency;
4.2 Licensee is authorized to provide communications services, is otherwise qualified to do business in California, and has obtained all necessary authorizations, certifications, or licenses from the FCC, the CPUC or other agency; and that a copy of the Licensee's Certificate of Public Convenience and Necessity, if applicable, shall be submitted to City prior to execution of this Agreement.

5. **INTERFERENCE.** Licensee agrees to install equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to any equipment of City or other Licensee's of the Property which existed on the Property prior to the date this Agreement is executed by the Parties. In the event any after-installed Licensee's equipment causes such interference, and after City has notified Licensee in writing of such interference, Licensee will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at Licensee's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will City be entitled to terminate a Supplement or relocate the equipment as long as Licensee is making a good faith effort to remedy the interference issue. City agrees that City and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such equipment that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of Licensee. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

6. **ANNUAL FEES AND ADDITIONAL COSTS.**

6.1 **Annual Fee.** In consideration of the City's grant of a license to the Licensee, the Licensee shall pay to City an annual fee as established by Resolution of the City Council and as set forth in Exhibit B per fiscal year for each Supplement executed by the Parties. The annual fee shall be paid in advance annually on the anniversary date of the Effective Date of each executed Supplement.

6.2 **Additional Costs.** City may assess, in addition to the Annual Fee, additional costs to Licensee for services rendered by City ("Additional Costs"), which include but are not limited to: (i) staff time for review of plans, and on-site inspections of Facilities installed pursuant to a Supplement, and (ii) costs incurred by City for providing access to Property outside of normal business hours. Any additional costs will be in accordance with Exhibit B City shall notify Licensee of amounts due in additional costs in writing, and Licensee shall pay Additional Costs within thirty (30) days of receipt of notice. Fees related to encroachment permits will be processed by the Public Works Department.

7. **DEFAULT AND REMEDIES.** The following will be deemed an "event of default" and a breach of this Agreement:

7.1 **Event of Default.**

a. Non-payment of any fees or costs required under this Agreement if such fees or costs remain unpaid for more than thirty (30) days after receipt of written notice from City of such failure to pay;

b. Licensee's failure to perform or fulfill any other term or obligation under Agreement within thirty (30) days after receipt of written notice from City specifying the failure; or

c. The revocation, expiration or denial any certification, permit, approval or license required under federal, state or local law for Licensee to operate or maintain facilities.
In the event there is a breach by a Party with respect to any of the provisions of this Agreement or its obligations under it, the non-breaching Party shall give the breaching Party written notice of such breach. After receipt of such written notice, the breaching Party shall have thirty (30) days in which to cure any breach, provided the breaching Party shall have such extended period as may be required beyond the thirty (30) days if the breaching Party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion.

The nonbreaching Party may not maintain any action or effect any remedies for default against the breaching Party unless and until the breaching Party has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if City fails, within ten (10) days after receipt of written notice of such breach, to perform an obligation required to be performed by City if the failure to perform such an obligation interferes with Licensee's ability to conduct its business on Property; provided, however, that if the nature of City's obligation is such that more than ten (10) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such ten (10) day period and thereafter diligently pursued to completion.

7.2 Remedies for Default. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the applicable Supplement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the City’s assets are located.

8. DAMAGE TO CITY OPERATIONS OR PROPERTY. Licensee shall assume all responsibility for, and promptly reimburse, City, in full, for any costs associated with damages caused directly or indirectly by the Licensee, its employees, agents, and/or contractors to City Property, including but not limited to repairs, staff time and equipment replacement. Licensee shall immediately notify City upon the occurrence of any such damages.

9. DAMAGE TO LICENSEE'S FACILITIES. In the event of damage by fire or other casualty to the Property or Assets that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt Licensee's operations at the Premises for more than forty-five (45) days, then Licensee may, at any time following such fire or other casualty, provided City has not completed the restoration required to permit Licensee to resume its operation at the Premises, terminate the Supplement upon fifteen (15) days prior written notice to City. Any such notice of termination shall cause the Supplement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of the Supplement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under the Supplement. Notwithstanding the foregoing, the fee shall abate during the period of repair following such fire or other casualty in proportion to the degree to which Licensee's use of the Premises is impaired.

10. ASSIGNMENT AND SUBLEASE. Licensee shall have the right to assign, sell or transfer its interest under this Agreement and each Supplement without the approval or consent of City, to Licensee's principal, affiliates, or to any entity which acquires all or substantially all of the Licensee's assets in the market defined by Federal Communications Commission in which the Property is located by reason of merger, acquisition, or other business reorganization. No change of stock ownership, partnership interest or control of Licensee or transfer upon partnership or corporate dissolution of Licensee shall constitute an assignment hereunder. As to other parties, this Agreement and each Supplement may not be sold, assigned or transferred without the written consent of the City, which such consent will not be unreasonably withheld, delayed or conditioned.
11. **INDEMNIFICATION.** Licensee shall hold the City, its agents, officers, employees and volunteers harmless from and save, defend and indemnify them against any and all claims, losses liabilities, judgments or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of or in connection with Licensee’s use of Property and the installation, operation, maintenance or repair of Licensee’s Facilities or failure by Licensee, its agents, contractors, or employees to comply with the obligations contained in this Agreement or any violation of its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

Licensee’s obligation to defend, indemnify, and hold the City, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for Licensee to procure and maintain a policy of insurance.

12. **DISCLAIMER AND WAIVER.** In no event shall the City, its elected officials, officers, employees, agents or representatives be liable for any lost profits, consequential, special, exemplary, indirect, punitive or incidental losses or damages, including loss of use, loss of goodwill, lost revenues, loss of profits or loss of contracts even if advised of the possibility of such damages. Licensee waives all such claims and releases the City from any such liability.

13. **CALIFORNIA CIVIL CODE SECTION 1542.** California Civil Code section 1542 provides that "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor." The Parties hereby waive the provisions of Section 1542, or other similar provisions of law, and intend that the waiver and release provided in Article 5.1 shall be fully enforceable despite its reference to future or unknown claims.

14. **INSURANCE.** Licensee shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.

14.1 Worker’s Compensation - in compliance with the statutes of the State of California, plus employer’s liability with a minimum limit of liability of $1,000,000.

14.2 General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent Licensees and subcontractors; products and completed operations as applicable.

14.3 Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance shall cover any automobile for bodily injury and property damage.

14.4 If at any time any of said policies shall be unsatisfactory to the City, as to form or substance, or if a company issuing such policy shall be unsatisfactory to the City, Licensee shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the Licensee to furnish, deliver or maintain such insurance
and certificates as above provided, this Agreement, at the election of the City, may be forthwith declared suspended or terminated. Failure of the Licensee to obtain and/or maintain any required insurance shall not relieve the Licensee from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the Licensee concerning indemnification. The City, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation and Professional Liability. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the City, its agents, officers, employees, and volunteers for losses arising from work performed by Licensee for the City. The Licensee's insurance policy(ies) shall include a provision that the coverage is primary as respects the City; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager. The Licensee must deliver certificates evidencing existence of the insurance listed above to the City prior to the time the contract is signed.

14.5 Licensee shall provide City with separate endorsements evidencing proof of the City's additional insured status as to both the general liability and automobile liability insurance policies. In addition, Licensee shall provide City with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

14.6 For any claims related to this Agreement, Licensee’s insurance coverage shall be primary insurance with respect to City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, employees, or volunteers shall be excess of the Licensee's insurance and shall not contribute with it.

15. **NOTICES.** Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (a) upon actual delivery, if delivery is by hand; or (b) five (5) days after delivery into the United States mail if delivery is by postage paid registered or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time.

**CITY:** City of Modesto  
Attn: City Manager  
1010 10th Street  
Modesto, CA 95353

Copy to: City of Modesto  
Chief Information Officer  
1010 10th Street  
Modesto, CA 95353

**LICENSEE:**  
____________________________

____________________________

____________________________

16. **CITY BUSINESS LICENSE.** Licensee shall submit proof of City Business License prior to execution of this Agreement.

17. **MISCELLANEOUS.**
17.1 **Entire Agreement.** This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Licensee and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

17.2 **Amendments.** This Agreement may not be amended or varied except in a writing signed by all Parties.

17.3 **Governing Law and Venue.** This Agreement shall be governed according to the laws of the State of California. In the event that either Party brings any action to enforce or interpret this Agreement, venue shall be vested exclusively in the state courts of California in the County of Stanislaus.

17.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

17.5 **Compliance with Applicable Laws.** Licensee shall fully comply with all applicable federal, state and local laws, ordinances, regulations, and permits, now in effect or which may hereafter come into effect (collectively “Laws”).

17.6 **Waiver.** The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

17.7 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

17.8 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Licensee shall survive the termination of this Agreement.

17.9 **Headings.** The headings used in this Agreement are for reference purposes only and shall not be considered in construing this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

**CITY: City Of Modesto, a municipal Corporation**

Date: ____________________________

By: ______________________________________

James N. Holgersson, City Manager

**LICENSEE:**

Date: ____________________________

By: ______________________________________

Adam Lindgren, City Attorney
EXHIBIT A

LICENSE SUPPLEMENT

This License Supplement ("Supplement"), is made this ___ day of ______, ______, between
CITY OF MODESTO, CALIFORNIA, whose principal place of business is 1010 10th Street, Modesto, CA 95353
("CITY"), and ____________________________________________, whose principal place of
business is ________________________________________________ ("LICENSEE").

1. Master License Agreement. This Supplement is a Supplement as referenced in that certain
Master License Agreement between City of Modesto, California and _________________________, dated
__________________, 201__, (the "Agreement"). All of the terms and conditions of the Agreement are incorporated herein
by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a
contradiction, modification or inconsistency between the terms of the Agreement and this
Supplement, the terms of
this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for
them in the Agreement unless otherwise indicated herein.

2. License. CITY hereby grants a license to LICENSEE that certain premises on CITY's Property located at
INSERT SITE ADDRESS as shown on Exhibit "1" attached hereto and made a part hereof.

3. Term. The Commencement Date and the Term of this Supplement shall be as set forth in the
Agreement.

4. Consideration. Rent under this Supplement shall be as set forth in the Agreement, payable
to the City of Modesto, California at 1010 10th Street, Modesto, CA 95353.

5. Site Specific Terms. (Include any site-specific terms)

5.1. Description of Site

5.2. Signage for WiFi Providers: (dimensions and locations of signs)

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seal
the day and year first above written.

CITY: City of Modesto, a municipal Corporation

Date: __________________________

By: ____________________________
     James N. Holgersson, City Manager

LICENSEEE:

Date:

By: ____________________________

LANAD LINDGRENS, City Attorney
Annual Fees for WCF
Small Cell only In the ROW

Category 1 - WCF with antenna(s) mounted on an EXISTING vertical element or pole and any associated ground equipment.
Each WCF site will have an Antenna Base Fee of $3,200 for a site in the ROW, plus a Ground Equipment Fee (if applicable) based on cubic feet of group equipment in the ROW as set forth below:

<table>
<thead>
<tr>
<th>Category</th>
<th>Equipment Total Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
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<td>B.</td>
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<td>C.</td>
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<td>D.</td>
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<td>E.</td>
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</tr>
</tbody>
</table>

Category 2 - WCF with antenna(s) mounted on a vertical element or pole requiring stealth or alternate concealment when existing vertical elements are not available, and any associated ground equipment. Each WCF site will have an Antenna Base Fee of $3,472 for a site in the ROW, plus a Ground Equipment Fee (if applicable) based on cubic feet of group equipment in the ROW as set forth below:

<table>
<thead>
<tr>
<th>Category</th>
<th>Equipment Total Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
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<td>B.</td>
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<td>D.</td>
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<tr>
<td>E.</td>
<td></td>
</tr>
</tbody>
</table>

Category 2 - WCF with antenna(s) mounted on a vertical element or pole that is neither stealth nor concealed in appearance and any associated ground equipment. Each WCF site will have an Antenna Base Fee of $4,794 for a site in the ROW, plus a Ground Equipment Fee (if applicable) based on cubic feet of group equipment in the ROW as set forth below:

<table>
<thead>
<tr>
<th>Category</th>
<th>Equipment Total Annual Fee</th>
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Note: This schedule is not all inclusive and other fees may apply.

Information Technology Department
1010 10th St., Suite 5500, Modesto, CA 95350 Phone: 209-577-5400
UTILITY PROJECT PLAN SUBMITTAL REQUIREMENTS

All project plans submitted for review must contain the following:

1) Submittal must include completed ENC application (attached)
2) North Arrow
3) Vicinity map on the first sheet
4) Legend including all items shown on the plan
5) Pole Detail
6) Traffic Control Plans
# Encroachment (ENC) Permit Application

Please complete this application in its entirety in order to avoid delays in processing your permit.

<table>
<thead>
<tr>
<th>Application Data:</th>
<th>Work Address APN:</th>
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</table>

**ENC Permit Type:**
- [ ] Standard Encroachment (N)
- [ ] Utility Company (U)
- [ ] CIP Project Permit (CIP)
- [ ] Sewer Cost Share (S)
- [ ] Subdivision Permit (S)
- [ ] CFD Work Permit (CFD)
- [ ] Well/Excavation Intersecting Groundwater (W)
- [ ] Grading Permit (G)

**Owner:**

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<tr>
<th>Address:</th>
<th>State:</th>
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**Applicant:**

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**Contractor:**

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**City of Modesto Business License:**

Owner is Contractor (Flatwork Only): [ ]

Insurance Waivers attached: [ ]

**Designer/Consultant:**

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**Bill Inspections To:**

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<th>Owner</th>
<th>Applicant</th>
<th>Contractor</th>
<th>Designer/Consultant</th>
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</table>

**Description of Work:**

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Traffic Control Plans Attached: [ ]

Work/Site Plan Attached: [ ]

I certify that I have read this application and that the above information is correct. I agree to comply with all City of Modesto and Stanislaus County ordinances and State law relating to the work performed under this permit.

**Applicant Signature:**

**Owner Signature:**

Date:_______

15 01 15
RESOLUTION ACCEPTING THE CALIFORNIA MARIJUANA ERADICATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF $37,500 FOR THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, on April 6, 2016, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $37,500, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the term of this grant will be from January 1, 2016 through September 30, 2016, and

WHEREAS, the City of Modesto will be the fiscal agent,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Marijuana Eradication Grant from the U. S. Department of Justice Drug Enforcement Administration in the amount of $37,500.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki,
who moved its adoption, which motion being duly seconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION AMENDING THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY’S FISCAL YEAR 2015/16 MULTI-YEAR OPERATING BUDGET ESTIMATING REVENUE IN THE AMOUNT OF $37,500 FROM THE U. S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION GRANT; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION.

WHEREAS, on April 6, 2016, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $37,500, and

WHEREAS, it is required to amend the SDEA budget to increase revenues in the amount of $37,500, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the City of Modesto will be the fiscal agent,

WHEREAS, the term of this grant will be from January 1, 2016 through September 30, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the the Stanislaus County Drug Enforcement Agency’s Fiscal Year 2015/16 Multi-Year Operating Budget as indicated on Attachment A, which is incorporated by reference herein.
BE IT FURTHER RESOLVED that the Director of Finance, or her designee, 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 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

05/03/2016 MPD/GCarroll/Item 8 2 2016-187
Attachment A: Budget Adjustment

Fund 6600: 2015/16 Multi-Year

Expense:
To:

100954 – Appr. A           $ 7,500       Overtime
100954 – Appr. C           3,000       Intergov. Services – Other
                              (53505) OT for Outside Agencies
100954 – Appr. C           3750       Police Equipment <$5,000
100954 – Appr. C           3,000       Training
100954 – Appr. C           2,750       Fuel/Oil
100954 – Appr. C           17,500       Insurance

              Total       $37,500

Revenue:
To:

6600-89999-42040-100954       $37,500       Intergov-Federal – Dept. of Justice
RESOLUTION AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO AMEND THE FISCAL YEAR 2015/2016 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES, IN AN AMOUNT NOT TO EXCEED $5,000; AND CREATE A NEW NON-CAPITAL PROJECT ACCOUNT FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES PROGRAM

WHEREAS, the Organized Crime Drug Enforcement Task Forces (OCDETF) Program was established in 1982 to mount a comprehensive attack against organized drug traffickers, and

WHEREAS, the OCDETF Program is centerpiece of the United States Attorney General’s drug strategy to reduce the availability of drugs by disrupting and dismantling major drug trafficking organizations and money laundering organizations and related criminal enterprises, and

WHEREAS, occasionally dedicated ECDETF resources cannot handle a particular enforcement action, such as an unexpected surveillance; or reaction to unforeseen circumstances requires additional non-federal resources and the investigation would suffer without those additional resources, and

WHEREAS, each Task Force reimburses the Modesto Police Department for authorized sworn overtime and expenses determined by the Regional Coordination Group based upon the progress and needs of the OCDETF investigation, and

WHEREAS, reimbursement requests must be submitted within 30 days of overtime worked, and

WHEREAS, an agency may not be reimbursed in excess of $25,000 on any OCDETF investigation in a given year without approval from the Regional Coordination
Group and the grant of a waiver from the OCDETF Executive Office in Washington D.C.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Director, or her designee, to amend the Fiscal Year 2015/2016 Multi-Year Operating Budget to appropriate revenues and expenditures, in an amount not to exceed $5,000; and create a new non-capital project account for Organized Crime Drug Enforcement Task Forces Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE CHIEF OF POLICE, OR HIS DESIGNEE, TO APPROVE AGREEMENTS FOR THE USE OF STATE AND LOCAL OVERTIME AND AUTHORIZED EXPENSES WITH THE U.S. DEPARTMENT OF JUSTICE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES AND AMEND THE MULTI-YEAR OPERATING BUDGET AS THEY BECOME AVAILABLE IN THE FUTURE

WHEREAS, the Organized Crime Drug Enforcement Task Forces (OCDETF) Program was established in 1982 to mount a comprehensive attack against organized drug traffickers, and

WHEREAS, the OCDETF Program is centerpiece of the United States Attorney General's drug strategy to reduce the availability of drugs by disrupting and dismantling major drug trafficking organizations and money laundering organizations and related criminal enterprises, and

WHEREAS, occasionally dedicated ECDETF resources cannot handle a particular enforcement action, such as an unexpected surveillance; or reaction to unforeseen circumstances requires additional non-federal resources and the investigation would suffer without those additional resources, and

WHEREAS, each Task Force reimburses the Modesto Police Department for authorized sworn overtime and expenses determined by the Regional Coordination Group based upon the progress and needs of the OCDETF investigation, and

WHEREAS, reimbursement requests must be submitted within 30 days of overtime worked, and

WHEREAS, an agency may not be reimbursed in excess of $25,000 on any OCDTF investigation in a given year without approval from the Regional Coordination Group.
Group and the grant of a waiver from the OCDETF Executive Office in Washington D.C., and

WHEREAS, staff is requesting that the Chief of Police, or his designee, be given authority to establish these project agreements for OCDETF without going to Council due to the time sensitivity and confidential nature of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Chief of Police, or his designee, to approve Agreements for the use of State and Local overtime and Authorized Expenses with the U.S. Department of Justice Organized Crime Drug Enforcement Task Forces and amend the Multi-Year Operating Budget as they become available in the future.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-190

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SLURRY ROCK FOR THE PUBLIC WORKS DEPARTMENT TO WEST COAST SAND & GRAVEL, MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $388,742, TOTALING $1,166,226 OVER A THREE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the purchase of slurry rock, and

WHEREAS, on March 8, 2016, the Purchasing Division issued RFB No. 1516-30, Slurry Rock, on the City's website under the commodity codes for Sand and Gravel, and Road and Highway Building Materials. Prospective bidders, one of which was a local company, were notified online of the bid opportunity. Four companies chose to download the RFB document, and

WHEREAS, on March 29, 2016, bids were formally opened in the City Clerk's Office. Two companies chose to respond. Both companies responding provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of slurry rock for the Public Works Department, to West Coast Sand and Gravel, Modesto, CA, for a one-year agreement with two one-year extension options at the sole discretion of the City, for an estimated annual cost of $388,742, totaling $1,166,226 over a three year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services
to be formally bid. The award of bid for the purchase of slurry rock to West Coast Sand and Gravel, Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Street Maintenance account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of slurry rock for the Public Works Department to West Coast Sand and Gravel, Modesto, CA, for a one-year agreement with two one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $388,742 totaling $1,166,226 over a three year period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR CONTRACT SERVICES TO REPAIR CURBS, GUTTERS AND SIDEWALKS FOR THE PUBLIC WORKS DEPARTMENT TO GARRETT THOMPSON CONSTRUCTION INC., MODESTO, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $183,220, TOTALING $916,100 OVER A FIVE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the purchase of curb, gutter and sidewalk repairs, and

WHEREAS, on February 18, 2016, the Purchasing Division issued RFB No. 1516-27 for Curb, Gutter and Sidewalk repairs on the City’s website under the commodity codes for Concrete, Concrete Raising and Undersealing Services. Prospective bidders, one being a local company, were notified online of the bid opportunity. Fifteen companies chose to download the RFB document, and

WHEREAS, on March 22, 2016, bids were formally opened in the City Clerk’s Office. Three companies chose to respond, one of which was a local company. All three companies who responded provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of curb, gutter and sidewalk repair services for the Public Works Department to Garrett Thompson Construction Inc., Modesto, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $183,220, totaling $916,100 over a five year period, and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of curb, gutter and sidewalk repair services to Garrett Thompson Construction Inc. Modesto, CA conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Curb, Gutter and Sidewalks account: 1700-53142-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of curb, gutter and sidewalk repair services for the Public Works Department to Garrett Thompson Construction Inc., Modesto, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $183,220, totaling $916,100 over a five year period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-192

RESOLUTION AUTHORIZING THE AWARD OF BID FOR WEED ABATEMENT AND TRASH REMOVAL SERVICES FOR THE UTILITIES DEPARTMENT, STORM WATER COLLECTIONS SECTION, TO DEANGELO BROTHERS, LLC., SACRAMENTO CA. FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT, FOR AN ESTIMATED ANNUAL COST OF $62,239, AND TOTAL COST, OVER FIVE YEARS OF $311,195

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for weed abatement and trash removal services, and

WHEREAS, prospective bidders were noticed online, and 19 companies chose to download the RFB document, and

WHEREAS, bids were formally opened and three companies chose to respond, one of them being a local vendor, and

WHEREAS, all companies responding provided a responsive and responsible bid, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for weed abatement and trash removal Services to DeAngelo Brothers, LLC., Sacramento CA. for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $62,239, and total cost, over five (5) years of $311,195, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of weed abatement and trash
removal services to DeAngelo Brothers, LLC., Sacramento CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit:
4480-44222-53100

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for weed abatement and trash removal services for the Utilities Department, Stormwater Collections Section, to DeAngelo Brothers, LLC., Sacramento CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue a purchase agreement for a two-year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $62,239, and total cost, over five years of $311,195.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A LIST OF REGIONAL PROJECTS TO BE
FORWARDED TO THE STANISLAUS COUNCIL OF GOVERNMENT FOR
RECOMMENDED INCLUSION IN THE TRANSPORTATION EXPENDITURE
PLAN BEING PREPARED FOR THE NOVEMBER 2016 HALF-CENT SALES
TAX MEASURE

WHEREAS, the Stanislaus Council of Governments (StanCOG) is developing a
Transportation Expenditure Plan based on a county-wide, 25-year, half-cent sales tax
measure for consideration by voters on the November 2016 ballot, and

WHEREAS, on January 20, 2016, the StanCOG Policy Board approved the
framework for the Transportation Expenditure Plan and directed StanCOG staff to bring
back a project list for Policy Board approval, and

WHEREAS, the framework identifies the individual expenditure categories as
well as the percentage of the sales tax that would be allocated to each expenditure
category, and

WHEREAS, the framework is now being circulated to each of the nine cities and
County so that each agency can develop its own specific project list, and

WHEREAS, five expenditure categories were identified and those categories are
Local Streets and Roads, Regional Projects, Traffic Management, Bike/Pedestrian and
Other, and

WHEREAS, the Transportation Expenditure Plan calls for 28% of the sales tax
revenue to be dedicated to Regional Projects, and

WHEREAS, Regional Projects are those projects that relieve congestion and
promote goods movement and economic vitality, and
WHEREAS, based on the Transportation Expenditure Plan framework, and direction by the StanCOG’s Policy Board, each of the nine cities and the County have been asked to develop a specific project list for consideration, and

WHEREAS, City staff has identified the following list of potential Regional Projects the City Council may want to consider for approval: Carpenter Road/Briggsmore Avenue at State Route 99 Overpass; Standiford Avenue/Beckwith Road at State Route 99 Overpass; State Route 132 West Freeway/Expressway Project; Claus/Garner/Faith Home Rd. Bridge over the Tuolumne River and North County Corridor, and

WHEREAS, the estimated construction costs for the regional projects exceed the funds that are projected to be generated by the proposed county-wide sales tax measure. The goal is to utilize the sales tax revenue as local match funds in order to compete for additional State and Federal funds as they become available, and

WHEREAS, discussion on projects and policy direction for the remaining expenditure categories will occur on May 11th at the Healthy Economy Committee meeting and a recommendation will be forwarded to the City Council for consideration and approval on May 24th.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends the following regional projects be forwarded to the Stanislaus Council of Government for recommended inclusion in the Transportation Expenditure Plan being prepared for the November 2106 half-cent sales tax measure: Carpenter Road/Briggsmore Avenue at State Route 99 Overpass; Standiford Avenue/Beckwith Road at State Route 99 Overpass; State Route 132 West Freeway/Expressway Project;
Claus/Garner/Faith Home Rd. Bridge over the Tuolumne River and North County Corridor.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE BYLAWS OF THE CULTURE COMMISSION

WHEREAS, the Culture Commission is an enumerated appointive commission established in the City Charter; and

WHEREAS, the Culture Commission bylaws were destroyed due to water damage in 2001 and need to be recreated, as set forth in the attached “Exhibit A,” and readopted; and

WHEREAS, on April 6, 2016, the Commission approved the proposed bylaws and recommended they be forwarded to the City Council for final approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Bylaws for the Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Culture Commission

BYLAWS
Adopted May 10, 2016, Resolution No. 2016-194

Article I. Definitions

Section 1.01 There is a Commission created to be known and designated as the Modesto Culture Commission.

Section 1.02 As used in these Bylaws, unless a different meaning clearly appears from the context:

(a) “Member” shall mean a member of the Culture Commission.

(b) “Culture Commission” and “Commission” shall mean the Culture Commission.

(c) “Regular meeting” shall mean the monthly Commission meetings.

Article II. Mission Statement and Objectives

Section 2.01 Mission Statement

The mission of the Modesto Culture Commission is to enhance the quality of life of the people of Modesto by making the city a more culturally and aesthetically enjoyable place to live.

Section 2.02 Vision Statement

A culturally rich city that is an enjoyable place to live and appealing place to visit.

Section 2.03 Power and Duty

The Commission has the power and duty to:

(a) Act in an advisory capacity to the City Council and the City Manager in all matters pertaining to art, literature, music, and other cultural activities;

(b) Formulate and recommend annually to the City Council a program relating to art, literature, music, and other cultural activities;

(c) Promote the preservation of historic sites, landmarks, documents, paintings, and other objects associated with the history of the City and its area, and develop educational interest in all such historical matters;
(d) Act in an advisory capacity to the City Council, the City Manager, and the Director of any Museum or Cultural Center that may be established by the City Council;

(e) Act in an advisory capacity to the Council and City Manager on matters relating to the administration, selection, and placement of public art and art in public places;

(f) Facilitate the development of resources that support the City’s cultural assets;

(g) Solicit and evaluate applicants for the position of Poet Laureate and act in an advisory capacity to City Council for the selection of the Poet Laureate.

Article III. Membership

Section 3.01 The Culture Commission shall consist of seven (7) qualified persons, comprised of the following:

<table>
<thead>
<tr>
<th>Seat Designation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>One year, voted by simple majority of commission</td>
</tr>
<tr>
<td>Vice Chairperson</td>
<td>One year, voted by simple majority of commission</td>
</tr>
<tr>
<td>Citizen (all seven commissioners)</td>
<td>Four years, appointed by City Council</td>
</tr>
</tbody>
</table>

Section 3.02 Five (5) members of the Commission shall be registered electors of the City and two (2) shall live outside the City but shall be registered electors of Stanislaus County.

Section 3.03 No Member of the Commission shall be an employee of the City, nor of any bargaining unit for employees of the City, nor a person who receives compensation from the City.

Section 3.04 All appointments to the Commission shall be made by the City’s Appointments Committee.

Section 3.05 No Member of the Commission shall be a relative, by blood or marriage within the third degree of the Mayor, a Councilmember, a Charter Officer, or any Department Director or Deputy Department Director.

Section 3.06 All Members must complete a Statement of Economic Interest (Form 700) by April 1 of each year and when assuming or leaving Commission membership.
Article IV. Terms of Office

Section 4.01 Members may serve no more than two (2) consecutive terms.

Section 4.02 A full term is four (4) years in duration.

Section 4.03 A partial term of two (2) or more years shall be considered a full term for purposes of Section 4.01.

Section 4.04 Full term appointments begin on January 1 and expire on December 31, four (4) years subsequent.

Section 4.05 Members not eligible for reappointment may continue to serve until their successors are appointed. No member shall serve more than eight (8) consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4.06 The Members of the Commission shall receive no compensation for the performance of their official duties.

Section 4.07 Appointments to fill vacancies on the Commission shall be handled in the same manner as the original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 4.08 Members of the Commission may be removed by a majority vote of the City Council after a recommendation by the Commission Chairperson for the following reasons:

(a) Misconduct, inefficiency, or willful neglect in the performance of their duties providing the Member is first provided in writing the reasons for such removal and gives the Member the opportunity to be heard before the City Council in their own defense.

(b) Refusal to resign from the Commission when no longer a resident of the City or when a conflict of interest exists.

Article V. Attendance at Meetings

Section 5.01 It shall be the responsibility of each Member to know the dates and times of all Commission meetings. If a Member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Commission Secretary at least forty-eight (48) hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 5.02 The minutes of each meeting will list those Members in attendance, those who are excused, and those who are unexcused.
Section 5.03 Attendance at meetings is expected and necessary to carry out the mission of the Commission. Three (3) or more unexcused absences are grounds for removal from the Commission by the City Council.

Article VI. Officers and Their Duties

Section 6.01 Officers shall consist of Chair and Vice-Chair elected by a simple majority vote of the Members of the Commission. Officers shall serve a one-year term.

Section 6.02 All officers shall exercise all privileges of membership, including the making of motions, seconding, and debate.

Section 6.03 The Chair shall preside at all meetings, shall appoint all ad hoc committees, and shall ensure that the bylaws, rules, and regulations as adopted by the Commission are properly enforced.

Section 6.04 The Vice-Chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 6.05 The Commission Secretary shall be a City staff member, appointed by the department head, to serve as Secretary. The Commission Secretary shall keep a record of the minutes of all Commission meetings and such other duties as are usually performed by a secretary.

Article VII. Meetings

Section 7.01 Special meetings shall be called by the Chair as necessary.

Section 7.02 Notices of all meetings, including agendas, shall be given to all Members of the Commission, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Commission in writing at least seventy-two (72) hours prior to the time of such meeting.

Section 7.03 All meeting agendas will be posted at Tenth Street Place.

Section 7.04 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 7.05 A quorum is necessary for the Commission to transact any business. A quorum shall be defined as a simple majority of active Commission Members, which is one-half of the active members plus one.

Section 7.06 All meetings of the Commission shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the American with Disabilities Act.
Article VIII. Order of Proceedings

Section 8.01 Roberts Rules of Order shall be the guide for the parliamentary procedures in the conduct of Commission meetings.

Section 8.02 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

(a) Roll Call
(b) Declaration of Conflict of Interest
(c) Public Comment Period
(d) Consent Items
(e) Old Business
(f) New Business
(g) Commission Comments and Reports
(h) Matters Too Late for the Agenda
(i) Adjournment

Section 8.03 Members of the public shall not speak unless recognized by the Chair and shall state his/her name before making any statement, which shall become part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.

Article IX. Amendments

Section 9.01 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Commission by the City Council.
RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 - 6 AND SETTING A PUBLIC HEARING ON JULY 5, 2016 TO CONSIDER THE 2016-2017 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2016-17.

2. There are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 1
and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 5th day of July, 2016, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council
located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Zoslocki

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-196

RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION AND SETTING A PUBLIC HEARING ON JULY 5, 2016 TO CONSIDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units Nos. 1 and 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Engineer, the person designated by the Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the Council to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the Council to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment,

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2016-2017.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance
Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto, and is more specifically located on the northeast corner of Yosemite Boulevard and North McClure Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 5th day of July, 2016, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council
located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Zoslocki

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT, AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS TO BE HELD ON JULY 5, 2016 TO CONSIDER THE 2016-17 LEVY AND COLLECTION OF ASSESSMENTS WITHIN SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus (“County”) formed the Shackelford Landscape and Lighting District (“Shackelford LLD”) for the purpose of administering the maintaining seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 495 lots with both residential and commercial development, and is bounded by Crows Landing on the west, E. Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on February 22, 2012, the Stanislaus County Local Agency Formation Commission (“LAFCO”) approved the annexation of the Shackelford Area to the City of Modesto (“City”), and

WHEREAS, on April 24, 2012, the City Council approved the Shackelford Landscape and Lighting District Transfer Agreement between the County and City, and

WHEREAS, the City assumed full responsibility and administration of the Shackelford LLD on July 1, 2012, and
WHEREAS, Section 22623 of the California Streets and Highways Code requires the Engineer, the person designated by this Council as Engineer of Work for the Shackelford LLD, to prepare and file an annual report, and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the Shackelford LLD for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the Shackelford LLD.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.
e. Notice of the time, as fixed by the California Streets and Highways
Code Section 22625, and the place for hearing by the legislative body
(the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within
the Shackelford LLD during the fiscal year 2016-17.

2. There are no proposed new improvements or any substantial
changes in the existing improvements in the Shackelford LLD and the existing
improvements to be made in the Shackelford LLD are generally described as follows:

   The City shall provide maintenance, operation and servicing, in
   perpetuity, of streetlights and any and all improvements required
   for such maintenance including, but not limited to:

   a. Payment to local utility company for monthly power costs
      of energizing street lights in the Shackelford LLD.

   b. Payment to local utility company for maintenance of street
      lights in the Shackelford LLD that the utility company
      owns (usually those lights that are mounted on wooden
      poles).

   c. Maintenance provided by the City of Modesto for street
      lights in the Shackelford LLD that are owned by the City of
      Modesto (usually those lights that are mounted on steel
      poles).
3. The Shackelford LLD is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located North of Hatch Road, South of State Highway 99, and East of Crows Landing Road.

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

5. On Tuesday, the 5th day of July, 2016, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the questions of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

   The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2015-2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Annual Operating and Capital Improvement budget as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, 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 May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
CITY CLERK’S OFFICE
A budget adjustment is necessary to transfer $118,814 from General Fund Reserves to the Elections Cost Center within the City Clerk’s Office for increased costs due to the November 2015 Mayoral, Council Districts, Measure Election, and, the February 2016 Mayoral Run-Off Election costs.

FINANCE
A budget adjustment is necessary to recognize $1,000,000 in unbudgeted Sales Revenue and reallocate said funds to Cost of Goods Sold in the Inventory Purchasing Cost Center, 12540, and, recognize $100,000 of unbudgeted Sales of Inventory Mark-Up revenue in the Central Stores Cost Center, 12530, as a result of the increase to Sales Revenue. Both cost centers reside in the Inventory Purchases Fund, 5110.

PUBLIC WORKS
As a result of the FY16-17 departmental budget meetings with the Mayor/City Manager, a decision was made not to install all of the Flashing Beacons slated for installation. Therefore, a budget adjustment in the amount of $400,000 is necessary to: 1) decrease the transfer out from the Gas Tax Fund, Fund 1730, to the Surface Transportation Fund, Fund 1700; and 2) reduce Capital Improvement Project #100951, Flashing Beacons, expense budget.

A budget adjustment is necessary to recognize $149,105 in unbudgeted revenue in the Electrical Utility Cost Center, 53520, received from rebates paid by the Modesto Irrigation District and Turlock Irrigation District, and reallocate said funds to their discretionary expense budget.

As the LED Street Light Upgrade project has been completed and confirmed eligible to use Gas Tax funds as a funding source, a budget adjustment is necessary to: 1) establish the transfer out from the Gas Tax Fund (Fund 1730) to the Surface Transportation Fund (Fund 1700) in the amount of $3,397,095; and 2) reduce Capital Improvement Project #100832, LED Street Light Upgrade, expense budget from $3,800,000 to $3,397,095, a total reduction of $402,905 as the total expenses for the project came under budget.
RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT FOR THE RENTAL OF THREE DV-400C PUMPS AND ONE MEGAMC1236 FUSION WELDER FOR THE UTILITIES DEPARTMENT, WASTEWATER SERVICES DIVISION FROM RAIN FOR RENT, STOCKTON, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST NOT TO EXCEED $110,000

WHEREAS, in January 2012, West Yost Associates completed a draft of the Cannery Segregation Line (CSL) and River Trunk Diversion Plan (The Plan), and

WHEREAS, The Plan consisted of several elements: 1) a risk assessment which included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design of permanent diversion structures, and

WHEREAS, through the use of Closed Circuit Television inspection and hydraulic analysis, it was determined that the risk of CSL failure is low, yet is still a possibility, and

WHEREAS, the most likely scenario would be a washout of the bank supporting the pipeline, and

WHEREAS, in January 2015, an emergency bank repair was completed due to significant bank erosion at the Tuolumne River, and

WHEREAS, subsequently, staff developed a seasonal bypass pumping plan to be used until capital improvements for reliability of the sewer trunk are complete, and

WHEREAS, to mitigate the risk of a service disruption caused by a catastrophic failure of the CSL, the Plan included a Temporary Bypass Plan (Bypass Plan) where, in the event of a CSL failure, the Bypass Plan could quickly restore service to CSL users,
WHEREAS, the worst-case scenario of the Bypass Plan requires three (3) very large and expensive bypass pumps capable of performing the bypass operation, and

WHEREAS, the City does not own the necessary pumps and the availability of the pumps is based on a first-come/first-serve basis, and

WHEREAS, due to the terrain along the river, fusion welded 24” High Density Polyethylene pipe must be used to convey the pumped water around any potential failure, and

WHEREAS, while the piping is readily available, the fusion welding equipment is almost always rented, and

WHEREAS, to guarantee the availability of the bypass pumps and fusion welding equipment, the Utilities Department recommended that the City rent these three (3) bypass pumps and a fusion welder to have them on standby at the Local Rain for Rent yard to ensure that they are available to the City during the CSL peak season, and

WHEREAS, not having this equipment on standby has the potential to cause a sanitary sewer overflow from either the domestic or CSL sewer trunks, and the City would receive monetary penalties and civil liability from the State Water Resources Control Board, and

WHEREAS, Rain for Rent is the only provider in California that can meet the performance requirements of time and available resources for bypass pumping, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC8-3.204(b), states where as the purchasing
agencies’ requirements can be met solely by a single article or process: the sole source procurement for the rental of three DV-400c pumps and one MegaMc1236 fusion welder from Rain for Rent, Stockton, CA, conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source procurement for the rental of three DV-400c pumps and one MegaMc1236 fusion welder for the Utilities Department, Wastewater Collection Division from Rain for Rent, Stockton, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for a total cost not to exceed $110,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-200

RESOLUTION ACCEPTING THE EMPIRE TRUNK SEWER IMPROVEMENTS PHASE 1 PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $281,752.00 TO BEARD LAND IMPROVEMENTS CO., OF MODESTO, CA

WHEREAS, the Empire Trunk Sewer Improvements Phase 1 Project has been completed by Beard Land Improvements Co. of Modesto, CA in accordance with the contract agreement dated January 12, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Empire Trunk Sewer Improvements Phase 1 Project is hereby accepted as complete from said contractor, Beard Land Improvements Co. of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $281,752.00, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-201

RESOLUTION ACCEPTING THE SUTTER TREATMENT PLANT IMPROVEMENTS PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $2,529,019 TO R.E. SMITH CONTRACTOR, INC., OF NEWCASTLE, CALIFORNIA

WHEREAS, the Sutter Treatment Plant Improvements Project has been completed by R. E. Smith Contractor, Inc. of Newcastle, CA in accordance with the contract agreement dated April 8, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Sutter Treatment Plant Improvements Project is hereby accepted as complete from said contractor, R. E. Smith Contractor, Inc. of Newcastle, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,529,019, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

05/10/2016/Util/CYerzy/Item 14 1 2016-201
RESOLUTION APPROVING THE FIRST AMENDMENT TO AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE SUTTER TREATMENT PLANT IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED $28,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT

WHEREAS, the City of Modesto’s primary wastewater treatment plant (Sutter Plant), is located on Sutter Avenue and has two 2-million gallon primary anaerobic digesters, and

WHEREAS, Digester #1 is approximately 41 years old and Digester #2 is approximately 26 years old, and

WHEREAS, both digesters needed rehabilitation due to corrosion damage, and the heating and mixing systems were inadequate, and

WHEREAS, these improvements were necessary to ensure that both digesters continue to be operable for at least 10 years, and

WHEREAS, in addition to the digesters work, the grit piping at the Sutter Plant headworks experienced a leak outside of the Grit Chambers allowing water to enter some of the electrical conduits, causing operational problems for plant staff, and

WHEREAS, complete replacement of the grit piping system was recommended in order to avoid significant maintenance burdens, and

WHEREAS, on May 6, 2014, by Resolution No. 2014-166, City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for Design Support During Construction for the Sutter Treatment Plant Improvements Project, and

WHEREAS, the additional construction resulted in increased costs for design support from City staff and the design consultant Carollo, and
WHEREAS, the time and effort for Carollo to assist in review, analysis, and negotiation of the remaining change orders related to the delays was greater than anticipated in the original consultant agreement, and

WHEREAS, Carollo’s scope of services includes: 1) Additional Coatings Inspection; and 2) Claims Resolution Support, and

WHEREAS, staff recommends that the first amendment to the agreement with Carollo be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to Agreement with Carollo Engineers, Inc. to provide additional work for Design Support During Construction for the Sutter Treatment Plant Improvements Project, in an amount not to exceed $28,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who
moved its adoption, which motion being duly seconded by Councilmember Ridenour,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE SUBMITTAL OF THE CITY’S LOCAL TRANSPORTATION FUND FISCAL YEAR 2016/17 CLAIM FOR TRANSIT CAPITAL IN THE AMOUNT OF $500,000 FOR COMMENCEMENT OF FINAL DESIGN AND ENGINEERING FOR A PASSENGER RAIL STATION TO THE STANISLAUS COUNCIL OF GOVERNMENTS

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) have become available; and

WHEREAS, this claim for Transit Capital is the formal request by the City of Modesto to StanCOG to apportion funds during the coming fiscal year greater than Modesto’s fifty-two (52) percent share for transit operations for a project of regional significance; and

WHEREAS, LTF funds provide a local match for State funds the City of Modesto hopes to receive for Transit Capital; and

WHEREAS, the Transportation Development Act (TDA) of which LTF funds are a part are intended for the development and support of public transportation needs in California; and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2016-2017 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code; and

WHEREAS, Council action authorizing submittal of a claim is required by StanCOG Resolution 14-50 “Approving the Transportation Development Act Apportionments for FY 2016-17 for Transit and Other Purposes” before any LTF funding can be released to the City.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of the City’s Local Transportation Fund Claim for Fiscal Year 2016-2017 Transit Capital in the amount of $500,000, to the Stanislaus Council of Governments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-204

RESOLUTION AUTHORIZING THE SUBMISSION OF A JOINT APPLICATION WITH THE STANISLAUS COUNTY SHERIFF'S DEPARTMENT TO THE BOARD OF STATE & COMMUNITY CORRECTIONS FOR STRENGTHENING LAW ENFORCEMENT AND COMMUNITY RELATIONS GRANT FOR UP TO $850,000 FUNDING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION, GRANT AGREEMENT WITH THE BOARD OF STATE & COMMUNITY CORRECTIONS, INCLUDING ANY AMENDMENTS THEREOF, AND GRANT RELATED DOCUMENTS

WHEREAS, the Board of State and Community Corrections (BSCC) is soliciting proposals for a $6 million grant designed to help law enforcement agencies and the communities they serve improve relations, and

WHEREAS, the BSCC’s Executive Steering Committee used “The President’s Task Force on 21st Century Policing,” as a guideline for its RFP, and

WHEREAS, President Obama’s Administration released this guideline in May 2015 that identifies best practices that promote “effective crime reduction while building public trust”, and

WHEREAS, the RFP requires that 30 percent of successful grant funding must be passed through to the community groups and organizations with which the law enforcement agency is partnering, and

WHEREAS, the maximum grant for a joint law enforcement agency application will be $850,000 and

WHEREAS, a 20 percent match is required, and

WHEREAS, the Modesto Police Department’s share of the total match is estimated at $181,626, and will be met with in-kind personnel and supplies, and

WHEREAS, the grants are payable over two years, and
WHEREAS, the Modesto Police Department desires to participate in the Strengthening Law Enforcement and Community Relations Grant Program administered by the Board of State and Community Corrections, and

WHEREAS, the application requires that a City Council approve a resolution authorizing the City Manager, or his designee, to submit the grant proposal for this funding, and sign the Grant Agreement with the BSCC, including any amendments thereof, and

WHEREAS, grant funds received will not be used to supplant expenditures, and

WHEREAS, the Modesto Police Department agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC once awarded, and

WHEREAS, the Modesto Police Department will be the lead agency and fiduciary of this grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of a joint application with the Stanislaus County Sheriff’s Department to the Board of State and Community Corrections for Strengthening Law Enforcement and Community Relations Grant for up to $850,000 in funding.

BE IT FURTHER RESOLVED that the City manager, or his designee, 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 May, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION FINDING THAT UNITED RESORTS LLC OWES $101,304.28 IN DELINQUENT TRANSIENT OCCUPANCY TAXES (TOT) AND PENALTIES AND DIRECTING STAFF TO ACCEPT PAYMENT FROM UNITED RESORTS LLC IN THE AMOUNT OF $33,000 AND TO REQUIRE PAYMENT OF THE REMAINING BALANCE OF $68,304.28 WITHIN 72 HOURS

WHEREAS, on January 30, 2015 the City’s Tax Administrator’s issued a ruling that United Resorts LLC (Appellant) owed the City of Modesto $101,304.28 in delinquent transient occupancy taxes (TOT) and delinquency and fraud penalties; and

WHEREAS, the Tax Administrator’s decision was appealed to the City Council of Modesto pursuant to Section 8-2.610 of the Modesto Municipal Code (MMC); and

WHEREAS, a properly noticed appeal hearing was held before the City Council on May 3, 2016 during which Appellant appeared and presented testimony; and

WHEREAS, Council has reviewed and considered all of the evidence in the record, including but without limitation, the agenda report and testimony from the Appellant and City staff.

NOW, THEREFORE, the Council of the City of Modesto, based on all the evidence in the record including testimony presented at the hearing on May 3, 2016, finds as follows:

1. Appellant concedes that they are delinquent in remitting TOT as required under Section 8-2.601 et seq. of the MMC.

2. Appellant does not dispute the amount of TOT principal owed and only dispute the penalties imposed for delinquency and fraud by the Tax Administrator.

3. Appellant receives revenue from the County of Stanislaus’ voucher program that allows transients to rent rooms from Appellant’s hotel.
4. Appellant contends that the County's billing and payment practices create a delay in their receipt of payment for rent owed which cause cash flow issues for their business.

5. The temporary cash flow issues created by the County's payment schedule to Appellant do not create a permanent or indefinite disturbance or lack of revenues that prevent the Appellant from paying the TOT in a timely fashion.

6. There are alternative lines of, or means of, securing revenues such as a line of credit that Appellant could pursue in order to remit TOT on a timely basis to the City.

7. The obligation to remit TOT to the City is not relieved or excused by Appellant’s other financial demands or cash flow issues.

8. There is a basis for assessing delinquency and fraud penalties under MMC Section 8-2.608 because Appellant has not remitted TOT on a monthly basis as required by MMC Section 8-2.607 and admitted to intentionally not paying TOT to the City due to fulfilling other financial obligations which constitutes fraud under MMC Section 8-2.608(b).

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

A. United Resorts LLC owes the City of Modesto $101,304.28 in delinquent TOT and penalties; and

B. Staff is directed to accept United Resorts LLC’s payment of $33,000 to be credited to the amount owed and to require them to remit the remaining balance of $68,304.28 within 72 hours of adoption of this Resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who
moved its adoption, which motion being duly seconded by Councilmember Madrigal,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A SECOND AMENDMENT TO THE STANDARD CONSULTANT AGREEMENT WITH DATA PATH, INC., MODESTO, CA, A PROFESSIONAL FIRM, TO CONTINUE TO PROVIDE CHIEF INFORMATION OFFICER SERVICES FOR THE CITY FOR AN ADDITIONAL THREE YEAR TERM WITH A MONTHLY COST OF $17,578, EFFECTIVE MAY 24TH, 2016 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT IN A FORM PREPARED FOR AND APPROVED BY THE CITY ATTORNEY

WHEREAS, on February 24, 2015, the City Council approved the re-establishment of the position of Chief Information Officer, and

WHEREAS, the City Council needed to appoint an Interim Chief Information Officer to fill the role of Chief Information Officer within City service, and

WHEREAS, on March 24, 2015 the City Manager’s Office contracted with Data Path, Inc., a Modesto-based Information Technology consulting firm to provide interim Chief Information Officer services and hired Mr. John Dickey as interim Chief Information Officer, and

WHEREAS, the City Manager’s Office desires to continue to have Mr. Dickey serve as the City’s Chief Information Officer and to extend the agreement with Data Path to provide Chief Information Officer services for an additional three years at a monthly cost of $17,578, effective May 24th, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the City Manager or his designee to execute an amendment to the agreement with Data Path, Inc., a professional firm, to provide Chief Information Officer services for an additional three year terms at a monthly cost of
$17,578, effective May 24th, 2016, in a form prepared for and approved by the City Attorney.

BE IT FURTHER RESOLVED that terms of the Agreement shall be consistent with the Scope of Work to this Resolution as Exhibit 1.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
EXHIBIT A

QUOTE
Number   DPQQ9264-1
Date     April 26, 2016

Sold To
City of Modesto
1010 10th Street  S-5300
P.O. Box 642
Modesto, CA 95353
United States

Ship To
City of Modesto
1010 10th Street  S-5300
P.O. Box 642
Modesto, CA 95353
United States

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<th>Description</th>
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<td>$17,578.00</td>
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- Per Diem charges may apply for travel outside of the local area.
- Rate remains unchanged through 5/24/2019

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Interim Services

The CIO will support senior management by providing transitional or long term leadership and management for programs, projects, infrastructure or operations and has the experience to deliver the results you need. For instance:

**Strategic Planning**

The CIO will aid the city in building a solid strategic foundation by designing and managing creative, collaborative strategic planning processes. He will assist in defining government’s technology and business process objectives, actions and timetables linked to mission and financial projections and plans. He will also facilitate decisions by all stakeholders resulting in plans that are actionable and client-owned.

**Enterprise Systems (ERP, HRIS, Finance, CAD, Supply Chain, Logistics...)**

The CIO will support the due diligence process of requirements definition, solution identification, validation, inspection, selection, negotiation, implementation planning, provisioning, configuring, testing, training and production. Having successfully directed this process for small, medium and large organizations, he has the necessary experience to ensure your success as well.

**Lean Business Processes**

Process identification, value-stream mapping, streamlining and/or automation can be daunting. The CIO knows Process Engineering inside out and can assist you in:

- Identifying your key business processes in need of improvement
- Identifying the critical people, actions and communications needed in each process flow
- Mapping both current and future states
- Developing the plans to implement
- Optimizing new processes and measuring their effectiveness

**eGovernment**

The CIO will help you analyze your organization’s potential for on-line success, define your requirements, metrics, as well as develop an egovernment strategy, design your information architecture, wireframes, process flows and site maps. He’ll also assist in selecting the best third party developers and integrators when needed.

**IT Governance and Staffing**

The CIO can evaluate strengths and opportunities of staff as well as professional development needs. He will help determine appropriateness of the City’s IT organization’s alignment in support of the various entities and missions of concern. He is also an expert at team building, establishing customer focus, responsiveness and mentoring prospective leaders. He will help rationalize or establish best practices in IT governance from portfolio management to customer-based prioritization.

**Architecture/Infrastructure Optimization**

The CIO will work with customers and IT Service providers to establish best service levels and associated architectural configurations as well as rational migration plans.

**Partnerships**

The CIO is adept at establishing constructive professional relationships with senior executives and other leaders across the organization.
Additional Duties

Plan, organize, direct and review the activities and operations of the Information Technology Department functions including Information Services, System Development and Support Services, Network Services and Geographic Information Systems; to provide leadership to the department and the City organization; to coordinate assigned activities with other departments and outside agencies.

Exercises direct supervision over assigned management, supervisory, professional, technical and administrative support personnel.

Develop, plan and implement Department goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Deputy City Manager, City Manager, and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee and participate in the development and administration of the Information Technology Department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustment.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; conduct performance evaluations; implement disciplinary actions and terminations; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Develop and implement long and short-term strategic plans in support of department and City-wide goals and objectives.

Work with consultants, advisory teams, technology providers, and other resources in order to recommend policy direction to the Deputy City Manager, City Manager, and City Council for technology enhancements.

Utilize Customer Relations Management (CRM) and other strategies to improve internal and external customer relations, ensure staff understanding and skills for effective customer service support, including the need for timely assistance, swift resolution of problems and expeditious review of user complaints.

Provide users with cost effective long-range solutions to complex systems and technical problems; develop, justify, acquisition, and implement major information technology related projects and programs.

Oversee the completion of comprehensive information technology studies; review reports of findings and make recommendations, as appropriate.

Conduct research, analysis, and special studies on complex and sensitive administrative and policy issues, and prepare reports with recommendations for appropriate action.

Represent the Department to outside groups and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Term

Period covered by this agreement is May 24, 2016 - May 24, 2019
Long-term friends and Central Valley residents, James Bates and David Darmstandler founded Data Path in June of 2005. In 2004, James and David started meeting regularly to write their business plan for Datapath. They met with local business and organization leaders in the area to discover what their experience was with their current IT departments and IT consulting companies. They found that leaders were frustrated with their IT support not understanding their organizations, being unresponsive to needs, not planning for the future and were unable to view decisions with a “return-on-investment” mindset.

With these discoveries, James and David built the Datapath service model to address and overcome the negative experience leaders were having. Through unmatched customer service, support and proactivity of innovative IT solutions, Data Path quickly grew to be one of the regions highest-regarded and most awarded IT consulting firms.

Data Path currently supports and manages more than 6,000 computers and 600 servers, overseeing the support and resolution of more than 1,500 support requests per month, with daily exposure to various software packages, network equipment and computer systems spread across a diverse client base.

Number of Clients: 350+
Number of Public Sector Clients: 40+
Length of time in business of providing proposed services: 10 years+
Number of fulltime personnel: 35
Technical Engineers: 28
Sales, Marketing and Administrative support: 6
External Consultants and Coaches: 2
Location for service and headquarters: 318 McHenry Ave., Modesto, California 95354

Legal Name: Data Path, Inc.
Physical Address: 318 McHenry Ave., Modesto, CA 95354
Phone: 209-521-0055  Fax: 888-499-1959
To accept this agreement please sign and date below.

“CONTRACTOR”
Data Path Incorporated,
a California corporation
318 McHenry Ave.
Modesto, California 95354

By: ____________________________________________
(Please Print)
Signature: ____________________________________________
Dated: ____________________________________________

“CLIENT”
City of Modesto
1010 10th Street 5-5300
Modesto, CA 95353

By: James Bates
(Please Print)
Signature: ____________________________________________
Dated: 5-24-16

WHEREAS, Joan Irene Bledsoe, a married woman her sole and separate property, and Carl R. Fischer Jr. and Sandy Fisher, aka Sandra Fischer, as trustees of The Carl R. Fischer Revocable Trust udt dated September 25, 2000 (“SUBDIVIDER”), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 2.75 acres, known as the KEIRNAN BUSINESS PARK EAST PHASE 2 – HEALTHCARE WAY (“SUBDIVISION”), in the Specific Plan Zone per the Kiernan Business Park Specific Plan dated December 15, 2015, and

WHEREAS, a Vesting Tentative Parcel Map was approved by the Planning Commission on September 14, 2015 per Planning Commission Resolution No. 2015-20 and the Vesting Tentative Map of said tract was approved by the Planning Commission of the City of Modesto on September 14, 2015 per Planning Commission Resolution No. 2015-21, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the Final Map of said tract substantially conforms to the approved Tentative Map, and

WHEREAS, the public improvements have not been completed, and
WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the Final Map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the 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 are in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets 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 Manager or designee be authorized to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED 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.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who
moved its adoption, which motion being duly seconded by Councilmember Madrigal,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Zoslocki, Mayor Brandvold

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-208

RESOLUTION APPROVING AN EXEMPTION FOR A 90 DAY PLANT ESTABLISHMENT PERIOD FOR NEWLY INSTALLED LANDSCAPES FROM STAGE I, II OR II A DROUGHT CONTINGENCY PLAN REQUIREMENTS

WHEREAS, the State Water Resources Control Board adjusted the City of Modesto’s cumulative required water use reduction to 33 percent and the Modesto City Council enacted Stage II of the City of Modesto Drought Contingency Plan on April 26, 2016, and

WHEREAS, the Modesto City Council has previously approved exemptions to the City of Modesto’s Drought Contingency Plan for community sports and recreation fields owned by the City, and for other local organizations, and

WHEREAS, the City of Modesto has municipal code requirements that require the installation of landscape and irrigation on all new commercial, industrial, institutional and residential developments and all new landscape and irrigation must meet the current State Model Water Efficient Landscape Ordinance (MWELO) requirements, and

WHEREAS, newly installed plants do not have a well-established root system that can withstand severe drought conditions and in order to survive and withstand severe drought conditions they must be allowed to be watered as needed for up to 90 days, and

WHEREAS, City staff is requesting that the City Council approve an exemption to the City of Modesto’s Drought Contingency Plan to allow for a plant establishment period of 90 days for all newly installed landscapes to ensure the investment of local businesses and residents is protected, and

WHEREAS, City staff anticipates that granting this exemption will have minimal impact on the amount of water used for new landscape, and
WHEREAS, City staff anticipates up to fifty new residential properties and a
dozen new non-residential properties to be landscaped by November 2016 and should the
City Council enact Stage III of the Drought Contingency Plan, staff would recommend
deferring the installation of new required landscape, and

WHEREAS, this exemption does not allow property owners to be wasteful in
their use of water and the City of Modesto’s Water Division will retain the ability to
notify and fine the property owner should they be wasteful, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves an exemption for a 90 day plant establishment period
for newly installed landscapes from Stage I, II or IIA Drought Contingency Plan
requirements.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who
moved its adoption, which motion being duly seconded by Councilmember Madrigal,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING SECTION 3.3 MEMBERSHIP COMPOSITION OF THE RULES AND PROCEDURES THE ENTERTAINMENT COMMISSION

WHEREAS, the Entertainment Commission was created in 2008 order to provide a fair review process for entertainment establishments and special events, and

WHEREAS, the current Rules and Procedures of the Entertainment Commission authorizes the following membership composition: one (1) Business Permit Holder, one (1) Non-Profit/Special Event Permit Holder, two (2) representatives from the Board of Directors of an Economic/Tourist Establishment that promotes Modesto, two (2) At-Large Citizens/Non-Permit Holders, one (1) Culture commission member, and two (2) Alternates to be Non-Permit Holders, and

WHEREAS, at the March 14, 2016 meeting of the Great Safe Neighborhoods Committee, the Committee has recommended a revision of Article III, Section 3.3 of the Rules and Procedures of the Entertainment Commission to revise the membership category of one (1) Cultural Commission member to the membership category of one (1) Event Planning or Marketing Specialist, and

WHEREAS, the revised Rules and Procedures is attached hereto and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revised Rules and Procedures of the Entertainment Commission relating to membership composition.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION APPROVING SEVEN APPOINTMENTS AND TWO ALTERNATE APPOINTMENTS TO THE ENTERTAINMENT COMMISSION

WHEREAS, Article 4, Section 4.2 of the Rules and Procedures of the Entertainment Commission states that for purposes of staggering the terms of the Commissioners, the initial appointments shall have terms as follows: three (3) commissioners shall have initial terms of four (4) years, two (2) commissioners shall have initial terms of three (3) years, and two (2) commissioners shall have initial terms of two (2) years. One alternate shall have an initial term of two (2) years, and another alternate shall have an initial term of three (3) years, and

WHEREAS, all terms of the initial appointments to the Commission shall be deemed to commence upon the same date, and

WHEREAS, at the April 6, 7, and 21, 2016, the Great Safe Neighborhoods Committee interviewed fourteen (14) eligible applicants for consideration of appointment to the Entertainment Commission, and

WHEREAS, seven (7) applicants and two (2) alternate applicants were selected to be recommended to City Council for consideration of appointment to the Entertainment Commission, and

WHEREAS, on May 24, 2016, the City Council amended Section 3.3 Membership Composition of the Rules and Procedures of the Entertainment Commission to include:

One (1) Business Permit Holder

One (1) Non-Profit/Special Event Holder
One (1) Board of Directors member of an Economic or Tourism Organization

One (1) Event Planning or Marketing Specialist

Three (3) At-Large Citizen/Non-Permit Holders

Two (2) At-Large Alternate Citizen/Non-Permit Holders

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following are hereby appointed to the Entertainment Commission:

Representing

Business Permit Holder

Non-Profit/Special Event Holder

Board Member/Economic or Tourism Organization

Event Planning or Marketing Specialist

At-Large Citizen

Appointments

Billy Anderson

Carlos Yamzon

Middagh Goodwin

Darrel Wilkins

Will DeBoard

Nic Padilla

Richard Bowden

Term

4 years

4 years

4 years

3 years

3 years

2 years

2 years

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following alternates are hereby appointed to the Entertainment Commission:

Representative

Alternate, Non-Permit Holder

Alternate, Non-Permit Holder

Appointments

Naja Frowein

Katherine Zagone

Term

2 years

3 years
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoye, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

APPROVED AS TO FORM:

By: **ADAM U. LINDGREN, City Attorney**

ATTEST: **STEPHANIE LOPEZ, City Clerk**

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-211

RESOLUTION AMENDING THE CITY'S ANTI-DRUG PROGRAM/ALCOHOL MISCUSE PROGRAM TO ENSURE CONTINUED COMPLIANCE WITH THE REGULATIONS ESTABLISHED BY THE FEDERAL DEPARTMENT OF TRANSPORTATION

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of safety-sensitive transportation employees in transportation industries, and

WHEREAS, the City of Anti-Drug/Alcohol Misuse Program and Procedure is governed by both the Federal Motor Carrier Safety Administration and the Federal Transit Administration, and

WHEREAS, on January 10, 2012 by Resolution No. 2012-10, the Council of the City of Modesto approved amending the Anti-Drug/Alcohol Misuse Program, and

WHEREAS, on September 2, 2014 by Resolution No. 2014-318, the Council of the City of Modesto approved amending the Anti-Drug/Alcohol Misuse Program, and

WHEREAS, there is a need to revise the current City's Anti-Drug/Alcohol Misuse Program to ensure compliance with the Federal regulations of the Department of Transportation, and

WHEREAS, the proposed revision in the Anti-Drug Program/Alcohol Misuse Program is in the third paragraph of section 5. "Prohibited Behavior" to clarify language to reflect that covered employees are prohibited from reporting to work or performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater and appendix A and B have been updated to reflect job title changes resulting from recent department reorganizations.
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION I. POLICY AMENDMENT. The Anti-Drug/Alcohol Misuse Program attached hereto is hereby approved.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after May 24, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:  

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
City of Modesto
ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM
As required by the Department of Transportation
Adopted and approved by Modesto City Council on September 2, 2014
Please Note:

The following policy contains information in regards to the City’s federally mandated drug and alcohol misuse policy for commercial license holders and safety sensitive positions covered by these regulations.

Employees and supervisors should be aware that there are other rules and policies that pertain to the subject of drug and alcohol use and this policy should not be considered a sole source for direction in all circumstances.

Additional related information may be found in the following documents as well as other sources not listed:

- Employee Handbook
- Personnel Rules
- City Alcohol and Drug Abuse Policy
- Memorandums of Understanding

Please contact Human Resources for guidance and questions.
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1. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 40, as amended, and 49 CFR Part 382, as amended. All drug and alcohol testing is conducted in accordance with these regulations.

Copies of Parts 382, 655 and 40 are available in the Anti-Drug Program/Alcohol Misuse Program Manager’s office and can be found on the Internet at the Office of Drug & Alcohol Policy & Compliance’s website http://www.dot.gov/ost/dapc/index.html.

The City of Modesto has written and implemented its Anti-Drug/Alcohol Misuse Program to ensure compliance with Federal Regulations of the Department of Transportation. This program is implemented in addition to the City’s Drug-Free Workplace Program. This policy and these procedures are adjunct to the City of Modesto’s Alcohol and Drug Abuse Policy, dated October 7, 2009. In the event that Federal Regulations conflict with the City’s Drug-Free Workplace Program, the Federal Regulations shall prevail. In the event that Federal Regulations fail to provide language for a particular situation, the employee shall be subject to this policy, the City’s 2009 Drug-Free Workplace Program or other applicable City Policies.

It is the goal of the City of Modesto to attract and maintain a work force that is free of alcohol or drugs that impair judgment, impact job performance or result in accident or injury to employees or the general public. For the purpose of this program an employee who tests positive on a drug test, as defined by DOT, shall be considered impaired.

2. Statement of Philosophy

A. City Philosophy

As stated in the City of Modesto’s Alcohol and Drug Abuse Policy, employees shall not utilize or be impaired by alcohol or drugs while in City vehicles, at work locations, or while on duty or paid standby; shall not possess alcohol or drugs while on duty, or in City vehicles; shall not sell or provide or participate in or arrange for the selling or provision of prescription or illegal drugs to any other employee or to any person while such employee is on duty or paid standby; nor have their ability to work impaired as a result of the use of alcohol or drugs. Employees must be able to perform their duties safely and efficiently, in the interest of the public and their fellow workers, as well as themselves. The influence of drugs and alcohol on employees is not consistent with this objective.

The City will act to eliminate any substance abuse. Examples include alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee’s ability to perform safely and effectively the functions of the particular job that increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the City’s reputation.
3. **Scope**

A. **Covered Employees**

This policy applies to every employee whose position requires the possession of a commercial driver’s license (CDL); every employee performing a “safety-sensitive function” as defined herein, and any employee applying for such positions. Compliance with all required testing is a condition of employment.

Under Federal Motor Carrier Safety Administration (FMCSA), an employee is performing a safety-sensitive function if they are:

- Driving a commercial motor vehicle which requires the driver to have a commercial driver’s license (CDL),
- Inspecting, servicing, or repairing any commercial motor vehicle,
- Waiting to be dispatched to operate a commercial motor vehicle,
- Performing all other functions in or upon a commercial motor vehicle,
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipment being loaded or unloaded,
- Performing driver requirements associated with an accident, or
- Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

Under Federal Transportation Authority (FTA), you are a safety-sensitive employee if you perform any of the following:

- Operation of a revenue service vehicle, whether in or out of revenue service,
- Operation of a non-revenue vehicle requiring a CDL,
- Controlling movement or dispatch of a revenue service vehicle,
- Security personnel who carry firearms,
- Maintenance (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment being used on revenue service, or
- Contract employees that stand in the shoes of Transit System employees who have to comply.

Covered employee means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function. A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver’s license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to CFR 49 Part 655, 40 or 382 and receives remuneration in excess of his or her expenses incurred while engaged in the volunteer activity.

*See Attachment A and B for a list of covered positions by job title.*

B. **Contact**

For questions regarding the City’s anti-drug use and alcohol misuse program, please contact the Risk & Loss Control Coordinator at 209-577-5446.
4. **Prohibited Substances**

- Marijuana
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

Use of these five substances is prohibited at all times and a covered employee may be tested for these drugs any time while on duty.

5. **Prohibited Behavior- Alcohol**

Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report to duty. If the covered employee claims ability to perform his or her safety-sensitive function despite prior consumption of alcohol, they must take an alcohol test, with a negative result, before being allowed to work.

No department shall permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

Each covered employee is prohibited from reporting to work or remaining on duty requiring performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

6. **Testing Procedure**

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS). All testing will be conducted consistent with the procedures as required in 49 CFR Part 40 (as amended). The following types of tests and testing protocols apply:

A. Pre-Employment Testing

Pre-employment tests are conducted after making a conditional offer of employment or transfer that is subject to the employee passing the pre-employment test.

*FTA Procedures:* A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

A pre-employment test, with a verified negative result, is required for covered employees who are away from work for more than 90 consecutive calendar days, are removed from the random testing pool, during that time, and plan to return to a safety-sensitive function.
When a covered employee or applicant has previously failed or refused a DOT pre-employment drug and/or alcohol test, the employee must provide proof of having successfully completed a referral, evaluation and treatment plan meeting DOT requirements.

**FMCSA Procedures:** A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties. An employer is required to administer a pre-employment controlled substances test if:

1. The driver has participated in a controlled substances testing program that meets the requirements of this part within the previous 30 days; and

2. While participating in that program, either:
   a) Was tested for controlled substances within the past six months (from the date of application with the City of Modesto), or
   b) Participated in the random controlled substances testing program for the previous twelve months (from the date of application with the City of Modesto); and

3. The City of Modesto ensures that no prior employer of the driver (of whom the City of Modesto has knowledge) has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.

4. A pre-employment test, with a verified negative result, is required for covered employees who are away from work for more than 30 consecutive calendar days, are removed from the random testing pool during that time, and plan to return to a safety-sensitive function.

**B. Reasonable Suspicion Testing**

As currently provided in the City of Modesto’s Alcohol and Drug Abuse Policy, the City shall conduct a drug and/or alcohol test when the City has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, objective observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor or other City official, trained in detecting the signs and symptoms of drug use and alcohol misuse, must make the required observations and document them in writing on the form provided. (Attachment D)

The City allows you to ask to have a representative with you prior to being tested for non-DOT reasons. We will provide access to a telephone to contact a representative. Your representative must be present within one and one half hours of the time we directed you to take the test. If the representative cannot be present or is not present within that time, we may allow additional time at our discretion or we may choose to have you undergo the evaluation and/or testing without your representative being present.

The City of Modesto may direct a covered employee to undergo DOT reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. However, all City employees (DOT and non-DOT) can be tested under the City’s Alcohol and Drug Abuse Policy for reasonable suspicion.
If an alcohol test is not administered within two (2) hours following the determination to conduct a reasonable suspicion test, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the determination to test, the City shall cease attempts to administer an alcohol test and update the record with the reasons for not administering the test in a timely manner.

Where there is reasonable suspicion that the employee is impaired by alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home after the employee has undergone testing. The employee shall be placed on paid administrative leave pending the outcome of the test.

C. Post-Accident Testing

**FMCSA and FTA Procedures:** Covered employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:

**Fatal Accidents:** As soon as possible following an accident involving the loss of human life, DOT drug and alcohol tests are conducted on all surviving covered employees. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

**Non-Fatal Accidents:** Post-accident testing is required if one of the following conditions is met,

- An accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident,

  or

- One or more vehicles receive disabling damage and have to be towed from the scene, and the covered employee may have contributed to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Disabling damage means damage which prevented the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs.

Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

If an alcohol test is not administered within two hours following the time of the accident, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and update the record with the reasons for not administering the test in a timely manner. The drug test should be taken as soon as possible. Attempts to conduct the drug test shall cease after 32 hours.
Any decision not to administer a drug and/or alcohol test under this section shall be based on the City's determination, using the best available information at the time of the determination that the employee’s performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making progress used to reach the decision not to test (Attachment C).

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

D. Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimal annual percentage rate set each year by the DOT Administrator. The current year testing rates can be viewed on line at http://www.dot.gov/ost/ostldapc/rates.html. The FMCSA minimum testing requirement is to annually perform drug tests on 50% and alcohol tests on 10% of the average number of commercial driver positions. The FTA minimum testing requirement is to annually perform drug tests on 25% and alcohol tests on 10% of the average number of safety-sensitive employees. If a given agency or driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing of more than one DOT agency for the same employer, the drivers shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver’s function.

The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees’ Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Each employee selected for testing shall be tested during the selection period. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

E. Test Refusal

You have refused to take a test if you:

1. Fail to provide a breath or urine sample,
2. Provide an insufficient volume without valid medical explanation,
3. Fail to appear within a reasonable time,
4. Leave the scene of an accident without just cause,
5. Fail to permit an observed or monitored collection when required,
6. For an observed collection, fail to follow the observer’s instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process,
7. Possess or wear a prosthetic or other device that could be used to interfere with the collection process,
8. Admit to the collector or MRO that you adulterated or substituted the specimen. Fail to take a second test when required,
9. Fail to undergo a medical examination when required,
10. Fail to cooperate with any part of the testing process,
11. Fail to sign Step 2 of alcohol test form,
12. Once test is underway, fail to remain at site and provide a specimen, or
13. The MRO verifies that you provided an adulterated/substituted sample.

For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal.

F. Shy Bladder

If an employee is unable to provide at least 45 milliliters of urine, collection site personnel shall direct the individual to drink not more than 40 ounces of fluids and, after a period up to three (3) hours time, attempt to provide a complete sample. If employee is still not able to give an adequate sample the MRO shall refer the individual for a medical evaluation to determine if the individual’s inability to provide a sample is a genuine medical condition or constitutes a refusal to test. An employee’s refusal to be examined by a physician shall be regarded as a refusal to test.

G. Dilute Samples

In instances where the employee produces a dilute negative specimen, he or she must undergo a second test. Dilute negative results of 2-5 mg/dl require an immediate recollection under direct observation (see §40.155(c)). The result of the second test is the result of record.

H. Split Sample

Any covered employee who questions the results of a required drug test under this policy may request that the split sample be analyzed. The analysis must be conducted on the split sample that was provided by the employee at the time of the primary specimen. The employee’s request must be made to the Medical Review Officer within 72 hours of notice of the verified results from the original sample. Requests after 72 hours will only be accepted at the discretion of the MRO. The split specimen test will be sent to a different DHHS-certified laboratory for analysis for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The split specimen analysis will be at the employee’s expense if it confirms the original result.

I. Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee is immediately removed from safety-sensitive duties, referred to a substance abuse professional (SAP), and put on administrative leave pending disciplinary action.
FTA Procedures: Following a BAC of 0.02 or greater, but less than 0.04, the employee is immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration of less than 0.02.

FMCSA Procedures: Following a BAC of 0.02 or greater, but less than 0.04, the employee is immediately removed from safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

J. Return to Duty Testing

Any employee who is allowed to return to duty after a refusal to submit to a test or failing an alcohol and/or drug test, must first be evaluated by a substance abuse professional (SAP), and provide a negative drug, alcohol (or both) return-to-duty test result.

K. Follow-Up Testing

Employees returning to duty following a leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for a period of 1 to 5 years as determined by the SAP. All testing will be conducted in accordance with 49 CFR Part 40, subpart O.

L. Compensation

Time spent in conjunction with pre-duty (first test to add into the Random pool), post-accident, random and reasonable suspicion testing shall be considered as paid time. The City shall also pay for the cost of these tests, pre-employment tests and the initial evaluation by the SAP. Cost of SAP-required treatment and testing, time spent while testing for return to duty, and time spent on follow-up testing shall be borne by the employee.

7. Employee admission of alcohol and controlled substances use

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under the City of Modesto's policy, any employee who voluntarily discloses a substance abuse problem before a disciplinary matter develops and/or before notification for a required test, will be subject to return-to-duty and follow-up testing under the City of Modesto's authority (using non-DOT testing paperwork). The purpose of the return to duty testing is to provide a degree of assurance that the employee is drug and alcohol free and that the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse.

The employee must be referred to EAP and evaluated by a substance abuse counselor and pass a non-DOT return-to-duty test. The non-DOT return-to-duty test must include both drug and alcohol testing as well as meet other return-to-duty requirements. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions. Once returned and as a condition of ongoing employment, the employee must follow the recommended frequency and duration of follow-up testing from the EAP/substance abuse counselor. Any employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider.
Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

Any follow-up testing will be apart from and in addition to participation in the random testing program.

8. **Prescription Drug Use**

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is however, the employee’s responsibility to explain to their physician their job duties and ask their physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employee to remove themselves from service if they are unfit for duty due to prescription drug use.

The City requires employees to report the use of medically authorized drugs or other substances that may create a direct threat by impairing performance of safety-sensitive functions to his/her supervisor, and to provide written medical authorization to work from a physician.

Failure to report the use of such drugs or failure to provide proper evidence of medical authorization to work may result in disciplinary action, up to and including termination.

9. **Over-The-Counter Medications**

The City requires it's employees, when selecting an over-the-counter medication, to read all warning labels before selecting medications for use while performing safety-sensitive function. Medications known to affect mental function, motor skills or judgment should not be selected. The advice of a pharmacist, if available at the purchase site may be helpful in making a selection that is appropriate for the safety-sensitive functions. If no alternate medication is available for the condition, the employee should seek professional assistance from a pharmacist or physician. Ultimately, the employee may be the best judge of how a substance is impacting him/her. It is the responsibility of the employee to refrain from using any over-the-counter medication that may cause altering side effects inconsistent with doing their job.

10. **Evaluation/Rehabilitation**

The Substance Abuse Professional (SAP) must be a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

The SAP will perform responsibilities and retain confidential records as required by 49 CFR Part 40 (as amended).

An employee who fails a drug test, alcohol test (0.02 or greater), or refuses to be tested will be referred to a substance abuse professional who shall determine what assistance the employee needs in resolving problems associated with alcohol misuse or drug use. Applicants not hired and employees who are to be disciplined as a result of a violation of this policy shall also be referred to the SAP. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall be evaluated by a substance abuse
professional to determine if the employee has properly followed a rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substance testing.

Participation in rehabilitation through the SAP will not result in disciplinary action. However, successful completion of the prescribed program, if it is determined that participation in such a program is needed, will be required for the employee to continue in the employment of the City of Modesto. The employee shall be placed on sick leave, vacation leave, or leave without pay if sick or vacation leave is not available, in order to enter into an approved rehabilitation program.

Participation in rehabilitation through the SAP will not prevent or prohibit disciplinary action where warranted for violations of rules and regulations.

Return to duty will be conditioned upon agreement to substance/alcohol retesting as determined by the SAP for a time period not to exceed 60 months. City policy states that positive results on a follow-up test or other evidence of relapse will be grounds for disciplinary action, up to and including termination.

The SAP’s determination that an employee is medically qualified to be returned to duty will not prevent or prohibit disciplinary action for violation of rules and regulations.

Employees who have been determined to need treatment to resolve an alcohol misuse or drug use problem shall be referred to the City’s Employee Assistance Program.

11. Employee and Supervisor Training

Every safety-sensitive employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Part 40 and Part 655 (as amended) on the City’s Intranet, by contacted the Program Manager, or by contacting the Risk & Loss Control Coordinator.

All covered employees will undergo a minimum of 60 minutes of initial training on the signs and symptoms of drug use including the side effects and consequences of drug use on personal health, safety, and the work environment. Follow-up training will be done as regulations and requirements change. The initial training also includes manifestations and behavioral cues that may indicate prohibited drug use. Upon completion of the training, employees will sign and date the Employee Acknowledgement Form to confirm receiving the document and the training. Training forms will be forwarded to Human Resources for retention.

All supervisory and management personnel who are in a position to determine employee fitness for duty will receive a minimum of 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Follow-up training will be done as regulations and requirements change.

Information on the signs, symptoms, health effects, and consequences of substance abuse is found in Attachment G of this policy.

12. Medical Review Officer (MRO)

The MRO must be a licensed physician or doctor of osteopathy who is responsible for receiving laboratory results generated by the drug testing program and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s
confirmed positive test result together with his/her medical history and any other relevant biomedical information.

The MRO will perform responsibilities, perform notifications, and retain confidential records as required by 49 CFR Part 40 as amended.

13. Testing Laboratory

The City shall use a drug testing laboratory certified under HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; 53 FR 11970, April 11, 1988 and subsequent amendments.

The testing laboratory will comply with all methods and procedures of 49 CFR Parts 40, 382, and 655 (as amended). The laboratory shall have a qualified individual to assume professional, organizational, educational, and administrative responsibilities for the laboratory's urine drug testing facility.

14. Reporting of Anti-Drug/Alcohol Testing Results

The City shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs. By March 15 of each year, the City shall complete the annual summary covering the previous calendar year.

If the City is notified, during the month of January, of a request by the FMCSA and/or FTA to report the employer's annual calendar year summary information, the City shall prepare and submit the report to FMCSA and/or FTA by March 15 of that year. The report shall be in the form and manner prescribed by FMCSA and/or FTA in their requests. When the report is submitted to FMCSA and/or FTA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official.

Each annual calendar year, a summary containing information on controlled substances and alcohol screening test results shall include all informational elements as required by the FTA.

15. Confidentiality

Each individual's record of testing and results under this policy will be maintained as private and confidential. Except as provided by law or expressly authorized by DOT regulations, the results of individual drug/alcohol tests will not be released to anyone without the specific, written consent of a safety-sensitive employee authorizing release of the information to an identified person. Prior to testing, the individual will be informed about who will receive test data (e.g., testing laboratory, MRO, Program Manager, or Department Administrator if removal from safety-sensitive function is necessary).

All written records will be stored in locked containers or in a secure location with access available only by the Program Manager and DOT upon request. Drug and alcohol testing and/or rehabilitation records shall only be released to subsequent DOT covered employers upon written consent from the covered employee. Under these circumstances, only the specific information requested by the employee shall be released.
Terms and Definitions

**Accident** – The types of accidents requiring testing can be found under Post-Accident Testing.

**Air Blank** – A reading by an Evidential Breath Testing Device (EBT) of ambient air containing no alcohol.

**Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**Alcohol Concentration** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath testing device.

**Alcohol Use** – The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**Blind Sample or Blind Performance Test** – A urine specimen submitted to a laboratory for qualify control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens. This specimen is spiked with known quantities of specific drugs or can be blank, containing no drugs.

**Breath Alcohol Technician** – An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

**Canceled or Invalid Test** – In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither a positive nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test. In alcohol testing, a test that is deemed to be invalided under §40 Subpart N – Problems in Alcohol Testing is considered canceled or invalid.

**Certification** – A recipient’s (of federal funds) written statement, authorized by the organization’s governing board or other authorizing official, that the recipient has complied with the provisions of this part (FTA).

**Chain of Custody** – Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form from a Department of Health & Human Services (DHHS) certified laboratory be used from time of collection to receipt by the laboratory.

**Collection Site** – A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

**Collection Site Person** – A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

**Commercial Motor Vehicle (CMV)** – means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor 1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or 2) Has a gross vehicle weight rating of 26,002 pounds; or 3) Is designed to transport 16 or more passengers, including the driver; or 4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous
Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulation (49 CFR Part 172, subpart F).

**Confirmation Test** – For alcohol testing this means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

**Covered Position (Safety-Sensitive position)** – A duty position or job category that requires the performance of safety-sensitive (covered) function(s).

**Covered Function (Safety-Sensitive Function)** (1) FMCSA: operation of a commercial motor vehicle. (2) FTA: (a) Operating a revenue service vehicle, including when not in service; (b) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (c) Maintaining a revenue service vehicle or equipment used in revenue service; (d) Carrying a firearm for security purposes; (e) Controlling the movement or dispatch of a revenue service vehicle.

**Dilute Specimen** – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**DOT Agency** – An agency of the United States Department of Transportation administering regulations related to drug or alcohol testing. The Federal Motor Carrier Safety Administration and Federal Transit Administration are DOT agencies.

**Drug Metabolite** – The specific substance produced when the human body metabolizes a given drug as it passes through the body and is excreted in the urine.

**Drug Test** – The laboratory analysis of urine specimen collected in accordance with 49 CFR part 40 and analyzed in a DHHS-approved laboratory.

**Education** – Efforts that include the display and distribution of informational materials, a telephone number for employee assistance, and the City's policy(ies) regarding drug use in the workplace.

**Employee Assistance Program (EAP)** – A program provided to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through the EAP.

**Employer or operator** – (1) FMCSA: means any person who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. (2) FTA: A recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity.

**Evidential breath testing device (EBT)** – A device approved by the National Highway Traffic Safety Administration (NHTSA) for evidential testing of breath and placed on NHTSA's conforming products list of evidential breath measurement devices (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

**Federal Motor Carrier Safety Administration (FMCSA)** – The DOT operating authority that regulates commercial motor vehicles.
Large Operator – 1) FMCSA: an employer who has more than 50 covered employees, 2) FTA: A recipient or sub-recipient primarily operating in an area of 200,000 or more in population.

Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing a Covered Function: An employee is considered to be performing a covered function during any period in which he or she is actually performing, ready to perform, or immediately available to perform such covered functions.

Permanent Employee – An employee hired for a period of more than 120 days

Post-Accident Test – A drug test administered to an employee when an accident has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.

Pre-Employment Test – A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.

Prohibited Drug – Marijuana (including all hemp products), cocaine, opiates, phencyclidine (PCP), and amphetamines.

Random Test – A drug test of safety-sensitive employees who are selected on a scientifically defensible random and unannounced basis. The number of tests performed is based on a percentage of safety-sensitive employees as directed by DOT.

Reason to Believe – Objective information indicating that a particular individual may alter or substitute a urine specimen.

Recipient – FTA: An entity receiving Federal financial assistance under Section 3, 9, or 18, of the FT Act, or under Section 103(e)(4) of Title 23 of the United States Code.

Refuse to Submit to Test – means, among other things, that a covered employee (1) Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or (3) Engages in conduct that clearly obstructs the testing process.

Return to Duty Test – An initial drug or alcohol test prior to return to duty and additional unannounced drug tests (Follow-up Tests) given to employees performing in safety-sensitive functions who previously tested positive, or refused a drug/or alcohol test and are returning to safety-sensitive positions.

Revenue Service Vehicle – A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, ferry boat, or a vehicle used on a fixed guideway or inclined plane.

Screening Test (Initial Test) - In alcohol testing, it means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his/her system.
In controlled substances testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Specimen Bottle – The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.

Split Specimen – An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive for drugs.

Substance Abuse Professional (SAP) – The Substance Abuse Professional for this program must be a 1) licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or 2) an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

Training – Providing information about the effects and consequences of drug use on personal health, safety, and the work environment; and about manifestations and behavioral clues that may indicate drug use or abuse.

Verified Positive (Drug Test Result) – A drug test result reviewed by a Medical Review Officer and determined to have evidence of prohibited drug use.

Volunteer – A permanent, temporary, or part-time worker who is not compensated for his/her service. Volunteers are included in the requirements of FTA drug and alcohol regulations if a CDL is required to operate the vehicle.
ATTACHMENT A

Classifications covered by the DOT Drug & Alcohol Testing Policy - FMCSA

Incumbents in the following Classifications are “covered employees” if they perform “safety sensitive functions” as described in Section C of the DRUG AND ALCOHOL TESTING POLICY.

Airport Maintenance Crewleader
Airport Maintenance Worker
Electrician Assistant I/II/III
Electrician-Traffic & Buildings
Equipment Mechanic
Equipment Mechanic Crewleader
Equipment Service Technician
Equipment Operator
Heavy Equipment Mechanic
Heavy Equipment Mechanic Crewleader
Maintenance Worker I (only when hired with a Class B)
Maintenance Worker II
Operations Crewleader
Parks Equipment Mechanic
Parks Maintenance Mechanic
Parks Maintenance Crewleader
Senior Equipment Operator
Tree Trimmer
Tree Trimmer Crewleader
Wastewater Collection Systems Operator I/II
Wastewater Collections System Crewleader
Water Distribution Operator I/II/III
Water Division Crewleader
Water Meter Tech
Water Production Operator I/II
Water Quality Control Technician I/II
Water Services Equipment Operator I/II

Exempt Classifications

Building Maintenance Technician
Compost Heavy Equipment Mechanic
Cross Connection Specialist
Custodian I/II
Electrician-Utilities (5210)
Environmental Compliance Inspector I/II
Environmental Compliance Technician
Fire Engineers
Fleet Procurement Technician
Groundskeeper (3522)
Head Groundskeeper (3522)
Instrumentation Technician
Laboratory Analyst I/II/II
Parking Facilities Crewleader
Production Technician
Senior WWTP Operator
Traffic Operations Crewleader
Water Conservation Specialist
Welder/Fabricator
Wastewater Treatment Plant Operator I/II/II
ATTACHMENT B

Classifications covered by the DOT Drug & Alcohol Testing Policy - FTA

Incumbents in the following Classifications are “covered employees” if they perform “safety sensitive functions” as described in Section C of the DRUG AND ALCOHOL TESTING POLICY.

Bus Fueler
Equipment Mechanic
Equipment Mechanic Crewleader
Equipment Service Technician
Equipment Operator
Fire Equipment Mechanic
Heavy Equipment Mechanic
Heavy Equipment Mechanic Crewleader
Maintenance Worker I (when working at Bus Facility)
Senior Equipment Operator
Senior Fire Equipment Mechanic

Exempt Classifications
Police Transit Center Duty
Police Command Unit
ATTACHMENT C

DOT Post-Accident Drug and Alcohol Testing Decision and Documentation Form

Accident Information:

Date of Accident ______________  Time of Accident ____________ a.m./p.m.

Employee Name ____________________  Location of Accident ______________

Covered under _____ FTA or _____ FSCMA?

Decision Questions:

Was there a fatality? Yes _____ No _____ (If yes, DOT drug and alcohol testing required)

If there was NO fatality, answer the following questions:

Did any individual involved in the accident suffer bodily injury and immediately receive medical
treatment away from the scene of the accident?

Yes _____ (If yes, drug and alcohol testing required)  No _____

Did the commercial vehicle or any other vehicle involved in the accident sustain disabling
damage* requiring any of the vehicles to be transported away from the scene by a tow truck or
other vehicle?

Yes _____ (If yes, drug and alcohol testing required)  No _____

If there was No fatality AND you checked YES for either or both of the answers above, a DOT
Post-Accident DRUG and ALCOHOL test is required unless you determine, using the best
information available at the time of the decision, that the employee’s performance can be
completely discounted as a contributing factor in the accident. Any reason for discounting the
employee’s performance as a contributing factor to the accident MUST be documented on page
two of this form.

Could the actions of any other safety-sensitive employee have contributed to the accident (e.g.,
mechanic)?

Yes _____ (If yes, contact the employee’s supervisor to report the testing requirement)

No _____

*DISABLING DAMAGE is damage that precludes the departure of any vehicle from the scene
of an accident in its usual manner in daylight hours after simple repairs. Disabling damage
includes: damage to vehicles that could have been operated, but would have caused further
damage if so operated. Disabling damage does not include: damage that could be remedied
temporarily at the scene of the occurrence without special tools or parts, tire disablement without
other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperable.

**If ALCOHOL testing is not conducted within 2 hours after the accident**, document the reason for the delay on page two of this form. If no alcohol test is administered within 8 hours, cease all efforts to have the test administered and update the documentation.

**If DRUG testing is not conducted within the first 8 hours** after the accident, document the reason for the delay on page two of this form. If no drug test is administered within 32 hours, cease all efforts to have the test administered and update the documentation.

DOT Alcohol Testing Location: ____________________________________________

DOT Alcohol Testing Time: ______________________________________________

DOT Urine Drug Testing Location: _________________________________________

DOT Urine Drug Testing Time: ____________________________________________

If testing is delayed, document the reasons below:

**Reason the ALCOHOL test was not conducted within 2 hours after the accident.** Update this statement if no test conducted within 8 hours.

_______________________________________________________________________

_______________________________________________________________________

**Reason the DRUG test was not conducted within 8 hours after the accident.** Update this statement if no test conducted within 32 hours.

_______________________________________________________________________

_______________________________________________________________________

**Reason the employee’s performance was completely DISCOUNTED as a contributing factor to the accident and therefore, FTA post-accident testing was not conducted.**

_______________________________________________________________________

_______________________________________________________________________

________(Supervisor Initial) I have evaluated the employee and determined that there is no reasonable suspicion to believe that the employee was under the influence of drugs and alcohol. If reasonable suspicion exists, document per Reasonable Suspicion Test Memorandum (Attachment D)

Supervisor Signature: ______________________________________________________
ATTACHMENT D

CITY OF MODESTO

Reasonable Suspicion Test Memorandum

Date: ____________

TO: ________________________

FROM: ______________________

(Department Director or designee or designated city management staff) is directing you to submit to a drug or alcohol screening test and/or a medical evaluation. You are being directed to submit to the screening and/or evaluation because I suspect you have misused alcohol or drugs so that your ability to perform the functions of your job efficiently and safely is impaired. I observed or have information regarding the following:

- Odor of alcoholic beverage on breath
- Slurred and/or thick speech
- Staggered gait (Unsteady walking and movement)
- Vertical and/or horizontal nystagmus (involuntary eye movement)
- Abnormally constricted pupils (below 2.5 mm), which are non-responsive to light
- Abnormally dilated pupils (above 6.5 mm), which are non-responsive to light
- Loss of attention span under controlled conditions
- Inability to comprehend under controlled conditions
- Hallucinating
- An accident involving City property, where there is reason to believe that employee impairment may have been a factor
- Possession of alcohol on the job
- Possession of an illegal drug
- Possession of a prescription drug without a valid prescription
- Objective symptoms of drug usage identified by a trained medical practitioner or law enforcement officer
- Other ________________________________

This/these were observed by ________________________ at ________________________

You will be transported to ________________________________

- 23 -
There you may be evaluated by professional health care staff. At the site, you may also be required to provide a sample for drug and/or alcohol testing. If you refuse to submit to the testing, you may be disciplined, up to and including termination. If you leave the worksite or testing site without my permission or the permission of ______________ prior to testing or evaluation, you may be disciplined. Because I believe your ability to drive may be impaired, I may arrange for you to be transported home at an appropriate time.

You may ask to have a representative with you prior to being tested. We will provide access to a telephone to contact a representative. Your representative must be present within one and one half hours of the time we directed you to take the test. If the representative cannot be present or is not present within that time, we may allow additional time at our discretion or we may choose to have you undergo the evaluation and/or testing without your representative being present.
ATTACHMENT E

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for the enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor like condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces/serving], whiskey [1 ounce/serving], or wine [6 ounce/serving]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/ or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.
The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 16,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 15,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.
Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

Signs and Symptoms of Use

- Hyper-excitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

Workplace Issues

Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.

Low-dose amphetamine use will cause a short-term improvement in mental and physical
functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.
Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America. Cocaine Hydrochloride "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine. Cocaine Base is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating. Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyper-excitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness

Health Effects

Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur. Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks. Strong psychological dependency can occur
with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug. Treatment success rates are lower than for other chemical dependencies. Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years. Cocaine overdose was the most common drug emergency.

**Workplace Issues**

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.
Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

**Description**

Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls. Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

**Signs and Symptoms of Use**

- Reddened eyes (often masked by eye drops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

**Health Effects**

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus Aspergillus, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

**Pregnancy Problems and Birth Defects**

The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes. Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users. Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone. Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life. In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands. One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies. Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

**Mental Function**

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition

**Acute Effects**

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic Paranoid reaction
- Unpleasant distortions in body image

**Workplace Issues**

The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance. A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 2008. In 2009 over 16.7 million Americans admitted to using marijuana at least once a month. Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.
Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

Varieties of opiates include natural and natural derivatives—opium, morphine, codeine, and heroin as well as synthetics such as meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan). Opiates may be taken in pill form, smoked, or injected, depending upon the type of narcotic used. Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration

Health Effects

IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles. Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity. Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

There are over 600,000 heroin addicts in the U.S., most of whom are IV needle users. An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions. Because of tolerance, there is an ever-increasing need for the narcotic to produce the same effect. Strong mental and physical dependency occurs. The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident. Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.
Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitement and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper “packets.” It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine. Trade/street names include Angel Dust, Dust, and Hog.

Signs and Symptoms of Use

➤ Impaired coordination
➤ Severe confusion and agitation
➤ Extreme mood shifts
➤ Muscle rigidity
➤ Nystagmus (jerky eye movements)
➤ Dilated pupils
➤ Profuse sweating
➤ Rapid heartbeat
➤ Dizziness.

Health Effects

The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction. Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction. Use can cause irreversible memory loss, personality changes, and thought disorders. There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs. However, use in the workplace can expose the user and others to extreme safety hazards.
ATTACHMENT G

COPY OF MODESTO CITY COUNCIL RESOLUTION AUTHORIZING THE ADOPTION OF THE ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM.
ATTACHMENT H

City of Modesto Employee Acknowledgement Form

Name: ___________________________ Date: ___________________________

Job Title: _________________________

In accordance with the City's Department of Transportation's Anti-Drug/Alcohol Misuse Program, please be advised that you have been placed in the pool of employees subject to the drug/alcohol testing procedures as mandated by the Federal Department of Transportation.

Attached is a copy of the Anti-Drug/Alcohol Misuse Program, version dated September 2, 2014. Your signature below certifies that you have received the Program. Please sign and return this form to the DOT Program Manager. Contact the Program Manager at 209-571-5134 if you have any questions.

_______________________________
Signature of Employee
RESOLUTION APPROVING A LETTER OF INTENT AND COMMUNITY PARTNER PLAYGROUND AGREEMENT WITH KABOOM! TO INSTALL PLAYGROUND EQUIPMENT AT EAST LA LOMA PARK AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS AND RELATED DOCUMENTS

WHEREAS, KaBOOM!, a national non-profit organization has identified the City of Modesto (CITY) as a potential partner for a KaBOOM! Project, and

WHEREAS, KaBOOM! is dedicated to providing play equipment giving children a childhood filled with balanced and active play, and

WHEREAS, the CITY has identified East LaLoma Park as the best fit for the project specifications due to the age and condition of the existing playground equipment, and

WHEREAS, the CITY submitted an application for the competitive grant process for play equipment at East LaLoma Park, and

WHEREAS, the CITY has been approved by KaBOOM! to move to the final stage of the application process, and

WHEREAS, KaBOOM! requires a signed Letter of Intent and a Community Partner Playground Agreement for the final stage of the application process, and

WHEREAS, by signing the Letter of Intent and the Community Partner Playground Agreement the CITY agrees, among other things, to perform all site preparation tasks including the removal of existing play equipment and sand costing approximately two thousand five hundred dollars ($2,500), and

WHEREAS, CITY further agrees to raise eight thousand five hundred dollars ($8,500) in community donations towards the cost of the playground, and
WHEREAS, the remaining funding will be paid by a Funding Partner, and

WHEREAS, the Great Safe Neighborhoods Committee discussed the KaBOOM! grant on May 9, 2016 and recommended forwarding this item to Council for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Letter of Intent and Community Partner Playground Agreement between the City of Modesto and KaBOOM!.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreements and any other supporting documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING ANNUAL ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES OF 3% USING THE CONSUMER PRICE INDEX (CPI) FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE JULY 1, 2016, AND RESCINDING RESOLUTION NO. 2015-171

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting. The Airport has historically adjusted Rates and Fees annually effective July 1st by the annual Consumer Price Index (CPI), and

WHEREAS, by City Council Resolution 2015-171, the Airport rates and fees were adjusted effective July 1, 2015, and

WHEREAS, adjusting Airport Rates and Fees in 2016 will increase revenue that will allow the airport to recover growing operational expenses, and

WHEREAS, during the past year the CPI of the Western United States has increased 3.0%, and

WHEREAS, the Airport Advisory Committee recommended at its April 21, 2016 meeting this 3.0% increase and various fees be forwarded on to City Council for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the annual adjustment to various Airport rates and fees of 3% using the Consumer Price Index (CPI) for specific activities and services at the Modesto City-County Airport as noted in Attachment A.

BE IT FURTHER RESOLVED that Resolution 2015-171 shall be rescinded on July 1, 2016.
BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 1, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmember: None

ABSENT: Councilmember: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars

<table>
<thead>
<tr>
<th>Hangar</th>
<th>Units/Capacity</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hangar A</td>
<td>Units 2-11</td>
<td>$141.50</td>
</tr>
<tr>
<td>Hangar A</td>
<td>End-Units 1 &amp; 12</td>
<td>$162.00</td>
</tr>
<tr>
<td>Hangar B</td>
<td>Units 2-9</td>
<td>$169.50</td>
</tr>
<tr>
<td>Hangar B</td>
<td>End Units 1 &amp; 10</td>
<td>$209.00</td>
</tr>
<tr>
<td>Hangar C</td>
<td>Units 2, 3, 4 &amp; 7</td>
<td>$178.00</td>
</tr>
<tr>
<td>Hangar C</td>
<td>Units 5 &amp; 6 (Electric)</td>
<td>$209.00</td>
</tr>
<tr>
<td>Hangar C</td>
<td>End Units 1 &amp; 8</td>
<td>$216.50</td>
</tr>
<tr>
<td>Hangar D</td>
<td>Units 2,3,4,5,7,8,9</td>
<td>$160.00</td>
</tr>
<tr>
<td>Hangar D</td>
<td>Unit 6 (Electric)</td>
<td>$191.50</td>
</tr>
<tr>
<td>Hangar D</td>
<td>End Unit #1 (Electric)</td>
<td>$224.50</td>
</tr>
<tr>
<td>Hangar D</td>
<td>End Unit #10</td>
<td>$193.00</td>
</tr>
<tr>
<td>Hangar E</td>
<td>Units 1,3,4,5,6,7,8 &amp; 10</td>
<td>$233.50</td>
</tr>
<tr>
<td>Hangar E</td>
<td>End Units 2 &amp; 9</td>
<td>$273.00</td>
</tr>
<tr>
<td>Hangar F</td>
<td>Units 1,3,4,5,6,7,8 &amp; 10</td>
<td>$233.50</td>
</tr>
<tr>
<td>Hangar F</td>
<td>End Units 2 &amp; 9</td>
<td>$273.00</td>
</tr>
<tr>
<td>Hangar G</td>
<td>Units 1-10</td>
<td>$233.50</td>
</tr>
<tr>
<td>Hangar G</td>
<td>Storage unit</td>
<td>$48.50</td>
</tr>
<tr>
<td>Hangar H</td>
<td>Units 1-10</td>
<td>$233.50</td>
</tr>
<tr>
<td>Hangar H</td>
<td>Storage Units</td>
<td>$48.50</td>
</tr>
<tr>
<td>Hangar I</td>
<td>Units 1-8</td>
<td>$457.00</td>
</tr>
<tr>
<td>Hangar I</td>
<td>Storage Unit East</td>
<td>$127.50</td>
</tr>
<tr>
<td>Hangar J</td>
<td>Units 1-10</td>
<td>$233.50</td>
</tr>
<tr>
<td>Hangar J</td>
<td>Storage Unit</td>
<td>$48.50</td>
</tr>
<tr>
<td>Hangar K</td>
<td>Units 2-11</td>
<td>$263.00</td>
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<td>Hangar K</td>
<td>End Unit #1</td>
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<td>Hangar K</td>
<td>Storage Unit</td>
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<tr>
<td>Hangar L</td>
<td>Units 1-10</td>
<td>$268.00</td>
</tr>
<tr>
<td>Hangar L</td>
<td>Storage Unit</td>
<td>$48.50</td>
</tr>
</tbody>
</table>
Modesto City-County Airport Rates & Fees  
Effective July 1, 2016
Attachment A

(b) Storage and P Hangars:

Hangar No. 1       .... $1,686.50 per month
Hangar No. 2       .... $1,373.50 per month
Hangar No. 3       .... $ 753.50 per month
Hangar No. 4       .... $1,283.50 per month
Hangar No. 5       .... $1,277.00 per month
Hangar No. 6       .... $ 748.00 per month
Hangar No. 7       ---- $ 82.50 per month (Land Lease)
P Hangars          ---- $ 69.00 per month (Land Lease)

A five percent (5%) discount will be made in any of the above rental charges when a year’s lease is entered into and the year’s rental charges are paid in advance.

SECTION 2  AIRPORT KEYS

(a) Two (2) hangar keys and one (1) gate key are included in initial lease

(b) $45.00 for each additional key

SECTION 3. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down – Permanent, helicopter, light single and multi-engine (under 12,500 lbs.) $42.50 per month

(b) Taxi-in Tie-Down – Permanent, helicopter, light single and multi-engine (under 12,500 lbs.) $69.00 per month

(c) Taxi-in Tie-Down – Permanent, helicopter, large multi-engine (over 12,500 lbs.) $.05215 per square foot per month

(d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft $7.50 per day
(e) Taxi-in Tie-Down – Transient, helicopter/twin-engine aircraft (under 12,500 lbs.)
   $10.00 per day

(f) Taxi-In Tie-Down – Transient, helicopter/twin-engine aircraft (over 12,000 lbs.)
   $14.00 per day

(g) Jets – $14.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year’s lease is entered into and the year’s rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 4. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

(a) Old Administration Building ........................... $.95 per square foot
    Utilities paid by Airport

(b) Office Building No. 1 ................................. $.95 per square foot
    Utilities paid by tenant

(c) Office Building No. 2 ................................. $.95 per square foot
    Utilities paid by tenant

(d) Hangar Office Space ................................. $.54 per square foot
    Utilities paid by tenant
SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter ........................................ $0.94 per square foot
(b) Other areas ........................................ $0.94 per square foot

SECTION 6. AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE.

Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters - $10.00 per landing
(b) All large single and multi-engine aircraft – $.92 per 1,000 pounds of gross weight, but not less than $10.00 per landing
(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
(d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplaned passenger by airline - $4.50 per ticketed passenger.

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows
SECTION 9. MODESTO CITY-COUNTY AIRPORT BASED COMMERCIAL SERVICES

Any person engaging in a commercial enterprise continually based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($0.07) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.
SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto ten percent (10%) of gross on time mileage of vehicles rented. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle in Terminal Building Safe and Secure Parking Lot at the Modesto City-County Airport/Harry Sham Field shall pay $5.00 per day. Monthly parking in the remaining parking lots shall be Seventy-two and no/100ths ($72.00) Dollars per month (or the equivalent rate charged by the City of Modesto for monthly parking), payable in advance.

SECTION 14. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2003, City Council by Resolution 93-303 established the annual adjustment of rents, fees and charges set forth in Sections 1, 2, 3 and 4 of this resolution stating that they be adjusted annually as of the first day of July.

Said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used
in determining the amount of the adjustment. If the Adjustment Index has increased over the
Beginning Index, the rents, fees and charges set forth in this resolution shall be set by
multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of
which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and
adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent.
If the indexes change so that the base year differs from that in effect on July 1, 2008, the Index
shall be converted in accordance with the conversion factor published by the United States
Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any
time after the effective date of this resolution, such other government index or computation with
which it is replaced shall be used in order to obtain substantially the same result as would be
obtained if the Index had not been discontinued or revised.
RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM FOR FISCAL YEAR 2016 - 2017 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $10,933,578 TO SUPPORT TRANSIT OPERATIONS AND CAPITAL EXPENSES

WHEREAS, the greatest portion of the City's funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that LTF funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2016-2017 pursuant to these sections of the California PUC, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2016-2017 is $10,933,578, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2015-2016 is $19,439,244, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California PUC before any TDA funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the TDA transit claim for Fiscal Year 2016-2017 to
StanCOG in the amount of $10,933,578 to support Transit operations and capital expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-215

RESOLUTION AUTHORIZING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE EMERALD LIFT STATION REHABILITATION PROJECT FROM 10 PERCENT ($269,000) TO APPROXIMATELY 15.3 PERCENT ($410,287) OF THE ORIGINAL CONTRACT PRICE OF $2,690,000 WITH AZTEC CONSULTANTS, OF SAN RAMON, CA

WHEREAS, the City Council, on July 9, 2013, by Resolution No. 2013-259, awarded a $2,690,000 contract to Aztec Consultants of San Ramon, CA for the construction of the Emerald Lift Station Rehabilitation project, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the total cost of the change order work has been estimated to be $410,287, an amount which exceeds the Director's authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $269,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Emerald Lift Station Rehabilitation project from 10 percent ($269,000) to approximately 15.3 percent ($410,287) of the original construction contract price of $2,690,000 with Aztec Consultants of San Ramon, CA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-216

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $220,078 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FUND ADDITIONAL STAFF AND CHANGE ORDER COSTS FOR EMERALD LIFT STATION REHABILITATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $220,078, in order to fund additional staff and change order costs, for the Emerald Lift Station Rehabilitation Project, and

WHEREAS, the Fiscal Year 2015-2016 Capital Improvement Program Budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Exhibit A

Due to construction costs (specifically, delays in the construction contract that had direct impact on staff costs for administering the contract, negotiating change orders and coordinating with operations staff, various vendors and suppliers during initial testing and startup of the new lift station improvements) being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100529 “Emerald Lift Station”, and the total project costs need to be increased by $220,078. This would be done by adjusting Construction by $481, Construction Administration by $119,348, Contingency-CIP by $113,381, and Engineering/Design/Administration by <$13,132>.

To fund the above account, $220,078 will be transferred from Wastewater Fund Reserves into CIP Project 100529 for the Emerald Lift Station Rehabilitation Project.
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CANNERY SEGREGATION LINE DIVERSION STRUCTURE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH GATEWAY PACIFIC CONTRACTORS, INC., OF SACRAMENTO, CA, IN THE AMOUNT OF $1,290,439 PLUS $193,566 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF $1,484,005 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Cannery Segregation Line Diversion Structure Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Cannery Segregation Line Diversion Structure Project were opened at 11:00 a.m. on May 3, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $1,290,439 received from Gateway Pacific Contractors, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Gateway Pacific Contractors, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for Cannery Segregation Line Diversion Structure Project, accepts the bid of $1,290,439 and awards Gateway Pacific Contractors, Inc., of Sacramento, CA the contract for the Cannery Segregation Line Diversion Structure Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

(Seal)

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR’S
AUTHORITY TO ISSUE CHANGE ORDERS FOR CANNERY SEGREGATION
LINE DIVERSION STRUCTURE PROJECT FROM 10 PERCENT ($129,044) TO
15 PERCENT ($193,566) OF THE CONSTRUCTION CONTRACT PRICE OF
$1,290,439 WITH GATEWAY PACIFIC CONTRACTORS, INC., OF
SACRAMENTO, CA

WHEREAS, on May 24, 2016, the City Council is concurrently awarding a
$1,290,439 contract to Gateway Pacific Contractors Inc., of Sacramento, CA for the
construction of the Cannery Segregation Line Diversion Project, and

WHEREAS, the Cannery Segregation Line Diversion Structure project is located
adjacent to the Tuolumne Regional River Park (TRRP) Bike Path Project currently in
construction, and

WHEREAS coordination will be required with the TRRP Bike Path Project and
additional work may be needed to facilitate and complete this project that is not included
in the original bid, and

WHEREAS, the additional costs could exceed the Director’s authority for the
project as established by the Council’s Change Order Approval Policy adopted by
Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change
orders up to a cumulative amount of $129,044,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the Director of Utilities to issue change orders for the Cannery
Segregation Line Diversion Project from 10 percent ($129,044) to 15 percent ($193,566)
of the construction contract price of $1,290,439 with Gateway Pacific Contractors, Inc., of Sacramento, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-219

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $525,868 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR CANNERY SEGREATION DIVERSION LINE STRUCTURE PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $525,868, in order to fund construction, contingency, construction administration, and design support during construction, including engineering, design, administration support by City staff, for the Cannery Segregation Line Diversion Structure Project, and

WHEREAS, the Fiscal Year 2015-2016 Capital Improvement Program Budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases are necessary for CIP Account #100679 "Cannery Segregation Diversion Structure", and the total project costs need to be increased by $525,868. This would be done by adjusting Construction by $401,229, Construction Administration by $16,333, Contingency-CIP by $77,502, and Engineering/Design/Administration by $30,804.

To fund the above account, $525,868 will be transferred from Wastewater Fund Reserves into CIP Project 100679 for the Cannery Segregation Line Diversion Structure Project.
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-220

RESOLUTION APPROVING A LIST OF LOCAL PROJECTS TO BE FORWARDED TO THE STANISLAUS COUNCIL OF GOVERNMENT BY MAY 25, 2016 FOR RECOMMENDED INCLUSION IN THE TRANSPORTATION EXPENDITURE PLAN BEING PREPARED FOR THE NOVEMBER 2016 HALF-CENT SALES TAX MEASURE

WHEREAS, the Stanislaus Council of Governments (StanCOG) is developing a Transportation Expenditure Plan based on a county-wide, 25-year, half-cent sales tax measure for consideration by voters on the November 2016 ballot, and

WHEREAS, on January 20, 2016, the StanCOG Policy Board approved the framework for the Transportation Expenditure Plan and directed StanCOG staff to bring back a project list for Policy Board approval, and

WHEREAS, the framework identifies the individual expenditure categories as well as the percentage of the sales tax that would be allocated to each expenditure category, and

WHEREAS, the framework has been circulated to each of the nine cities and County so that each agency can develop its own specific project list, and

WHEREAS, StanCOG has requested that the City of Modesto provide project lists for the following three expenditure categories: Local Streets and Roads, Traffic Management and Bike/Pedestrian, and

WHEREAS, staff prepared project lists (Exhibit A) and presented those lists to the Healthy Economy Committee on May 11, 2016, and

WHEREAS, the Healthy Economy Committee recommended forwarding the project lists, Exhibit A to City Council for approval.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends forwarding the attached lists, Exhibit A to the Stanislaus Council of Government by May 25, 2016 for recommended inclusion in the Transportation Expenditure Plan being prepared for the November 2106 half-cent sales tax measure.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: ________________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
Exhibit A

May 24, 2016

Recommended Project Lists
### StanCOG Expenditure Plan Project List

**Agency:** City of Modesto

<table>
<thead>
<tr>
<th>Type</th>
<th>Projects</th>
<th>Description</th>
<th>Budget</th>
<th>Start</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Streets and Roads (50%)</td>
<td></td>
<td>$6,874,758/year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pavement Rehabilitation</strong></td>
<td>Carpenter Rd.</td>
<td>1.75 CL miles of Overlay, Mill/Fill or Reconstruction</td>
<td>$2.9 M</td>
<td>July 2017</td>
<td>November 2018</td>
</tr>
<tr>
<td><strong>Pavement Maintenance and/or Rehabilitation</strong></td>
<td>Various Residential and/or Collector Streets</td>
<td>100 lane miles of Slurry or 24 lane-miles of Rubber Cape Seal</td>
<td>$3.9 M</td>
<td>July 2017</td>
<td>November 2018</td>
</tr>
<tr>
<td><strong>Pavement Rehabilitation</strong></td>
<td>Claus Rd., La Loma Ave., Tully Rd.</td>
<td>3.5 CL miles of Overlay, Mill/Fill or Reconstruction</td>
<td>$3.4 M</td>
<td>July 2018</td>
<td>November 2019</td>
</tr>
<tr>
<td><strong>Pavement Maintenance and/or Rehabilitation</strong></td>
<td>Various Residential and/or Collector Streets</td>
<td>87 lane miles of Slurry or 15 lane-miles of Mill/Fill</td>
<td>$3.4 M</td>
<td>July 2018</td>
<td>November 2019</td>
</tr>
<tr>
<td><strong>Pavement Rehabilitation</strong></td>
<td>Oakdale Rd, Orangeburg Ave</td>
<td>3.25 CL miles of Overlay, Mill/Fill or Reconstruction</td>
<td>$3.1 M</td>
<td>July 2019</td>
<td>November 2020</td>
</tr>
<tr>
<td><strong>Pavement Maintenance and/or Rehabilitation</strong></td>
<td>Various Residential and/or Collector Streets</td>
<td>95 lane miles of Slurry or 23 lane-miles of Rubber Cape Seal or 14 lane-miles of Mill/Fill</td>
<td>$3.7 M</td>
<td>July 2019</td>
<td>November 2020</td>
</tr>
<tr>
<td><strong>Pavement Rehabilitation</strong></td>
<td>Prescott Rd</td>
<td>1.7 CL miles of Overlay and Mill/Fill</td>
<td>$2.1 M</td>
<td>July 2020</td>
<td>November 2021</td>
</tr>
<tr>
<td><strong>Pavement Maintenance and/or Rehabilitation</strong></td>
<td>Various Residential and/or Collector Streets</td>
<td>120 lane miles of Slurry or 29 lane-miles of Rubber Cape Seal or 19 lane-miles of Mill/Fill</td>
<td>$4.7 M</td>
<td>July 2020</td>
<td>November 2021</td>
</tr>
<tr>
<td><strong>Pavement Maintenance and/or Rehabilitation</strong></td>
<td>Various Residential, Collector and Arterial Streets</td>
<td>175 lane miles of Slurry or 42 lane-miles of Rubber Cape Seal or 27 lane-miles of Mill/Fill or 9 lane-miles of Reconstruction or some combination thereof</td>
<td>$6.8 M annually until 2041</td>
<td>Annually</td>
<td>Annually</td>
</tr>
</tbody>
</table>

**Total** | $171,868,971
**Traffic Management (10%)**

**StanCOG Expenditure Plan Project List**  
**Agency: City of Modesto**

<table>
<thead>
<tr>
<th>Type</th>
<th>Projects</th>
<th>Description</th>
<th>Budget</th>
<th>Start</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Management (10%)</td>
<td>$1,374,952/year</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety</td>
<td>Improve traffic flow and safety around schools (i.e. Modesto High School, Garrison Elementary, Johansen High, Orchard Elementary, Burbank Elementary, Orville Wright Elementary, etc)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety</td>
<td>Intersection improvements for traffic safety and flow at various intersections (i.e. Orangeburg/Coffee, Standiford/Hahn, etc)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety</td>
<td>Expansion of Existing Advanced Traffic Management System (ATMS) to allow for communication from the Traffic Operations Center (TOC) to traffic signal locations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety</td>
<td>Safety Improvements at High Collision Locations</td>
<td>Safety improvements at locations where collision history shows a pattern or at high collision frequency locations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety</td>
<td>Installation and Upgrade to EVP for Fire and Police</td>
<td>Installation and Upgrades to the Emergency Vehicle Pre-Eemption equipment for the Fire Department and Police Department</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety and Congestion</td>
<td>Installation and Maintenance of Intersection Control Devices</td>
<td>Installation and maintenance of traffic control devices at various locations (i.e. traffic signals, roundabouts, etc)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety and Congestion</td>
<td>Collision Database software program</td>
<td>Purchase and implementation of a Collision Database software program to provide trends and track collision patterns throughout the City of Modesto</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety and Congestion</td>
<td>Traffic Adaptive</td>
<td>Upgrade to Traffic Adaptive communications</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Management - Safety and Congestion</td>
<td>Various Safety Projects</td>
<td>Match funding for state/federal grants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$34,373,800</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## StanCOG Expenditure Plan Project List
### Agency: City of Modesto

<table>
<thead>
<tr>
<th>Type</th>
<th>Projects</th>
<th>Description</th>
<th>Budget:</th>
<th>Start</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bike/Pedestrian (5%)</td>
<td>$687,000/year</td>
<td>Bike/Pedestrian (Non-motorized) Master Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bike/Pedestrian</td>
<td>Bike/Pedestrian (Non-motorized) Master Plan</td>
<td>Bike/Pedestrian (Non-motorized) Master Plan</td>
<td></td>
<td>July 2017</td>
<td>June 2019</td>
</tr>
<tr>
<td>Bike/Pedestrian</td>
<td>MIC Class 1 Bike Path - Phase 3</td>
<td>Complete MIC East and West cycle track to Virginia Corridor</td>
<td></td>
<td>July 2018</td>
<td>June 2019</td>
</tr>
<tr>
<td>Bike/Pedestrian</td>
<td>Dry Creek Trail Maintenance</td>
<td>Ongoing trail maintenance</td>
<td></td>
<td></td>
<td>Ongoing</td>
</tr>
<tr>
<td>Bike/Pedestrian</td>
<td>G St Bicycle Facility</td>
<td>Improve from Paradise to Burney</td>
<td></td>
<td>July 2019</td>
<td>June 2020</td>
</tr>
<tr>
<td>Bike/Pedestrian</td>
<td>H St Bicycle Facility</td>
<td>Improve from Paradise to 19th</td>
<td></td>
<td>July 2020</td>
<td>June 2021</td>
</tr>
<tr>
<td>Bike/Pedestrian</td>
<td>Virginia Corridor Trail Maintenance</td>
<td>Ongoing trail maintenance</td>
<td></td>
<td></td>
<td>Ongoing</td>
</tr>
<tr>
<td>Bike/Pedestrian</td>
<td>Projects to be determined following approval of the Bike/Pedestrian Master Plan</td>
<td>TBD</td>
<td></td>
<td>TBD</td>
<td>TBD</td>
</tr>
</tbody>
</table>

**TOTAL:** $17,186,897
RESOLUTION AUTHORIZING THE AWARD OF BID FOR CONSTRUCTION OF THE SANTA ROSA SEWER TRUNK LINE EMERGENCY REPLACEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEES TO EXECUTE THE AGREEMENT

WHEREAS, this project will provide emergency repairs to the 27-inch domestic sewer trunk line located on Santa Barbara Avenue from Highland Drive to Roble Avenue. During a Closed Circuit Television inspection of the sewer trunk line, City staff discovered that a section of approximately 120 feet of the crown of the pipe has deteriorated away and that an additional 500 feet of the trunk crown pipe shows signs of excessive corrosion.

WHEREAS, Wastewater Collections staff has rented and installed temporary steel plating along the alignment of the trunk line to secure the street from potential settlement and cave-in as a temporary measure. However, emergency repairs are necessary to replace the pipe and ensure the safe and continuous operation of this pipe.

WHEREAS, the bids received for the Santa Rosa Sewer Trunk Line Emergency Replacement Project were opened at 11:00 a.m. on May 17th, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $427,990.17 received from D.A. Wood, Inc., of Modesto, Ca, be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications Santa Rosa Sewer Trunk Line Emergency Replacement Project, accepts the bid of $427,990.17 and awards
D.A. Wood, Inc., of Modesto, CA, the contract for Santa Rosa Sewer Trunk Line Emergency Replacement Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION APPROVING THE APPOINTMENT OF MARTIN CAMPBELL TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE FOR A TWO YEAR TERM

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County and surrounding areas, and

WHEREAS, the Modesto City Council and the Stanislaus Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop, and

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

WHEREAS, Council has considered the experience and qualifications of the candidate, Martin Campbell, and find that he would be appropriate to fill the position of the Commercial/Service Provider member.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Martin Campbell to fill the position on the Modesto City-County Airport Advisory Committee, representing a commercial / service provider for a term of two years.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2016-223  

RESOLUTION RESCINDING RESOLUTION NOS. 2010-042 AND 2010-045 RELATING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2009-1 (KIERNAN BUSINESS PARK EAST)

WHEREAS, on January 26, 2010, the City Council of the City of Modesto took the following actions relating to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East): adopted Resolution No. 2010-042 establishing City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; adopted Resolution No. 2010-043 calling a special election for the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East); adopted Resolution No. 2010-044 declaring the results of the January 26, 2010 Special Election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East); adopted Resolution No. 2010-045 determining it necessary to incur bonded indebtedness within the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East); and introduced Ordinance No. 3524-C.S. authorizing the levy of special taxes within City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), and

WHEREAS, at its meeting held on February 2, 2010, the Council adopted Ordinance No. 3524-C.S. thereby authorizing the levy of a special tax (the “Special Tax”) upon certain parcels of land within the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), and
WHEREAS, at its meeting held on March 8, 2016, the Council approved the formation of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), and

WHEREAS, City of Modesto Community Facilities District No. 2016-1 will ultimately encompass the same parcels that City of Modesto Community Facilities District No. 2009-1 covers, and

WHEREAS, the City has determined that it is appropriate to dissolve Community Facilities District No. 2009-1 (Kiernan Business Park East);

WHEREAS, the City has undertaken the necessary process to dissolve Community Facilities District No. 2009-1 (Kiernan Business Park East) in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby rescinds Resolution No. 2010-042 and Resolution No. 2010-045, both shall have no further legal force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Ridenour, Zoslocki

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Madrigal, Mayor Brandvold

ATTEST: _____________________

(Seal)

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ___________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE DESTINATION MODESTO REPORT FOR THE THIRD QUARTER OF FISCAL YEAR 2015-16

WHEREAS, on October 27, 2015, the City Council accepted the Destination Modesto Report – First Quarter Fiscal Year 2015-16 for the convention and tourism activity,

WHEREAS, on March 1, 2016, the City Council accepted the Destination Modesto Report – Second Quarter Fiscal Year 2015-16 for the convention and tourism activity as well as activity at the McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks,

WHEREAS, CEDD staff has prepared the Destination Modesto Report – Third Quarter Fiscal Year 2015-16 for the convention, tourism, McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks activity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Destination Modesto Report – Third Quarter Fiscal Year 2015-16.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who
moved its adoption, which motion being duly seconded by Councilmember Ah You, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FINAL MAP OF KIERNAN BUSINESS PARK PHASE 3 SUBDIVISION AND AUTHORIZING THE CITY CLERK TO CERTIFY AND RECORD THE FINAL MAP WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Joan Irene Bledsoe, a married woman her sole and separate property, and Carl R. Fischer Jr. and Sandy Fisher, aka Sandra Ficher, as trustees of The Carl R. Fischer Revocable Trust udt (Under Declaration of Trust) dated September 25, 2000 (“SUBDIVIDER”), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 7.17 acres, known as the KIERNAN BUSINESS PARK EAST PHASE 3 – HEALTHCARE WAY (“SUBDIVISION”), in the Specific Plan Zone per the Kiernan Business Park Specific Plan dated December 15, 2015, and

WHEREAS, a Vesting Tentative Subdivision Map was approved by the Planning Commission on April 4, 2016 per Planning Commission Resolution No. 2016-10, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer acting as the designee for the Director of Public Works, have certified that the Final Map of said tract substantially conforms to the approved Tentative Map, and

WHEREAS, the public improvements have not been completed, and

WHEREAS, the City Engineer of the City of Modesto has certified that the Final Map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and
WHEREAS, the SUBDIVIDER has furnished securities with the recently approved Kiernan Business Park East Phase 2 Final Map in conformance with 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 are in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council finds that the Kiernan Business Park East Phase 3 Final Map conforms with the provisions of Modesto Municipal Code section 4-4.601 et seq. and is therefore approved.

BE IT FURTHER RESOLVED 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.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Ridenour, Zoslocki

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Madrigal, Mayor Brandvold

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-226

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF PERSONAL PROTECTION EQUIPMENT (PPE) FOR THE MODESTO FIRE DEPARTMENT TO CASCADE FIRE EQUIPMENT, MEDFORD, OR, L.N. CURTIS AND SONS, OAKLAND, CA, AND ZEN FIRE & SAFETY, COARSEGOLD, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $110,000, AND OVER FIVE (5) YEARS OF $550,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Personal Protection Equipment (PPE), and

WHEREAS, the Purchasing Division issued RFB No. 1516-10 on the City's website under the commodity code for Fire Protection Equipment and Supplies, and

WHEREAS, prospective bidders were noticed online of the bid opportunity, and

WHEREAS, thirteen (13) companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Four (4) companies chose to respond, none of which were a local company. All four (4) companies responding provided a responsive and responsible bid, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the split award of bid for the purchase of Personal Protection Equipment (PPE) to Cascade Fire Equipment (Medford, OR), L.N. Curtis and Sons (Oakland, CA), and Zen Fire & Safety (Coarsegold, CA), for an estimated annual cost of $110,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Personal Protection Equipment (PPE) to Cascade Fire Equipment, Medford, OR, L.N. Curtis and Sons, Oakland, CA,
and Zen Fire & Safety, Coarsegold, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted each Fiscal Year, in Appropriation Unit: 0100-18210-52160 (General Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of Personal Protection Equipment (PPE) to Cascade Fire Equipment, Medford, OR, L.N. Curtis and Sons, Oakland, CA, and Zen Fire & Safety, Coarsegold, CA for a term of two (2) years with three (3) one-year extension options at the sole discretion of the City, for a total of five (5) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the purchase agreements for an estimated annual cost of $110,000, and over five (5) years of $550,000, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 2016-227

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF CISCO COMMUNICATIONS EQUIPMENT FOR THE INFORMATION TECHNOLOGY DEPARTMENT TO TELCION COMMUNICATIONS, MODESTO, CA FOR AN ESTIMATED COST OF $250,296.71, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Cisco communications equipment for the Information Technology Department, and

WHEREAS, the Purchasing Division issued RFB 1516-38 Cisco Switch Replacement on the City’s website under the commodity code for computer hardware, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, and

WHEREAS, twenty-eight (28) companies chose to download the RFP document, one of which is a local companies, and

WHEREAS, proposals were formally opened in the City Clerk’s office. Five (5) companies chose to respond, and

WHEREAS, five (5) companies responding provided a responsive and responsible proposal, and

WHEREAS, one (1) company chose to retract their bid, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of Cisco communications
equipment to Telcion Communications, Modesto, CA for an estimated cost of $250,796.71, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Cisco communications equipment to Telcion Communications, Modesto, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 5230-17810-57005 (Information Technology Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for Cisco communications equipment to Telcion Communications, Modesto, CA, for an estimated cost of $250,296.71;

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute a purchase agreement for Cisco communications equipment to Telcion Communications for an estimated cost of $250,296.71, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE BRENDEL MANN FOUNDATION GRANT TOTALING $50,000 TO PROVIDE FUNDING FOR DOWNTOWN BIKE, FOOT, AND WHEN APPROPRIATE, EQUESTRIAN PATROLS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department applied and was awarded a Brenden Mann Foundation grant totaling $50,000, and

WHEREAS, this funding will offset the costs of providing Police Officer Bike/Foot/Equestrian Patrols of a nine-block section in the heart of downtown Modesto, and

WHEREAS, the Police Department believes it is making progress in working with businesses in the area to mitigate crime and criminal behavior, and creating a sense of security in those who frequent the downtown entertainment venues and services, and

WHEREAS, the Modesto Police Department, in partnership with the Brenden Mann Foundation, wants to create a “hospitality zone”, wherein people feel welcome and safe in the Downtown, and

WHEREAS, funds received will be used to pay for overtime staffing costs ($47,000) for the Police Officers patrolling on bicycles, on foot and when appropriate on horseback with a portion of the funds utilized for bicycle repair and replacement costs ($3,000) for a total of $50,000 as shown in Exhibit A,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Brenden Mann Foundation grant totaling $50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols,
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

06/07/2016/MPD/GCarroll/Item 11

2016-228
Exhibit A

The Brenden Mann Foundation grant allocation for Fiscal Year 2015/16 will be applied to:

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>To:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-1342-19998-42503-100957</td>
<td>$ 50,000</td>
<td>Intergov – Other Misc Grants &amp; Donations</td>
</tr>
<tr>
<td></td>
<td>TOTAL: $ 50,000</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenses:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-100957- Aprr Unit A-51200</td>
<td>$ 47,000</td>
<td>Overtime</td>
</tr>
<tr>
<td>MY-100957- Aprr Unit C- 52300</td>
<td>$ 3,000</td>
<td>Tools &amp; Field Supplies</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$50,000</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-229

RESOLUTION AMENDING THE 2015/2016 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $50,000 FROM THE BRENDEN MANN FOUNDATION GRANT TO PROVIDE FUNDING FOR DOWNTOWN BIKE, FOOT, AND WHEN APPROPRIATE, EQUESTRIAN PATROLS; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Modesto Police Department applied for and was awarded a Brenden Mann Foundation grant totaling $50,000, and

WHEREAS, this funding will offset the costs of providing Police Officer Bike/Foot/Equestrian Patrols of a nine-block section in the heart of downtown Modesto, and

WHEREAS, the Police Department believes it is making progress in working with businesses in the area to mitigate crime and criminal behavior, and creating a sense of security in those who frequent the downtown entertainment venues and services, and

WHEREAS, the Modesto Police Department, in partnership with the Brenden Mann Foundation, wants to create a “hospitality zone”, wherein people feel welcome and safe in the Downtown, and

WHEREAS, funds received will be used to pay for overtime staffing costs ($47,000) for the Police Officers patrolling on bicycles, on foot and when appropriate on horseback with a portion of the funds utilized for bicycle repair and replacement costs ($3,000) for a total of $50,000 as shown in Exhibit A,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2015/2016 Multi-Year Operating Budget is hereby amended as shown in the attached Exhibit A, which is incorporated by reference herein.
BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: ____________________________
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
ADAM U. LINDGREN, City Attorney
Exhibit A

The Brenden Mann Foundation grant allocation for Fiscal Year 2015/16 will be applied to:

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<td><strong>TOTAL</strong></td>
<td><strong>$50,000</strong></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA, COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST), FOR UP TO $8,840 TO PROVIDE TRAINING FOR 40 STUDENTS NOT EMPLOYED BY THE CONTRACT AGENCY IN THE FOUR-HOUR FORCE OPTION SIMULATOR COURSES OR 40 STUDENTS NOT EMPLOYED BY THE CONTRACT AGENCY IN THE FOUR-HOUR MOBILE FORCE OPTIONS SIMULATOR TRAINING COURSES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department acquired the Force Options Simulator (FOS) in 1999, and

WHEREAS, the FOS is a 42-foot trailer that contains state-of-the-art video technology, and

WHEREAS, the video scenarios place an officer in a position to make critical decisions regarding the use of force, and

WHEREAS, the FOS training provides the student with practical handling of volatile situations and the proper use of available force options, and

WHEREAS, the training goal is to reduce unnecessary deaths, injuries, liability costs, and improve safety overall for California law enforcement personnel and the public, and

WHEREAS, when the Police Department acquired the FOS, the State of California Commission on Peace Officer Standards and Training (POST) agreed to reimburse the Modesto Police Department for training administered via the FOS, or the Mobile FOS, and

WHEREAS, when the training is conducted locally, the FOS reimbursement is up to 40 students at a rate of $92.00 per student for students not employed by the contract
agency, and up to 40 students at a per student rate of $129 for students not employed by the contract agency, and

WHEREAS, when the training is conducted outside the local area, the reimbursement is $129.00 per student, and

WHEREAS, staff estimates these reimbursements will fully cover the cost of the officer’s salary, per diem, mileage, and routine maintenance expenses for the simulator and transport vehicle, and

WHEREAS, POST is requesting a renewal of the Agreement for the term July 1, 2016 through June 30, 2017,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to $8,840 to provide training for up to 40 students not employed by the contract agency in the four-hour Force Option Simulator courses or 40 students not employed by the contract agency in the four-hour Mobile Force Options Simulator training courses,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-231

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SLURRY OIL TO VSS EMULTECH, SACRAMENTO CA., FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $499,380, TOTALING $2,496,900 OVER A FIVE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the purchase of slurry oil, and

WHEREAS, on April 7, 2016, the Purchasing Division issued RFB No. 1516-33, Slurry Oil, on the City’s website under the commodity codes for Road and Highway Building Materials Paving and Resurfacing, Roads/Highways and Steel Tanks. Prospective bidders, none of which were a local company, were notified online of the bid opportunity. Four companies chose to download the RFB document, and

WHEREAS, on April 26, 2016, bids were formally opened in the City Clerk’s office. Two companies chose to respond. Both companies responding provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of slurry oil to VSS Emultech Sacramento CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost of $499,380, totaling $2,496,900 over a five year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services
to be formally bid. The award of bid for the purchase of slurry oil to VSS Emultech, Sacramento, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Street Maintenance account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of slurry oil to VSS Emultech Sacramento, CA, for a one-year agreement with four one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a purchase agreement for an estimated annual cost of $499,380 totaling $2,496,900 over a five year period, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE RENTAL OF A SLURRY OIL TANKER TO VSS EMULTECH, SACRAMENTO CA., FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A RENTAL AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $33,000, TOTALING $165,000 OVER A FIVE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the rental of slurry oil tanker, and

WHEREAS, on April 7, 2016, the Purchasing Division issued RFB No. 1516-33, Slurry Oil, on the City’s website under the commodity codes for Road and Highway Building Materials Paving and Resurfacing, Roads/Highways and Steel Tanks. Prospective bidders, none of which were a local company, were notified online of the bid opportunity. Four companies chose to download the RFB document, and

WHEREAS, on April 26, 2016, bids were formally opened in the City Clerk’s office. Two companies chose to respond. Both companies responding provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the rental of a slurry oil tanker to VSS Emultech, Sacramento CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost of $33,000, totaling $165,000 over a five year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services
to be formally bid. The award of bid for the rental of slurry oil tanker to VSS Emultech, Sacramento, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Street Maintenance account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the rental of a slurry oil tanker to VSS Emultech, Sacramento, CA, for a one-year agreement with four one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a rental agreement for an estimated annual cost of $33,000 totaling $165,000 over a five year period, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROPRIATING AN AGREEMENT WITH CENTRAL VALLEY SPECIALTY HOSPITAL TO RECONSTRUCT A CITY OF MODESTO EASEMENT (ALLEYWAY) LOCATED AT 730 17TH STREET, WITH CENTRAL VALLEY SPECIALTY HOSPITAL’S COST SHARE OF $15,015 FOR MATERIALS AND THE CITY’S COST SHARE OF $30,858 FOR LABOR AND EQUIPMENT, FOR AN ESTIMATED TOTAL COST OF $45,873, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS

WHEREAS, Central Valley Specialty Hospital provides long term care and rehabilitation services to patients located in Modesto and surrounding areas, and

WHEREAS, Central Valley Specialty Hospital, located at 730 17th Street, desires to improve the alley located between 17th and 18th Streets to improve access to the main entrance of the facility, and

WHEREAS, Central Valley Specialty Hospital has agreed to share the cost of reconstructing a City of Modesto easement (alleyway) located at 730 17th Street, contributing $15,015 for materials with the City contributing $30,858 for labor and equipment, for a total project cost of $45,873, and

WHEREAS, funds are budgeted in the Surface Transportation Fund, Curb, Gutter and Sidewalks account: 1700-53142-51001, and

WHEREAS, on May 11, 2016 this agreement was presented to the Healthy Economy Committee and was approved to move forward to Council, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Central Valley Specialty Hospital to reconstruct a City of Modesto easement (alleyway) located at 730 17th Street with Central
Valley Specialty Hospital’s share of $15,015 for materials and the City’s cost share of $30,858 for labor and equipment, for a total cost of $45,873.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement and all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: "STEPHANIE LOPEZ, City Clerk"

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A SOLE SOURCE AGREEMENT FOR TWO YEARS WITH AVAIL TECHNOLOGIES, INC., STATE COLLEGE, PA FOR MAINTENANCE AND SUPPORT OF THE COMPUTER AIDED DISPATCH AND AUTOMATIC VEHICLE LOCATION SYSTEM, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST OF $112,652

WHEREAS, The City Council, on March 6, 2007, by Resolution No. 2007-161, awarded a development and installation contract in the approximate amount of $948,000 to Avail Technologies, Inc., to install a Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system on the Modesto Area Express (MAX) bus fleet, and

WHEREAS, on December 11, 2007, the City entered into an Agreement with Avail Technologies, Inc., for the development of a CAD/AVL system for the MAX bus fleet, and

WHEREAS, based on the findings that Avail Technologies Inc. is the only vendor qualified to perform this service, staff finds that the justification meets the City’s sole source criteria as required under the Modesto Municipal Code 8-3.204.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for two years with Avail Technologies, Inc. in the amount of $112,652 for Maintenance and Support to the Modesto Area Express Computer Aided Dispatch/Automatic Vehicle Location system.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT Councilmembers: Madrigal

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-235

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF BADGER METER BRAND WATER METERS, AUTOMATED METER READERS, AND RELATED PARTS TO NATIONAL METER AND AUTOMATION, INC., SANTA ROSA, CALIFORNIA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $729,333, AND OVER FIVE YEARS OF $3,646,665

WHEREAS, the City of Modesto is in the process of installing water meters and automated meter reading equipment on all service connections within the City’s service area, and

WHEREAS, State Assembly Bill 2572 requires that urban water suppliers install water meters on all service connections by the year 2025, and

WHEREAS, since 2006, the City of Modesto has contracted with Badger Meters (not National Meter and Automation, Inc.) for the provision of residential and industrial meters and automated reading equipment and the current contract is due to expire, and

WHEREAS, Badger meters are currently installed on at least 75% of the City’s water connections and have proven to be reliable, and

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Badger Meter brand water meters, automated meter readers, and related parts, and RFB 1516-26 was issued and posted on the City’s website, and

WHEREAS, ten companies chose to download the RFB document, and

WHEREAS, bids were formally opened and one company chose to respond, and provided a responsive and responsible bid, and
WHEREAS, City staff recommended the award of bid for the purchase of Badger Meter brand water meters, automated meter readers, and related parts to National Meter and Automation, Inc., Santa Rosa, California, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $729,333, and over five years of $3,646,665, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Badger Meter brand water meters, automated meter readers and related parts for the Utilities Department, Water Services Division, to National Meters and Automation, Inc., Santa Rosa, California, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 4180 - 100575, 100576, 100577 and 4100 – 45020, 45040, and 45060.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of Badger Meter brand water meters, automated meter readers, and related parts to National Meters and Automation, Inc., Santa Rosa, California, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $729,333, and over five years of $3,646,665

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue a purchase agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH EMA, INC. DBA EMA OF MINNESOTA, INC., TUCSON, AZ, FOR CONSULTANT SERVICES FOR THE SCADA SYSTEM UPGRADE STUDY, IN AN AMOUNT NOT TO EXCEED $126,865 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $12,687 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $139,552 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City uses a Supervisory Control and Data Acquisition (SCADA) System to operate over 200 water, wastewater, and stormwater facilities (including groundwater wells, tanks, wastewater treatment plants, and lift stations), and

WHEREAS, the SCADA System comprises computer hardware and software that is critical in controlling and delivering safe drinking water supply to customers, and

WHEREAS, the SCADA System also helps treat the City’s wastewater to meet strict regulatory standards, and

WHEREAS, Hoge-Shansky-Quetnick (HSQ) Technology is the developer and sole vendor of the City’s existing SCADA System, and

WHEREAS, this SCADA system is over 20 years old and does not use the current technology, thus making this proprietary product difficult to use and maintain, and

WHEREAS, since SCADA improvements can be costly, prior to making any management decisions to upgrade or replace portions of the SCADA System, an independent review of its current capabilities, and a thorough assessment of current and anticipated needs of staff is required, and

WHEREAS, the scope of services to be provided under this agreement for the SCADA System Upgrade Study includes: 1) Performing staff interviews and workshops; 2) Developing a set of SCADA System performance criteria that meet existing and future...
operational needs; and 3) Comparing SCADA System performance criteria with the City's existing HSQ Technology SCADA System, in order to determine if the current system needs to be upgraded or replaced, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications (RFQ) was sent out, and

WHEREAS, three (3) non-local firms responded but only two were deemed qualified to perform this type of specialized work, and

WHEREAS, a Request for Proposals (RFP) was sent out to the two (2) qualified firms, and

WHEREAS, two (2) proposals were received, and EMA, Inc. was selected as the most qualified firm to perform the work, and

WHEREAS, EMA, Inc. has a clear understanding of the City's needs pertaining to the SCADA System,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with EMA, Inc. dba EMA of Minnesota, Inc., Tucson, AZ, for consultant services for the SCADA System Upgrade Study, in an amount not to exceed $126,865 for the identified scope of services, plus $12,687 for additional services (if needed), for a maximum total amount of $139,552.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of June 2016, by Councilmember Zoslocki, who
moved its adoption, which motion being duly seconded by Councilmember Ridenour,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:  Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
                      Mayor Brandvold

NOES: Councilmembers:  None

ABSENT: Councilmembers:  Madrigal

ATTEST: ________________________________

SEAL

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-237

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 OPERATING BUDGET IN THE AMOUNT OF $139,552 TO BE TRANSFERRED INTO THE COST CENTER ACCOUNTS FROM WATER AND WASTEWATER FUND RESERVES IN ORDER TO COVER THE 50/50 COST SHARE TO FUND THE AGREEMENT FOR THE SCADA SYSTEM UPGRADE STUDY

WHEREAS, certain budgetary transactions are necessary in the amount of $139,552, in order to fund the agreement with EMA, Inc. dba EMA of Minnesota, Inc., Tucson, AZ, for consultant services for the SCADA System Upgrade Study, and

WHEREAS, the Fiscal Year 2015-2016 Operating Budget from Water and Wastewater Fund Reserves (50/50 cost share) must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Operating Budget from Water and Wastewater Fund Reserves (50/50 cost share) as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
Exhibit A

Due to the increase of estimated costs for the agreement for Cost Center #43060 - "Capital Planning", the study costs need to be increased by $69,776. This would be done by adjusting Account 53300 “Professional Services” by $69,776.

To fund the above account, $69,776 will be transferred from Water Fund Reserves into Cost Center 4100-43060-53300.

Due to the increase of estimated costs for the agreement for Cost Center #42300 - "Capital Improvement Services", the study costs need to be increased by $69,776. This would be done by adjusting Account 53300 “Professional Services” by $69,776.

To fund the above account, $69,776 will be transferred from Wastewater Fund Reserves into Cost Center 4210-42300-53300.
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-238

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH WEST YOST ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES IN PREPARING A REPORT OF WASTE DISCHARGE, AN ANTI-DEGRADATION ANALYSIS, AND A TITLE 22 REPORT, IN AN AMOUNT NOT TO EXCEED $42,100, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, On October 7, 2014, City Council, by Resolution 2014-401, approved an agreement with West Yost Associates for engineering services for the preparation of a Report of Waste Discharge (RWD), an Anti-degradation Analysis, and a Title 22 Report for the Wastewater Services Division in the amount of $177,400, and

WHEREAS, the RWD is required by the California Regional Water Quality Control Board (RWQCB) for renewal of the permit that governs the land application of cannery waste and secondary-treated wastewater at the Jennings Road Ranch, and

WHEREAS, during the course of this work, RWQCB staff requested that West Yost incorporate 2015 data into the RWD and perform additional anti-degradation analysis evaluations to provide a more comprehensive analysis in the final RWD, and

WHEREAS, West Yost completed the additional work in order to meet the schedule for submitting the RWD to the RWQCB in December 2015, and

WHEREAS, this effort resulted in $42,100 in additional costs for completion of the analyses and submittal to the RWQCB, and

WHEREAS, staff recommended Council approve this First Amendment to West Yost’s agreement for the additional costs incurred as a result of changes to the Scope of Work and amending the total agreement to an amount not to exceed $219,500, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a First Amendment to the Agreement with West Yost Associates for engineering services in the amount of $42,100.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE WATER ENGINEER’S REPORT PREPARED BY WEST YOST ASSOCIATES AS COMPLETE

WHEREAS, The City of Modesto provides water service to over 73,000 accounts throughout the City of Modesto, the communities of Salida, Empire, Grayson, Del Rio, and portions of the Cities of Ceres and Turlock, and

WHEREAS, The City’s water sources consist of approximately two-thirds groundwater and one-third treated surface water purchased from the Modesto Irrigation District, and

WHEREAS, on September 2, 2014, by Resolution No. 2014-336, the City Council approved a contract with West Yost Associates (WYA) to prepare a Water Master Plan (WMP), and

WHEREAS, as part of the WMP, WYA reviewed and revised the water Capital Improvement Projects (CIPs), anticipated costs and priorities, and developed a Water Engineer’s Report, and

WHEREAS, The Engineer’s Report is the basis document for the Water Rates and Fee Study, providing the justification and allocation of costs for the proposed water CIPS between existing and future customer classes, and

WHEREAS, the Water Engineer’s Report is now complete and has identified approximately $160 million in CIPs between FY 2016-2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Water Engineer’s Report prepared by West Yost Associates as complete.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

SEAL

ATTEST: [Signature]
STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE WATER RATE AND FEE STUDY PREPARED BY BARTLE WELLS ASSOCIATES AS COMPLETE

WHEREAS, The City of Modesto provides water service to over 73,000 accounts throughout the City of Modesto, the communities of Salida, Empire, Grayson, Del Rio, and portions of the Cities of Ceres and Turlock, and

WHEREAS, The City’s water sources consist of approximately two-thirds groundwater and one-third treated surface water purchased from the Modesto Irrigation District, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-256, the City Council approved an agreement with Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the water rates and fees, and prepare a new water rate and fee structure that is compliant with all legal requirements of Proposition (Prop) 218, and

WHEREAS, in addition, on January 26, 2016, by Resolution 2016-29, the City Council approved an agreement with BWA to conduct a Prop 218 process for sewer and water rates, and

WHEREAS, the West Yost Associates analysis in the Water Master Plan and the completed Engineer’s Report identified approximately $160 million in Capital Improvement Projects (CIP) between 2016-2020, and

WHEREAS, BWA has prepared the Water Rate and Fee Study and incorporated these CIP costs into the comprehensive Water Rate and Fee Study, and

WHEREAS, BWA presented its findings at a City Council workshop on May 3, 2016, and
WHEREAS, key rate and fee impacts were discussed including:

- Updating the cost of service
- Rate design – uniform (blended) rate or individual (separate) rates for the contiguous service area and for each outlying water area
- Amount of capital improvement spending
  - Limited capital improvement plan
  - Fully-funded capital improvement plan
- Developing drought and non-drought rates
- Setting rates to recover operating costs and capital improvements
- Evaluating revenue recovery from fixed meter charges vs. volume rate
- Funding of capital improvements
  - Use of Reserves
  - Rate revenues and connection fees
  - Debt financing

WHEREAS, the Water Rate and Fee Study is now complete.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Water Rate and Fee Study prepared by Bartle Wells Associates as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Ali You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  [Signature]

(SEAL)

APPROVED AS TO FORM:

By:  [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING STAFF TO INITIATE A PROPOSITION 218 PROCESS TO ADJUST THE CITY’S WATER RATES TO BE EFFECTIVE SEPTEMBER 1, 2016 THROUGH FISCAL YEAR 2020-21

WHEREAS, the City of Modesto last conducted an in-depth cost of service water rate study in 2004, which was approved and implemented by the City Council by Resolution 2004-627, and

WHEREAS, this Resolution established rates through fiscal year 2008/09 followed by inflationary annual rate increase thereafter, and the last rate change occurred July 1, 2013, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-256, the City Council approved an agreement with Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the water rates and fees, and prepare a new water rate and fee structure that is compliant with all legal requirements of Proposition (Prop) 218, and

WHEREAS, in addition, on January 26, 2016, by Resolution 2016-29, the City Council approved an agreement with BWA to conduct a Prop 218 process for sewer and water rates, and

WHEREAS, the West Yost Associates analysis in the Water Master Plan and the completed Engineer’s Report identified approximately $160 million in Capital Improvement Projects (CIP) between 2016-2020, and

WHEREAS, BWA has prepared the Water Rate and Fee Study and incorporated the CIP costs of approximately $160 million identified in Water Master Plan and completed Engineer’s Report into the comprehensive Water Rate and Fee Study, and
WHEREAS, BWA presented its findings at a City Council workshop on May 3, 2016, and

- WHEREAS, key rate and fee impacts were discussed including: Updating the cost of service
- Rate design – uniform (blended) rate or individual (separate) rates for the contiguous service area and for each outlying water area
- Amount of capital improvement spending
  - Limited capital improvement plan
  - Fully-funded capital improvement plan
- Developing drought and non-drought rates
- Setting rates to recover operating costs and capital improvements
- Evaluating revenue recovery from fixed meter charges vs. volume rate
- Funding of capital improvements
  - Use of Reserves
  - Rate revenues and connection fees
  - Debt financing

WHEREAS, the Sewer Rate and Fee Study is now complete, and

WHEREAS, in order to maintain the Water Fund’s strong credit rating, and support the financial health of the Water Fund, staff will need to initiate a Proposition 218 protest process for water rates, with an anticipated water rate hearing in August 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to initiate a Proposition 218 process to adjust the City’s water rates effective September 1, 2016 through Fiscal Year 2020-21.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AMENDMENT NO. 3 TO AMENDED AND
RESTATED REIMBURSEMENT AGREEMENT AMONG BANK OF AMERICA,
N.A., THE CITY OF MODESTO AND MODESTO PUBLIC FINANCING
AUTHORITY; AMENDMENT NO. 3 TO FEE LETTER; AND A SUPPLEMENT
TO OFFICIAL STATEMENT; AND AUTHORIZING CERTAIN OTHER
RELATED ACTIONS

WHEREAS, the City of Modesto is a charter city and municipal corporation duly
organized and existing under and by virtue of the Constitution and laws of the State of
California (the “City”), and

WHEREAS, the Modesto Public Financing Authority (the “Authority”) is
authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4,
Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California
Government Code, as amended (the “Act”), to lease and/or purchase real property and to
issue bonds for the financing and refinancing of public capital improvements whenever
there are significant public benefits, and

WHEREAS, the Authority previously issued its $65,170,000 original aggregate
principal amount of Modesto Public Financing Authority Lease Revenue Refunding
Bonds Series 2008 (the “2008 Bonds”), and

WHEREAS, Bank of America, N.A., as Credit Facility Provider (the “Bank”)
issued its Irrevocable Transferable Letter of Credit dated August 28, 2008 (the “Initial
Credit Facility”) to provide credit support for the 2008 Bonds, and

WHEREAS, subsequently, on various occasions, the City requested the Bank to
extend the Stated Expiration Date of the Initial Credit Facility, and the Bank agreed, most
recently extending the Stated Expiration Date to March 31, 2017, and
WHEREAS, the City recently received an offer from another credit facility provider to replace the Initial Credit Facility and lower the credit facility fees, and

WHEREAS, the City has now requested the Bank to match such lower fees and again extend the Stated Expiration Date of the Initial Credit Facility, and the Bank has agreed, subject to certain conditions, to match such lowered fees and extend the Stated Expiration Date of the Initial Credit Facility, and

WHEREAS, in connection with the extension of the Stated Expiration Date of the Initial Credit Facility, the City, the Authority and the Bank will enter into an Amendment No. 3 to Amended and Restated Reimbursement Agreement (the “Reimbursement Agreement Amendment”) and related Amendment No. 3 to Fee Letter (the “Fee Letter Amendment”), and

WHEREAS, the City and the Authority will prepare a supplement to the Official Statement for the 2008 Bonds describing certain material information regarding the Bank and the Reimbursement Agreement (the “Supplement to Official Statement”), and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, as follows:
Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.

Section 2. Approval of the Reimbursement Agreement Amendment and Fee Letter Amendment. The City Council hereby approves the extension of the Stated Expiration Date of the Initial Credit Facility. The Reimbursement Agreement Amendment and related Fee Letter Amendment proposed to be executed and entered into by the City, in the forms presented at this meeting and on file with the City Clerk, are hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Reimbursement Agreement Amendment and Fee Letter Amendment in substantially said forms, with such changes therein as such officer executing the Reimbursement Agreement Amendment and Fee Letter Amendment may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Approval of the Supplement to Official Statement. The Supplement to Official Statement proposed to be executed and delivered by the City, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and
deliver the Supplement to Official Statement in substantially said form, with such changes therein as such officer executing the Supplement to Official Statement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.

Section 5. Other Actions. 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 which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms and intent of this Resolution, the Reimbursement Agreement Amendment, the Fee Letter Amendment and the Supplement to Official Statement; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 6. Effective Date. This Resolution shall take effect immediately upon its passage.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE EXISTING AGREEMENT WITH BANK OF AMERICA MERRILL LYNCH TO PROVIDE BANKING SERVICES TO INCLUDE REVISED FEES AS CONTAINED IN BANK OF AMERICA’S PRICING MODIFICATION LETTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED AGREEMENT AS PREPARED AND IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the City currently uses Bank of America Merrill Lynch to provide banking services, and

WHEREAS, the City currently has a direct pay Letter of Credit on its General Fund Lease Revenue Bonds, Series 2008 with Bank of America Merrill Lynch, and

WHEREAS, the City received a proposal from Bank of the West to provide the City with a direct pay Letter of Credit at a lower fee than the current letter of credit with Bank of America Merrill Lynch, and

WHEREAS, Bank of the West’s proposal was contingent upon transitioning banking services from Bank of America Merrill Lynch to Bank of the West, and

WHEREAS, the City also received a proposal from Bank of America Merrill Lynch to reduce its fees associated with the direct pay Letter of Credit, and

WHEREAS, the City also received a Pricing Modification Letter on May 18, 2016 from Bank of America Merrill Lynch to reduce its banking services fees, and

WHEREAS, staff analyzed and compared savings from each proposal, and

WHEREAS, Bank of America Merrill Lynch’s proposal provides the City with savings of $1,118,725 over a 3 year period, and

WHEREAS, Bank of America Merrill Lynch’s savings is $20,704 greater than the proposal presented by Bank of the West.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the existing agreement with Bank of America Merrill Lynch to provide banking services to include revised fees as contained in the Pricing Modification Letter and authorizes the City Manager to execute the Amended Agreement as prepared and in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FINAL PROPOSED BUDGET INCLUSIVE OF THE CITY MANAGER’S PROPOSED BUDGET AND THE MAYOR’S FINAL BUDGET MODIFICATIONS, AND NOTICING A PUBLIC HEARING TO BE HELD ON JUNE 21, 2016 FOR THE FIRST READING OF THE FINAL PROPOSED BUDGET

WHEREAS, the Effective Government Committee heard the City Manager’s Proposed Budget on May 16th through 18th, 2016; and

WHEREAS, the Effective Government Committee approved the City Manager’s Proposed Budget with a 3-0 vote and approved the motion to have the Mayor make modifications to the City Manager’s Proposed Budget 30 days prior to adoption by City Council; and

WHEREAS, the Mayor has presented his modifications to the City Manager’s Proposed Budget to City Council and has presented them for incorporation into the City of Modesto Final Proposed Budget for Fiscal Year 2016-17; and

WHEREAS, the City of Modesto Final Proposed Budget for Fiscal Year 2016-17 will be inclusive of the City Manager’s Proposed Budget as well as the Mayor’s Modifications and will be heard at a public hearing to be held on June 21, 2016 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Final Proposed Budget inclusive of the City Manager’s Proposed Budget and the Mayor’s Modifications and directing notice to be published for a public hearing to be held on June 21, 2016 for the first reading of the an Ordinance adopting the Final Proposed Budget for Fiscal Year 2016-17, and taking related actions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TUOLUMNE RIVER PRESERVATION TRUST AND THE CITY REGARDING THE REMOVAL OF THE REMNANT DENNETT DAM

WHEREAS, Dennett Dam was constructed in the 1930s, was condemned by the State of California in 1947 and has acted as a partial barrier to fish passage and impediment to recreational boating since, and

WHEREAS, both the Tuolumne River Preservation Trust (TRT) and the City of Modesto consider the removal of the Remnant Dennett Dam to be a significant public benefit, and

WHEREAS, the California Department of Water Resources, FloodSAFE Environmental Stewardship and Statewide Resources Office, Urban Streams Restoration Program (USRP) has conditionally awarded a grant for the removal of the Remnant Dennett Dam, and

WHEREAS, the MOU explains the nature of the collaboration between TRT and the City of Modesto in accomplishing their mutual goal of removing the Remnant Dennett Dam from the Tuolumne River in Stanislaus County, and

WHEREAS, the City of Modesto has proposed to be the CEQA Lead Agency, Construction Manager and project sponsor for the purposes of the USRP grant with the TRT as the Design Manager and project co-sponsor for the purposes of the USRP grant, and

WHEREAS, the City of Modesto has construction management, public bidding, and related public works project expertise, and
WHEREAS, TRT has fundraising, public relations, and river restoration expertise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a MOU between the Tuolumne River Preservation Trust and the City of Modesto regarding the removal of the Remnant Deunett Dam.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the MOU, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-246

RESOLUTION APPROVING THE APPLICATION FOR AN URBAN STREAMS RESTORATION PROGRAM GRANT FOR REMOVAL OF THE REMNANT DENNETT DAM

WHEREAS, the California Department of Water Resources, FloodSAFE Environmental Stewardship and Statewide Resources Office, Urban Streams Restoration Program has awarded a grant to the Tuolumne River Preservation Trust (TRT) for the removal of the Remnant Dennett Dam, and

WHEREAS, the City of Modesto has proposed to sponsor the grant application with the Tuolumne River Preservation Trust, and

WHEREAS, said grant is intended to help solve flooding and erosion problems in a way that provides environmental enhancement, and

WHEREAS, the project proposed for funding with grants will be environmentally beneficial and the City of Modesto and TRT will comply with all requirements of California Environmental Quality Act and other environmental permits prior to implementation of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the joint application with the Tuolumne River Preservation Trust for an Urban Streams Restoration Program grant.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to determine the appropriate environmental impact document, conditionally accept the grant, and designate the project representative, contract manager and fiscal agent.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

( SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

WHEREAS, the City of Modesto Fire Department currently participates in a County-wide Fire Investigation Unit, and

WHEREAS, last year, the Modesto Fire Department, the Stanislaus Regional Fire Investigation Unit, the Stanislaus County District Attorney’s Office, the Stanislaus County Fire Warden’s Office, the Stanislaus County Sheriff’s Department, the Stanislaus Consolidated Fire Protection District, and the Ceres Fire Department launched a new regional Fire Investigation Unit, and

WHEREAS, the Fire Investigation Unit includes (4) fire investigators, the City of Modesto Fire Department will continue to contribute (2) fire investigators, while other participating departments will contribute another (2) fire investigators, and

WHEREAS, the District Attorney’s Office will contribute (1) full time investigator and will provide an additional “shared time” supervisor for the Unit, and

WHEREAS, this MOU would be a continuation of beneficial services that were previously agreed to in 2015, and

WHEREAS, participation in the Fire Investigation Unit has improved fire investigation services for the City of Modesto and fire departments within Stanislaus County by increasing the total number of fire investigators and including a full time law
enforcement position to assist the investigators, and

WHEREAS, the two (2) Investigator positions are allocated, staffed with existing personnel, and included in the General Fund Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an MOU between the Stanislaus Regional Fire Investigation Unit, the Stanislaus County District Attorney’s Office, the Stanislaus County Fire Warden’s Office, the Stanislaus County Sheriff’s Department, the Stanislaus Consolidated Fire Protection District, and the Ceres Fire Department and the City of Modesto to participate in a County-wide fire investigation unit.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION(S) TO THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CALRECYCLE) FOR BEVERAGE CONTAINER RECYCLING GRANTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS FOR WHICH THE CITY OF MODESTO IS ELIGIBLE

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various grant programs (grants) in furtherance of the State of California’s efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment and,

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Beverage Container Recycling Grants, and

WHEREAS, CalRecycle’s procedures for administering Beverage Container Recycling Grants require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of the Beverage Container Recycling Grants, such as approval of applications and acceptance of awards, and

WHEREAS, the City benefits from CalRecycle payment programs by receiving funding for the purchase of equipment or materials related to infrastructure, direct operating expenses associated with project activities, education and outreach promoting beverage container recycling and personnel related to recycling under the conditions of the Beverage Container Recycling Grant Program, and
WHEREAS, due to the benefits that the City derives from the Beverage Container Recycling Grant’s approval of applications, accepting awards and amending the annual budgets for all Beverage Container Recycling Grants to CalRecycle shall be in effect for five years from the date of adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto authorizes the submittal of application(s) to CalRecycle for any and all Beverage Container Recycling Grants offered for which the City qualifies, acceptance of the awards, and amendment of the annual budgets for all Beverage Container Recycling Grants to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

BE IT FURTHER RESOLVED that this authorization is effective for a period of five years from the date of this adopted resolution by the Council 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 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-249

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SODIUM HYPOCHLORITE, SODIUM HYDROXIDE, AND CITRIC ACID TO UNIVAR, SAN JOSE, CA AND SULFURIC ACID AND PHOSPHORIC ACID TO NORTHSTAR CHEMICAL, MODESTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE TWO-YEAR PURCHASE AGREEMENTS WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $34,134, AND OVER FIVE YEARS OF $170,070

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division, uses sodium hypochlorite, sodium hydroxide, sulfuric acid, phosphoric acid, and citric acid as part of the wastewater treatment process, and

WHEREAS, these chemicals are used for the cleaning of the membrane and ultra violet light systems at the City’s Tertiary Treatment Plant, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the chemicals and the Purchasing Division issued RFB 1515-21, Chemicals for the Wastewater Treatment on the City’s website under the commodity codes “Chemicals and Solvents, Commercial,” and

WHEREAS, prospective bidders were noticed online of the bid opportunity and twenty-five companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk’s office with seven companies choosing to respond, and

WHEREAS, six of these companies responding provided a responsive and responsible bid and one bid was rejected as non-responsive, and

WHEREAS, Modesto Municipal Code Section 8-3.206 Support of Local Vendors (SLV) allows the lowest bid or quote submitted by a local business that is within five
percent of the lowest bid the opportunity to match the lowest bid price, and Northstar Chemical of Modesto, CA qualified for SLV and agree to match the lowest bid price for sulfuric acid, and

WHEREAS, based on the inability of any one company to provide all the chemicals required at the lowest price, City staff recommends the split award of the bid for the purchase of chemicals for sodium hypochlorite, sodium hydroxide, and citric acid to Univar USA Inc., San Jose CA, and for sulfuric acid and phosphoric acid to Northstar Chemical, Modesto CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of chemicals for wastewater treatment for the Utilities Department, Wastewater Services Division, to Univar USA Inc. and Northstar Chemical conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract to Univar USA Inc., San Jose CA for sodium hypochlorite, sodium hydroxide, and citric acid and for sulfuric acid and phosphoric acid to Northstar Chemical, Modesto CA for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated total annual cost of $34,134, and over five years of $170,070.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the purchase agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF GRUNDFOS CHEMICAL FEED METERING PUMPS FOR THE UTILITIES DEPARTMENT, WATER SERVICES DIVISION, TO PREFERRED PUMP AND EQUIPMENT LP, FRESNO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $31,269 AND OVER FIVE YEARS OF $156,345

WHEREAS, Utilities Department Water Services Division uses chemical feed metering pumps to ensure the water quality supply for the City’s service areas, and

WHEREAS, over the past 15 years, there have been approximately five chemical feed metering pump brands used throughout Modesto’s water system, and the Grundfos pump supersedes the efficiency, ease of operation, maintenance, and performance of all other pumps, and

WHEREAS, the Grundfos pump is user friendly and field operators have been fully trained creating standardization across the division, and there are 75 Grundfos pumps in operation throughout the City’s water system, and

WHEREAS, Preferred Pump and Equipment LP, Fresno, CA. is the only authorized Grundfos dealer in this area, and

WHEREAS, Preferred Pump and Equipment LP, provided a quote for said product, and City Staff determined said quote to be responsive and reasonable, and

WHEREAS, City staff recommends the award of sole source purchase of Grundfos chemical feed metering pumps for the Utilities Department, Water Services Division, to Preferred Pump and Equipment LP, Fresno, CA, and
WHEREAS, Modesto Municipal Code Section 8-3.204(b) allows for an exception to the bidding requirements when the Purchasing Agency’s requirements can be met solely by a single article or process, and

WHEREAS, The award of sole source purchase of Grundfos chemical feed metering pumps for the Utilities Department, Water Division to Preferred Pump and Equipment LP, Fresno, CA., conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in the Water Fund, Appropriation Unit: 4100-45050-53100,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of sole source procurement of Grundfos chemical feed metering pumps for the Utilities Department, Water Services Division, to Preferred Pump and Equipment LP, Fresno, CA., for a one-year agreement with four one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a purchase agreement for an estimated annual cost of $31,269 and over five years of $156,345.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE STANISLAUS COUNTY TRANSPORTATION EXPENDITURE PLAN AND REQUESTING THAT THE STANISLAUS COUNTY BOARD OF SUPERVISORS PLACE THE RETAIL TRANSACTION AND USE TAX MEASURE ON THE NOVEMBER 8, 2016 BALLOT

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation; and

WHEREAS, StanCOG is the Local Transportation Authority (“Authority”) as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq; and

WHEREAS, as the Authority, StanCOG desires to become a “self-help” county through adoption and imposition of a one-half of one-cent transaction and use tax for a period of 25 years to fund transportation projects, programs and improvements as set forth in the proposed Ordinance and Transportation Expenditure Plan; and

WHEREAS, the proposed Transportation Expenditure Plan contains a summary of the projects, improvements and programs to be funded with the retail transaction and use tax funds; and

WHEREAS, the interests of the City of Modesto and its residents and businesses will benefit by the implementation of the 25-year Transportation Expenditure Plan through the adoption and imposition of a one-half of one-cent transaction and use tax for transportation in Stanislaus County;
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby approves the Stanislaus County Transportation Expenditure Plan and;

BE IT FURTHER RESOLVED that the City Council of the City of Modesto requests that the Stanislaus County Board of Supervisors place the Retail Transaction and Use Tax Measure on the November 8, 2016 ballot.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINGREN, City Attorney
STANISLAUS COUNCIL OF GOVERNMENTS
Measure ______
Stanislaus County Transportation Sales and Use Tax
Ordinance #16-01

The Stanislaus County Transportation Authority ordains as follows:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as, “Measure _____: Stanislaus County Transportation Sales and Use Tax” which shall establish and implement a retail transaction and use tax.

SECTION 2. DEFINITIONS.

2.01. “Authority” means the Stanislaus Council of Governments as the Local Transportation Authority as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq.

2.02. “County” means the County of Stanislaus.

2.03. “Expenditure Plan” means the Expenditure Plan attached to this Ordinance as Exhibit “A” and incorporated herein.

2.04. “Maintenance of Effort” means a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in order to receive Local Streets and Roads funds.

2.05. “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of the ordinance. If the Ordinance is approved by a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016, the Operative Date shall be April 1, 2017.

2.06. “Ordinance” means the Measure _____: Stanislaus County Transportation Sales and Use Tax ordinance which establishes and implements the retail transaction and use tax set forth herein.

SECTION 3. EXPENDITURE PLAN PURPOSES.

3.01. This Ordinance provides for the implementation of the Expenditure Plan, as approved and adopted by the Authority, which will result in countywide local street and road improvements, arterial street widening, signalization, pedestrian, bicyclist, and driver safety improvements. These needed improvements shall be funded by a one-half of one percent retail transactions and use tax established for a twenty five year period. The revenues shall be deposited in a special fund, used solely for the transportation projects, improvements and programs described in the Expenditure Plan which is considered a part of this Ordinance and hereby incorporated by reference as if fully set forth herein.
SECTION 4. ADMINISTRATIVE EXPENSES.

4.01. The revenues received by the Authority from this Ordinance, after deduction of the required Board of Equalization costs for performing the functions specified in section 180204 of the Public Utilities Code, reimbursing the County of Stanislaus for its costs in conducting the election if the measure is approved in accordance with section 180203(a) of the Public Utilities Code, and after deduction for the administration of the Expenditure Plan pursuant to the provisions of the Public Utilities Code commencing with section 180200, in an amount not to exceed one-percent (1%), shall be used for the transportation projects, improvements and programs countywide as set forth in the Expenditure Plan and in a manner consistent with the Expenditure Plan developed by the Authority.

4.02. Revenues may be expended by the Authority for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer this Ordinance; however, in no event shall an amount exceeding one-percent (1%) of the annual revenue provided by this Ordinance go towards paying the administrative salaries and benefits of the staff of the Authority. Costs of performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose.

4.03. An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section are necessary and reasonable in carrying out its responsibilities under this Ordinance.

SECTION 5. REQUEST FOR ELECTION.

5.01. The Authority hereby requests the Stanislaus County Board of Supervisors place this Ordinance before the voters for approval on the November 8, 2016 ballot.

5.02. The proposition to be placed on the ballot shall contain a summary of the projects, improvements, and programs and shall read substantially as follows:

To provide funding for local transportation improvements including: fixing potholes/maintaining streets; improving emergency response; providing safe routes to schools; providing senior, veterans and disabled shuttle services; and improving safety/reducing traffic congestion on Highway 99/major streets; shall the Stanislaus County Transportation Authority enact a ½ cent sales tax, generating $38,000,000 annually for transportation projects, funds that cannot be taken by the State, requiring all money to be spent in Stanislaus County with citizens’ oversight for 25 years?

SECTION 6. EFFECTIVE, OPERATIVE AND TERMINATION DATES.

6.01. This Ordinance shall become effective on November 8, 2016 only if a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016 vote to approve the Ordinance. If so approved, the provisions of this Ordinance shall become
operative on April 1, 2017 and shall be imposed and collected for a period of twenty-five (25) years thereafter.

6.02. The authority to levy the tax authorized pursuant to this Ordinance shall expire on March 31, 2042.

SECTION 7. CONTRACT WITH STATE.

7.01. Prior to the Operative Date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Ordinance; provided, that if the Authority shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 8. TRANSACTIONS AND USE TAX RATE.

8.01. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this Ordinance.

8.02. An excise tax is hereby imposed on the storage, use or other consumption in the incorporated and unincorporated territory of the County of tangible personal property purchased from any retailer on and after the Operative Date of this Ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 9. EXPENDITURE PLAN PROCEDURES AND MAINTENANCE OF EFFORT.

9.01. It is the intent of the Legislature and the Authority that revenues provided from this Ordinance be used to supplement existing revenues being used for transportation projects, improvements and programs.

9.02. Pursuant to the intent of the Public Utilities Code section 180001, a jurisdiction cannot redirect monies currently being used for transportation purposes to other uses, and then replace the redirected funds with local street maintenance and improvement dollars from the retail transaction and use tax.

9.03. To meet the requirements of state law, in order to receive Local Streets and Roads funds a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in conformance with the provision below:
9.03.01. Annual expenditures of a local jurisdiction’s general funds for transportation purposes shall not be an amount less than the jurisdiction’s three-year average of its annual expenditures from its general fund during the prior three fiscal years. In calculating the three-year average annual general fund expenditures, any unrestricted funds which the local jurisdiction may expend at its discretion, expended for transportation purposes are expenditures from the general fund.

9.03.02. Subject to Authority approval, if any local jurisdiction had extraordinary local discretionary fund expenditures during any fiscal year it may determine that year’s minimum expenditure base level of local discretionary funds by:

a) Subtracting those extraordinary expenses (including assessment district contributions, development impact funds, or other non-recurring contributions) from its total expenditures; or

b) Petitioning the Authority for special consideration. It is possible that a local jurisdiction may need to revise its minimum expenditure base beyond the subtraction of extraordinary expenses. In this instance, the Authority may allow the establishment of a new base for that jurisdiction’s Maintenance of Effort requirement. A local jurisdiction petitioning the Authority under this provision must supply evidence of the need for special consideration and the petition must be approved by a majority vote of the Authority.

9.04. An annual independent audit will be conducted to verify that the Maintenance of Effort requirements were met by the local jurisdictions. Any local jurisdiction which does not meet its Maintenance of Effort requirement in any given year may have its Local Streets and Roads fund received pursuant to the Expenditure Plan reduced in the following year by the amount by which the jurisdiction did not meet its required Maintenance of Effort. Such funds shall be redistributed to the remaining eligible jurisdictions.

SECTION 10. ORDINANCE PURPOSES.

10.01. This Ordinance is adopted to achieve the following, among other purposes, and directs the provisions hereof be interpreted in order to accomplish these purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, which authorizes the Authority to adopt this tax ordinance which shall be operative if two-thirds (2/3) of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of
California insofar as those provisions are not inconsistent with the requirements and limitations contained in Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. The funds generated by the transaction and use tax authorized by this Ordinance may only be used for transportation purposes including the administration of the Expenditure Plan, as may be amended, including defense or prosecution of legal actions related thereto, the construction, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related transportation purposes, including project management and oversight of the projects to be funded using the transaction and use tax, such as coordination with other responsible agencies as well as project delivery and negotiation of project agreements. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures also include, but are not limited to, debt services on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

SECTION 11. ADOPTION OF PROVISIONS OF STATE LAW.

11.01. Except as otherwise provided in this Ordinance, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code, insofar as they relate to sales taxes and are not inconsistent with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Division 19 (commencing with Section 180000) of the California Public Utilities Code, are hereby adopted and made a part of this Ordinance as though fully set forth herein.

11.02. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of the Authority shall be substituted therefor. The name of the Authority shall also be substituted for the word “state” in the phrase “retailer engaged in business in this state” in Section 6203 and in the definition of that phrase.
SECTION 12. ADDITIONAL PERMIT NOT REQUIRED.

12.01. If a seller’s permit has been issued to a retailer under section 6067 of the California Revenue and Taxation Code, an additional transactor’s permit shall not be required by this Ordinance.

SECTION 13. EXEMPTIONS AND EXCLUSIONS.

13.01. The amount subject to tax pursuant to this Ordinance shall not include the amount of sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or the amount of any state-administered transactions or use tax.

13.02. There are exempted from the transactions tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. The gross receipts from the sale of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of the aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

B. The sales of property to be used outside the County which are shipped to a point outside the County, pursuant to the contract of sale, by delivery to that point by the retailer or his or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point.

1. For purposes of this Ordinance, “delivery” of vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code shall be satisfied by (i) registration to an out-of-County address; and, (ii) by a declaration under penalty of perjury, signed by the buyer, stating that the address is, in fact, his or her principal place of residence.

2. For purposes of this Ordinance, “delivery” of commercial vehicles shall be satisfied by (i) registration to a place of business out of County; and, (ii) a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

C. The sale of tangible personal property is exempt from the tax authorized by this Ordinance if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

D. A lease of tangible personal property which is a continuing sale of that property is exempt from the tax authorized by this Ordinance for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the
Operative Date of this Ordinance.

E. For purposes of Section 13.02 subparagraphs C and D, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not that right is exercised.

13.03. There are exempted from the use tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. A retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

B. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer is required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

C. The storage, use, or other consumption of tangible personal property, other than fuel or petroleum products, purchased by operators of aircraft, and used or consumed by the operators directly and exclusively in the use of the aircraft as common carriers of person or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the California Revenue and Taxation Code.

D. The storage, use, or other consumption in the County of tangible personal property if the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

E. The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of the property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease entered into prior to the Operative Date of this Ordinance.

F. For the purposes of Section 13.03, subparagraphs D and E, the storage, use, or other consumption of, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to
terminate the contract or lease upon notice, whether or not the right is exercised.

G. Any person subject to use tax under this Ordinance may credit against that tax or any transactions tax, or to reimbursement for a transactions tax, paid to a County or retailer in the County imposing a transactions and use tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code.

SECTION 14. PLACE OF SALE.

14.01. For the purposes of this Ordinance, all retail transactions are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a transaction tax imposed by this Ordinance shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

SECTION 15. BONDING AUTHORITY.

15.01. The Authority shall have the power to sell or issue, at any time, and from time to time, limited tax bonds payable from and secured by the proceeds from the sales tax authorized by this Ordinance in order to finance and refinance the transportation projects identified in the Expenditure Plan.

15.02. The maximum bonded indebtedness which may be outstanding at any one time shall be an amount equal to the sum of the principal of, and interest on, the bonds, but not to exceed the estimated proceeds of the tax. The amount of bonds outstanding at any one time does not include the amount of bonds, refunding bonds, or bond anticipation notes for which funds necessary for the payment thereof have been set aside for that purpose in a trust or escrow account.

SECTION 16. AMENDMENTS TO EXPENDITURE PLAN.

16.01. The Authority may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The Authority may not amend the sales tax revenue allocations by category set forth in the Expenditure Plan as the allocations may be amended only if two-thirds majority of the electors vote to approve.

16.02. Amendments to the Expenditure Plan must be passed by a two-thirds majority vote of the Authority board’s total membership by a roll call vote entered in the minutes of the Authority following a noticed, public hearing of the Authority. Notice of the public hearing shall be published pursuant to Government code section 6062. Subsequently, the Authority shall notify the Board of Supervisors, the City Council of each city in the county and
provide each with a copy of the proposed amendment(s). Pursuant to Public Utilities Code section 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. Should an appeal be filed, the Authority shall hold a public hearing on the proposed amendment(s) within 45 days of the filing of the appeal.

16.03. In the event that a local jurisdiction does not agree with the Authority’s amendment(s), the jurisdiction’s governing body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority’s amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority’s amendment(s) to the Expenditure Plan will stand. If the necessary resolutions supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

16.04. The Expenditure Plan shall be updated by the Authority every ten years that the sales tax is in effect to reflect current and changing priorities and needs in the County, as defined by the duly elected local government representatives on the Authority Board. Any changes to the Expenditure Plan must be adopted with current law in effect at the time of the update and must be based on findings of necessity for change by the Authority.

SECTION 17. AMENDMENTS TO THIS ORDINANCE.

17.01. This Ordinance may be amended to further its purposes. The Authority shall establish a process for proposed Ordinance amendment(s) which ensures that the Authority committees established by this Ordinance participate in the development of the proposed Ordinance amendment(s).

17.02. Upon completion of that process, amendment(s) to this Ordinance must be passed by a two-thirds majority of the Authority board’s total membership by a roll call vote entered in the minutes of the Authority. The Authority must hold a noticed, public hearing on the matter before formal adoption of any amendment to the Ordinance. Notice of the public hearing shall be published pursuant to Government Code section 6062.

17.03. In the event that a local jurisdiction does not agree with the Authority’s amendment(s), the jurisdiction’s policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority’s amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority’s amendment(s) to the Ordinance will stand. If the necessary resolutions
supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

SECTION 18. AUTHORITY COMMITTEES.

18.01. The following committee structure is established to advise the Authority in the administration of the Expenditure Plan and this Ordinance:

A. A Measure “____” Oversight Committee is established to review the independent fiscal audit of the expenditure of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Board of the Authority. The Measure “____” Oversight Committee is responsible for oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan and making recommendations to the Board of the Authority. The committee is not a policy making body. The Measure “____” Oversight Committee shall consist of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Neman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure “____” Oversight Committee shall not be members of any other Authority or StanCOG committee(s).

SECTION 19. STATUTORY AMENDMENTS.

19.01. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

SECTION 20. CREATION OF SEPARATE ACCOUNT.

20.01. All retail transaction and use tax revenue, plus interest, will be deposited in a special fund for the projects identified in the Expenditure Plan. The fund(s) authorized under this Ordinance will be administered by the Authority.

20.02. The Authority shall allocate funds to projects and programs identified in the Expenditure Plan as necessary to meet contractual and program obligations. The Authority may allocate funds as described but may reserve the right not to disburse monies until needed to meet contractual project or program obligations. Each agency receiving funds from this Ordinance shall deposit said funds in a separate interest bearing account. Any interest earned on funds allocated pursuant to this Ordinance shall be expended only for those purposes for which the funds were allocated or shall be returned to the Authority. The Authority reserves the right to audit such accounts.
SECTION 21. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

21.01. This Ordinance is not a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) Guidelines and is therefore exempt from CEQA requirements. Prior to the commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed.

SECTION 22. IMPLEMENTING ORDINANCES.

22.01. Upon approval of this Ordinance by the voters, the Authority may, in addition to the local rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules and administrative procedures, and take such other actions as may be necessary and appropriate to carry out its responsibilities to implement the Expenditure Plan.

SECTION 23. DESIGNATION OF FACILITIES.

23.01. Each project or program in excess of $250,000 funded in whole or in part by revenues from this Ordinance shall be clearly designated in writing by signs and/or documents, during its construction or implementation as being funded by revenues from this Ordinance.

SECTION 24. CONTRACTING FOR PROJECT DELIVERY.

24.01. The Authority shall have the power to contract for project delivery of any project or program of the Expenditure Plan if all of the jurisdictions affected by the project agree and if the Authority finds that:

A. The project could be delivered faster under a contract issued by the Authority; or

B. A contract by the Authority would provide economies of scale and reduce project costs.

SECTION 25. ANNUAL REPORT.

25.01. An annual report will be prepared by the Authority within 180 days of the end of the fiscal year identifying the actions and accomplishments of the Authority in meeting the adopted Expenditure Plan.

SECTION 26. SEVERABILITY.

26.01. If any section, part, provision, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional, the remaining portions of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected but shall remain in full force and effect.
SECTION 27. ANNUAL APPROPRIATIONS LIMIT.

27.01. Article XIIIIB of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority has been established as $500 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transaction and use tax revenues authorized pursuant to this Ordinance are subject to the appropriations limit of the Authority.

SECTION 28. ENJOINING COLLECTION FORBIDDEN.

28.01. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this Ordinance, or Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, or Division 19 (commencing with Section 180000) of the California Public Utilities Code, of any tax or any amount of tax required to be collected.

SECTION 29. CAPTIONS.

29.01. The titles and headings to the sections set forth in this Ordinance are not part of this Ordinance and shall have no effect upon the construction or interpretation of any part hereof.

SECTION 30. ADOPTION OF ORDINANCE.

30.01. This Ordinance was introduced and the title thereof read at the regular meeting of the Authority’s governing Board on June 15, 2016, and adopted at the regular meeting of the Authority’s governing Board on June ___, 2016, with further reading thereof having been waived by a vote of the members present.

VITO CHIESA, CHAIR

ATTEST:

______________________________

ROSA DE LEÓN PARK, EXECUTIVE DIRECTOR
EXHIBIT “A”

Expenditure Plan
Stanislaus Council of Governments
Expenditure Plan

State and federal transportation funding has dropped severely in recent years, with once dependable funds becoming increasingly unreliable. Transportation’s primary fund source, the gas tax, hasn’t been raised in 20 years and our cars are more fuel-efficient than ever. Therefore, revenues available to operate, maintain and improve our local transportation system have not kept up with the needs of our community. Over the next decade, Stanislaus County’s population will continue to grow and our senior population will almost triple. This means without new funding, Stanislaus County will have increased congestion, increasingly deteriorating roadways and fewer and more costly transportation services.

The Modesto-Metro Area currently has the 20th worst roads in the United States.

A new, reliable source of transportation funding is needed to maintain our communities and quality of life.

Stanislaus County voters are being asked to approve a 25-year, ½ cent sales tax to address these needs. Twenty other counties in California have already approved similar ballot measures making them ‘Self-Help’ Counties. With these voter-approved local transportation funds, Self-Help Counties are able to maintain and improve their transportation systems. They are also more successful in competing for funding and leveraging a larger share of state and federal dollars. Self-Help funds generated must stay local and can only be spent on transportation.

The Stanislaus County Expenditure Plan (“Plan”) was developed through a comprehensive public outreach program that asked residents to identify their priorities for future transportation programs and projects. Outreach included over 75 meetings with community organizations and leaders representing diverse viewpoints. Additionally, a series of focus groups were conducted along with a statistically valid telephone poll. The Plan has been unanimously supported and approved by the Stanislaus Council of Governments, all nine cities in the region and the County Board of Supervisors.

Self-Help in Stanislaus County would:

- Generate approximately $38 million per year based on ½ cent sales tax for an estimated total of $960 million over the course of the measure’s lifetime,
- Be used for LOCAL projects and LOCAL priorities, prohibiting Sacramento from taking possession of these funds;
- Allow Stanislaus County to compete for State and Federal grants and leverage funds, thereby increasing revenues;
- Deliver an Expenditure Plan with a specific list of projects and programs; and
- Include an Oversight Committee to ensure projects and programs in the Plan are actually funded and/or completed.
The Expenditure Plan

Revenue Estimates and Distribution

Over the course of the 25-year plan, it is estimated that $960 million dollars will be generated for local transportation investments. This amount was calculated based on a five-year average of sales tax revenues throughout the County that was then reduced to reflect a conservative estimate.

Allocation of Self-Help revenues is established within this Plan. The estimated revenue and allocation among categories is based upon 2016 value of money and is not binding or controlling. Transportation sales tax funds shall be allocated by percentage of the actual revenue received.

This funding will serve as an investment that will leverage future local, State and Federal grant opportunities. Funds will be used for all phases of project implementation, including: planning, environmental, permits, and design, right-of-way, and/or construction capital and operations projects. State and federal fund sources that may also be used to implement transportation projects and programs in the next decade include the State Regional Transportation Improvement Program (STIP), Inter-regional Transportation Improvement Program (ITIP), Fixing America’s Surface Transportation (FAST) Act Freight and Highway Projects Program, Congestion Mitigation Air Quality (regional-estimate $15M), Regional Surface Transportation Funds (regional-estimate $10M), and Local Funding (e.g. developer fees, general funds, and Measure “Local Control”).

All revenue estimates and allocations contained in this Plan are for illustrative purposes. Actual net revenues may fall above or below the projections contained in the Expenditure Plan, therefore actual revenue allocations to each category will be based on the percentages contained herein.

Local Control 65% Total (50% Local Streets and Roads, 10% Traffic Management, 5% Bike and Pedestrian)

Local Streets and Roads, 50%, $480,150,000

Recognizing that streets are the backbone of our transportation system, this Plan provides funds to local cities and Stanislaus County, distributed primarily based on 2015 sales tax revenues generated to support local roads. Each agency will identify specific streets and roads that will be prioritized for repair and/or refurbishment. These funds will be used exclusively for repair and maintenance – no new roads will be funded. These funds must be used to augment current transportation spending and cannot be used to replace a local agency’s general fund expenditures.
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Local Street &amp; Road Program %&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Total</th>
<th>Total Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceres</td>
<td>6.36%</td>
<td>30,552,381.79</td>
<td>1,222,095.27</td>
</tr>
<tr>
<td>Hughson</td>
<td>1.26%</td>
<td>6,048,075.58</td>
<td>241,923.02</td>
</tr>
<tr>
<td>Modesto</td>
<td>35.79%</td>
<td>171,868,971.22</td>
<td>6,874,758.85</td>
</tr>
<tr>
<td>Newman</td>
<td>1.26%</td>
<td>6,048,075.58</td>
<td>241,923.02</td>
</tr>
<tr>
<td>Oakdale</td>
<td>3.86%</td>
<td>18,528,231.53</td>
<td>741,129.26</td>
</tr>
<tr>
<td>Patterson</td>
<td>4.55%</td>
<td>21,840,272.92</td>
<td>873,610.92</td>
</tr>
<tr>
<td>Riverbank</td>
<td>3.42%</td>
<td>16,416,205.14</td>
<td>656,648.21</td>
</tr>
<tr>
<td>Turlock</td>
<td>15.26%</td>
<td>73,259,503.69</td>
<td>2,930,380.15</td>
</tr>
<tr>
<td>Waterford</td>
<td>1.26%</td>
<td>6,048,075.58</td>
<td>241,923.02</td>
</tr>
<tr>
<td>Stan County</td>
<td>26.98%</td>
<td>129,540,206.98</td>
<td>5,181,608.28</td>
</tr>
<tr>
<td>Total</td>
<td>100.00%</td>
<td>480,150,000.00</td>
<td>19,206,000.00</td>
</tr>
</tbody>
</table>

Traffic Management, 10%, $96,030,000

These are projects including upgrades to local intersections, road widening, signalization, bridge replacements and/or traffic calming methods.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Traffic Management %&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Total</th>
<th>Total Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceres</td>
<td>6.36%</td>
<td>6,110,476</td>
<td>244,419</td>
</tr>
<tr>
<td>Hughson</td>
<td>1.26%</td>
<td>1,209,615</td>
<td>48,385</td>
</tr>
<tr>
<td>Modesto</td>
<td>35.79%</td>
<td>34,373,794</td>
<td>1,374,952</td>
</tr>
<tr>
<td>Newman</td>
<td>1.26%</td>
<td>1,209,615</td>
<td>48,385</td>
</tr>
<tr>
<td>Oakdale</td>
<td>3.86%</td>
<td>3,705,646</td>
<td>148,226</td>
</tr>
<tr>
<td>Patterson</td>
<td>4.55%</td>
<td>4,368,055</td>
<td>174,722</td>
</tr>
<tr>
<td>Riverbank</td>
<td>3.42%</td>
<td>3,283,241</td>
<td>131,330</td>
</tr>
<tr>
<td>Turlock</td>
<td>15.26%</td>
<td>14,651,901</td>
<td>586,076</td>
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<tr>
<td>Waterford</td>
<td>1.26%</td>
<td>1,209,615</td>
<td>48,385</td>
</tr>
<tr>
<td>Stan County</td>
<td>26.98%</td>
<td>25,908,041</td>
<td>1,036,322</td>
</tr>
<tr>
<td>Total</td>
<td>100.00%</td>
<td>96,030,000</td>
<td>3,841,200</td>
</tr>
</tbody>
</table>

1 1% to StanCOG for management of program.
2 Less 1% for StanCOG administration for programs.
Bike and Pedestrian Improvements, 5%, $48,015,000

These projects include local connectivity between communities, local schools, trails and recreation facilities. Each agency will work closely with residents to determine the type, location and priority for new or upgrades to existing facilities.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Bicycles and Pedestrians %</th>
<th>Total</th>
<th>Total Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceres</td>
<td>6.36%</td>
<td>3,055,238</td>
<td>122,210</td>
</tr>
<tr>
<td>Hughson</td>
<td>1.26%</td>
<td>604,808</td>
<td>24,192</td>
</tr>
<tr>
<td>Modesto</td>
<td>35.79%</td>
<td>17,186,897</td>
<td>687,476</td>
</tr>
<tr>
<td>Newman</td>
<td>1.26%</td>
<td>604,808</td>
<td>24,192</td>
</tr>
<tr>
<td>Oakdale</td>
<td>3.86%</td>
<td>1,852,823</td>
<td>74,113</td>
</tr>
<tr>
<td>Patterson</td>
<td>4.55%</td>
<td>2,184,027</td>
<td>87,361</td>
</tr>
<tr>
<td>Riverbank</td>
<td>3.42%</td>
<td>1,641,621</td>
<td>65,665</td>
</tr>
<tr>
<td>Turlock</td>
<td>15.26%</td>
<td>7,325,950</td>
<td>293,038</td>
</tr>
<tr>
<td>Waterford</td>
<td>1.26%</td>
<td>604,808</td>
<td>24,192</td>
</tr>
<tr>
<td>Stan County</td>
<td>26.98%</td>
<td>12,954,021</td>
<td>518,161</td>
</tr>
<tr>
<td>Total</td>
<td>100.00%</td>
<td>48,015,000</td>
<td>1,920,600</td>
</tr>
</tbody>
</table>

Available uses for the Local Control funding category include:

- Maintaining, improving or constructing streets, roads, bridges, and bicycle and pedestrian facilities,
- Community Enhancements, such as downtown streetscapes, transportation enhancements, way finding, and accessibility improvements, street lighting, street furniture and trees,
- Safety Improvements,
- Programs that reduce transportation demand,
- Storm damage repair to transportation facilities
- Roadway drainage facilities,
- Traffic signal coordination, intersection and channelization, and
- Traffic management.

Regional Control

Regional Projects, 28%, $268,884,000

These funds would be used for planning, project development, right-of-way, and/or construction of major corridor, capital projects. Proposed regional projects are at different stages of implementation. The Plan includes a set of projects identified by a combination

3 Less 1% for StanCOG administration for programs.
of public outreach, local agency priorities and StanCOG Board direction based on its adopted 2035 Regional Transportation Plan. Funds will be distributed for projects throughout the County with approximately $30,000,000 left in reserve to accommodate future regional needs.

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Total Budget</th>
<th>Funded thru Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-132</td>
<td>SR-99 to Gates Road Construct a four-lane expressway from SR-99 to Gates Road.</td>
<td>$297,000,500.00</td>
<td>$74,250,125.00</td>
</tr>
<tr>
<td></td>
<td>North County Corridor Design / Right of Way</td>
<td>$239,000,000.00</td>
<td>$59,750,000.00</td>
</tr>
<tr>
<td></td>
<td>Faith Home Road Construction of Faith Home River Crossing / Gap Closure</td>
<td>$71,700,000.00</td>
<td>$17,925,000.00</td>
</tr>
<tr>
<td></td>
<td>SR 99 Briggsmore Interchange Reconstruct to 8 Lane Interchange</td>
<td>$98,679,400.00</td>
<td>$24,669,850.00</td>
</tr>
<tr>
<td></td>
<td>SR 99 Mitchell Service Road New Interchange Phase 1</td>
<td>$122,987,400.00</td>
<td>$30,746,850.00</td>
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<tr>
<td></td>
<td>SR33 Highway and pedestrian safety improvements from Merced County line northward to Yolo Avenue</td>
<td>$10,000,000.00</td>
<td>$2,500,000.00</td>
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<tr>
<td></td>
<td>SR-99 Keyes Rd to Taylor Rd Construct Auxiliary Lane</td>
<td>$6,226,600.00</td>
<td>$1,245,320.00</td>
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<tr>
<td></td>
<td>SR-99 Taylor Rd to Monte Vista Ave Construct Auxiliary Lane</td>
<td>$6,520,300.00</td>
<td>$1,304,060.00</td>
</tr>
<tr>
<td>McHenry</td>
<td>Ladd Rd to Hogue Rd Widen to 5 Lanes</td>
<td>$13,025,000.00</td>
<td>$2,605,000.00</td>
</tr>
<tr>
<td>SR-99</td>
<td>West Main Construct New Interchange</td>
<td>$19,091,000.00</td>
<td>$3,818,200.00</td>
</tr>
<tr>
<td>Zacharias Rd</td>
<td>Raines Rd to I-5 Construct new Interchange at I-5</td>
<td>$75,000,000.00</td>
<td>$7,500,000.00</td>
</tr>
</tbody>
</table>
SR-99  | San Joaquin County Line to Mitchell Rd | Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS) | $15,758,300.00 | $1,575,830.00

SR-99  | Mitchell Rd to Merced County Line | Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS) | $2,097,400.00 | $209,740.00

SR108-SR120  | Oakdale/County | Intersection Improvements at Rodeo | $10,000,000.00 | $1,000,000.00

Signal Improvements  | Riverbank | Install Signal Light at Claus & SR-108 and Install Congestion Management Improvements at First Street & SR-108 | $4,201,000.00 | $420,100.00

SR99  | SR-99 & Standiford Interchange | Reconstruct to 8 Lane Interchange. | $78,943,500.00 | $7,894,350.00

$1,070,230,400.00  $228,414,425.00

Transit Providers

Other Transportation Programs and Services 7%

Point-To-Point Services For Seniors, Veterans And Persons With Disabilities $20,166,300

This is for specialized need-based door-through-door transportation services for seniors, veterans and persons with disabilities. These funds will be allocated to the existing MOVE Program, essentially tripling capacity for need-based services for the County’s seniors, veterans and people with disabilities.
**Community Connections $20,166,300**

Funds will be used for projects providing safer bicycle and pedestrian pathways in cities and the unincorporated areas, increasing bus/van service and upgrading bus stops. Many community members live in areas with limited public transit and/or bike connections to shopping, schools and work. Funds from this category will be used to boost services in these areas making it easier for people to access transit services and bike and pedestrian facilities.

**Transit Services $13,444,200**

Funds will be used for operations, maintenance and infrastructure improvements for public transit. They may also be used to supplement local, state and federal funds for cost of transit service. These funds will be allocated to public transit providers to support or enhance public transit service throughout the region. This may include increasing frequency of service, identifying new routes and/or investment in ride sharing services.

<table>
<thead>
<tr>
<th>Transit Category Estimated Funding Distribution</th>
<th>Percentage*</th>
<th>Over 25 Years</th>
<th>Annually</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Amount to Be Distributed</td>
<td>100%</td>
<td>$13,444,200</td>
<td>$537,768</td>
</tr>
<tr>
<td>Ceres</td>
<td>7%</td>
<td>$941,094</td>
<td>$37,644</td>
</tr>
<tr>
<td>Modesto</td>
<td>52%</td>
<td>$6,990,984</td>
<td>$279,639</td>
</tr>
<tr>
<td>Stanislaus County</td>
<td>33%</td>
<td>$4,436,586</td>
<td>$177,463</td>
</tr>
<tr>
<td>Turlock</td>
<td>8%</td>
<td>$1,075,536</td>
<td>$43,021</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>$13,444,200</td>
<td>$537,768</td>
</tr>
</tbody>
</table>

*Percentage is consistent with the StanCOG Transit Cost Sharing as discussed at the Transit Managers meeting March 14, 2016

**Rail Services $13,444,200**

Funds will be used for operations, maintenance and infrastructure improvements for public transit connections to existing rail services. They may be used to supplement local, state, and federal funds for the cost of public transit connections to regional rail services including ACE, BART and Amtrak, and marketing to increase awareness and ridership across all rail services.

StanCOG and the ACE management team believe there is a need to continue to promote ACE in anticipation of future funding which may be allocated for the proposed extension. These may be used to increase ridership and/or fund new AMTRAK service and increase bus/van connections to existing ACE services to the Bay Area. No Funds will be used for high-speed rail.
Safeguards Built Into The Plan

This Expenditure Plan includes strong taxpayer safeguards to ensure that the projects and programs approved by the voters are funded and delivered.

Citizen Oversight

An Oversight Committee will be created to provide an enhanced level of accountability for expenditures made under the Plan to ensure that all voter mandates are carried out and that the financial integrity and performance of the program is maintained. The Committee will include one representative from each municipal agency, selected by the agency.

Annual Independent Audit and Annual Reporting

Annual fiscal and compliance audits will be conducted by a CPA, to assure that the revenues expended are necessary and reasonable. The audits and annual Report must be published and made available to the general public.

Sunset Date

This measure terminates in 25 years.

1% Administrative Expense Cap

Expenditures on staff salaries, wages, benefits and overhead necessary to administer the program will be limited to no more than one percent of the annual gross revenues provided by the measure.

No revenue generated from this tax shall be used to replace fair share contribution from new development.

Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial or industrial development in Stanislaus County or its cities.

Eligibility Verification

The cities and County will select transportation projects that meet eligibility criteria as identified in this Plan. The local jurisdictions will certify in the annual verification submitted to the Stanislaus Council of Governments that these transportation funds were used for eligible expenses.
**Maintaining Local Transportation Funding Efforts**

The local jurisdictions will certify in the annual verification submitted to Stanislaus Council of Governments that these transportation funds will be used to augment and not supplant local resources spent. For purposes of this calculation an average of the prior three (3) years spent for local transportation purposes as defined in the Ordinance will be used.

**Strategic Plan**

StanCOG will prepare and adopt a Strategic Plan within twelve months of the sales tax taking effect. The Strategic Plan will include project cost estimates, revenue estimates, other matching funds, and a draft timeline for regional project delivery. Its prime purpose is to clarify program and project costs, schedule, financial plans and project readiness to expedite project delivery and to allow projects that are ‘ready’ to proceed forward within the parameters of the Expenditure Plan.

For additional information about specific projects and programs in your area OR to ask questions, please visit our website at:

www.Stanislaus-LocalRoadsFirst.com
RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 OPERATING BUDGET TO ALLOCATE $163,530 TO FUND THE CITY OF MODESTO’S SHARE OF THE TRANSPORTATION EXPENDITURE PLAN EXPENSES

WHEREAS, certain budgetary transactions are necessary in the amount of $163,530, in order to fund the expenses related to community education and outreach associated with the Transportation Expenditure Plan, and

WHEREAS, the Fiscal Year 2015-2016 Operating Budget must be amended to allocate $163,530 from General Fund Reserves to 0100-02010-53505 (City Manager’s Office).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Operating Budget to allocate $163,530 from General Fund Reserves to 0100-02010-53505 for the expenses related to community education and outreach associated with the Transportation Expenditure Plan.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE PHASE 2 BNR TERTIARY WASTEWATER TREATMENT PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO COMPLETE ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $103,606,255 TO G.S.E. CONSTRUCTION COMPANY, INC. OF LIVERMORE, CA

WHEREAS, the Phase 2 BNR Tertiary Wastewater Treatment Project has been completed by G.S.E. Construction Company, Inc. of Livermore, CA in accordance with the contract agreement dated May 22, 2012, and

WHEREAS, Staff recommends the project for acceptance as G.S.E Construction has complied with all contract requirements for this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Phase 2 BNR Tertiary Wastewater Treatment Project is hereby accepted as complete from said contractor, G.S.E. Construction Company, Inc. of Livermore, CA.

BE IT FURTHER RESOLVED that the City Clerk is authorized to complete all necessary steps to file with the County Recorder release securities and release payments totaling $103,606,255 to G.S.E. Construction Company, Inc. of Livermore, California, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-254

RESOLUTION APPROVING THE CITY OF MODESTO PROGRAM YEAR 2016-2017 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DEPARTMENT (HUD) ANNUAL ACTION PLAN FOR USE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS PROGRAM, AND EMERGENCY SOLUTIONS GRANT FUNDS; AUTHORIZING SUBMISSION OF AN APPLICATION TO HUD PERTAINING TO THE PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED CERTIFICATIONS AND DOCUMENTS FOR SUBMITTAL TO HUD

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City may allocate up to fifteen percent (15%) of available CDBG funds to CDBG Public Services grants that are awarded to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, the City awards ESG grants to eligible organizations that provide assistance to individuals and families experiencing homelessness and those at risk of experiencing homelessness, and

WHEREAS, HOME funds, in partnership with local nonprofit groups, fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership to low income citizens, and

WHEREAS, the populations served by these organizations further the City’s priorities as described in its Fiscal Year 2015-2020 Consolidated Plan, and
WHEREAS, citizen participation is a key component of the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City’s Program Year 2016-2017 Annual Action Plan, and

WHEREAS, staff held five community meetings and one public consultation meeting to assess local needs and priorities related to community services, economic development, community facilities and infrastructure, housing and fair housing, and

WHEREAS, the information obtained from the community meetings was used to prepare the draft Program Year 2016-2017 Annual Action Plan, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on Tuesday, May 10, 2016 and will close with a public hearing at the City Council meeting on Tuesday, June 14, 2016, and

WHEREAS, any comments received during the public review period or during the June 14, 2016, City Council meeting will be incorporated into the final Program Year 2016-2017 Annual Action Plan that is submitted to HUD, and

WHEREAS, the estimated amount of funding anticipated for Program Year 2016-2017 is approximately $3.1 million, and

WHEREAS, there is no impact to the General Fund as these funds are received from HUD for activities specified within the Program Year 2016-2017 Annual Action Plan, and
WHEREAS, on May 18, 2016, the City’s Citizens Housing and Community Development Committee recommended forwarding the Program Year 2016-2017 Annual Action Plan to the City Council for consideration and approval, and

WHEREAS, all HUD assisted projects are required to undergo an environmental review to evaluate environmental impacts, and

WHEREAS, the analysis includes both how the project can affect the environment and how the environment can affect the project, site and end users, and

WHEREAS, an environmental review must be performed before any funds, regardless of source, are committed to a project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Program Year 2016-2017 U.S. Department of Housing and Urban Development Department (HUD) Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED that Council hereby authorizes the submission of an application to HUD pertaining to the Program Year 2016-2017 Annual Action Plan as described in “Draft Program Year 2016-2017 Annual Action Plan”, attached hereto as Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the required certifications and documents for submittal to HUD.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM: __________________________

By: ADAM U. LINDGREN, City Attorney
EXHIBIT A

City of Modesto
Program Year 2016-2017
Annual Action Plan
Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Modesto’s Program Year (PY) 2016-17 Annual Action Plan represents the second year plan of the City of Modesto’s 2015-2020 Consolidated Plan. It identifies activities to be undertaken in PY 2016-17 to address priority needs of the community. The PY 2016-17 Annual Action Plan outlines and describes the resources available, the projects and activities to be funded and the proposed accomplishments.

The Consolidated Plan is the City of Modesto’s strategic plan for leveraging the United States Department of Housing and Urban Development’s (HUD) annual entitlement allocations of three key federal grant programs: (1) Community Development Block Grant (CDBG); (2) Emergency Solutions Grant (ESG); and (3) HOME Investment Partnerships Program (HOME). The Consolidated Plan and Annual Action Plans serve as planning documents, an application for federal funds under HUD's formula grants programs, an implementation strategy, and a method to allocate funds to specific projects and activities.

2. Summarize the objectives and outcomes identified in the Plan

The City of Modesto has identified the following areas on which to focus funds:

- Affordable Housing
- Fair Housing
- Ending Chronic Homelessness
- Public Services
- Public Facilities Improvements
- Public Improvements

3. Evaluation of past performance

The City of Modesto utilized the resources identified in the PY 2015-2016 Annual Action Plan to carry out the identified programs and activities. The City of Modesto continued to take an active role in promoting and producing affordable housing, addressing the social and economic needs of low- and moderate-income individuals, and serving the special needs populations within the City of Modesto.
The CDBG, ESG, HOME funding, and other programs provided operating funds for many local programs. These funds also allowed the City of Modesto to make progress towards its goals and objectives outlined in its 2015-2020 Consolidated Plan.

Housing programs funded through the CDBG and HOME activities assisted in stabilizing neighborhoods by providing affordable housing rehabilitation and enforcing City of Modesto building codes that are designed to assure the community’s housing stock is safe and sanitary.

CDBG and ESG funded public service activities strove to alleviate gaps in human service needs throughout the City of Modesto by offering various programs such as emergency rental assistance and homeless case management. In light of continuing decreases in funds and increased construction costs, staff and sub-recipients continued to explore alternative strategies to provide decent affordable housing, create economic development opportunities, and ensure suitable living environments.

The City of Modesto has a system in place to assure deadlines are met, reports are submitted timely and required tasks are accomplished. A calendar is created at the start of the program year and lists all activities, tasks, events, and deadlines related to the management of CDBG, ESG and HOME funds. Community Development Division staff meet on a regular basis to review pending issues.

At least once every two years, staff conducts formal onsite monitoring of CDBG, ESG and HOME funded projects implemented by sub-recipients. These visits are conducted more frequently if the sub-recipient is new or is having difficulty meeting program or contract requirements.

4. Summary of Citizen Participation Process and consultation process

The City of Modesto holds a minimum of two neighborhood meetings each year in low-income census tract areas to encourage participation of low- and moderate-income persons in conjunction with development of its Annual Action Plan and, every five years, for the development of its Consolidated Plan. The meetings are held at different times and locations in an effort to accommodate different households.

The City of Modesto also conducts a minimum of one community meeting annually with service providers as the primary audience. The service provider meeting is held during the day to accommodate the service providers’ schedules. Additionally, the City of Modesto will, as needs are identified, make presentations at meetings hosted by civic groups, faith-based groups and other community organizations.

Spanish-speaking translators are available at all meetings. If a request for another language(s) translator is made at least five working days prior to a public meeting, a translator for the requested language(s) will be provided. All community input meetings will be held at public buildings with disabled access.
To obtain community input on the development of the 2016-17 Action Plan, staff requested to be included on the agenda for local focus groups and forums providing health services, social and fair housing services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, the homeless and the chronically homeless persons. Presentations to these groups outlined the eligible uses of these funds, how the funds are currently utilized, and proposed uses.

5. **Summary of public comments**

Please see Appendix A – Summary of Citizen Participation

6. **Summary of comments or views not accepted and the reasons for not accepting them**

Please see Appendix A – Summary of Citizen Participation

7. **Summary**

Please see Appendix A – Summary of Citizen Participation
PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

<table>
<thead>
<tr>
<th>Agency Role</th>
<th>Name</th>
<th>Department/Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDBG Administrator</td>
<td>MODESTO</td>
<td>Community &amp; Economic Development Department</td>
</tr>
<tr>
<td>HOME Administrator</td>
<td>MODESTO</td>
<td>Community &amp; Economic Development Department</td>
</tr>
<tr>
<td>ESG Administrator</td>
<td>MODESTO</td>
<td>Community &amp; Economic Development Department</td>
</tr>
</tbody>
</table>

Table 1 – Responsible Agencies

Narrative

The City of Modesto is the lead agency responsible for preparation of the Consolidated Plan and for administration of each grant program and its associated funding source(s). Primary oversight of the City of Modesto’s HUD entitlement grant programs comes from the Citizens’ Housing and Community Development Committee (CH&CDC). This 11-member committee is appointed by the City of Modesto Council and is comprised of representatives from the City of Modesto Council, Planning Commission, Housing Rehabilitation Loan Committee, Human Relations Commission and several citizens-at-large. Generally, the citizens-at-large represent low-income and racial minority groups. The CH&CDC makes funding recommendations to the City of Modesto Council regarding CDBG, ESG and HOME grant programs as well as other one-time HUD-funded programs.

To avoid a perceived conflict of interest, any individual who is a member of a board of directors or is employed by an agency that applies for or receives CDBG, ESG, HOME, or other HUD funding, is ineligible to vote on funding decisions involving their respective agencies.

The CH&CDC typically meets once a month. These meetings are publicly noticed, open to the public and are typically held at Tenth Street Place, 1010 Tenth Street, Modesto, California. Public comments are both encouraged and welcomed. At least one meeting is scheduled during the public comment period for the development of, or substantial amendment to, the City of Modesto’s Annual Action Plan, Consolidated Plan, Citizens’ Participation Plan and Analysis of Impediments as well as the City of Modesto’s Consolidated Annual Performance and Evaluation Report (CAPER).
Consolidated Plan Public Contact Information

The following are several ways in which an interested party can contact the City of Modesto staff with comments regarding the City of Modesto’s PY 2016-17 Annual Action Plan:

- Telephone: (209) 577-5211
- Hearing Impaired: Dial 711, and then ask for 209-577-5211
- Email: housing@modestogov.com
- In person: City of Modesto, Community & Economic Development Department
  1010 Tenth Street, 3rd Floor, Modesto, California, 95354
- Mail: City of Modesto, Community & Economic Development Department
  Community Development Division, P.O. Box 642, Modesto, California 95353
AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Two objectives of the City of Modesto’s 2015-2020 Consolidated Plan are to 1) promote citizen participation in the development of local priority needs and objectives and 2) encourage consultation with public and private agencies to identify shared needs and solutions to persistent community problems.

The City of Modesto invites the community to provide input on the ways in which grant funds received from HUD are spent. The City of Modesto Citizen’s Participation Plan outlines the ways the City of Modesto communicates with residents regarding the use and expenditure of HUD funds.

The City of Modesto continues to review and improve its delivery system by streamlining internal processes, enhancing coordination among departments and fostering collaborative working relationships with its sub-recipients and Community Housing Development Organizations (CHDOs). A few examples include:

- **Memorandums of Understanding (MOUs).** Staff and participating departments enter into MOUs to clearly delineate program goals and reporting requirements for each of the participating departments.
- **Weekly Meetings.** The Community Development Manager and key staff members meet weekly to discuss the status of existing and future HUD-funded projects, develop work plans and reporting requirements and plan for upcoming meetings.
- **Intra/Interdepartmental Coordination.** The Housing and Urban Development Supervisor works with the Planning Division to assist with the update of the City of Modesto’s Housing Element, specifically focusing on the sections dealing with multi-family housing, affordable housing and HUD-funded housing programs and their effectiveness. Also, staff and Finance Department staff meet monthly to review various financial and reporting matters related to HUD-funded programs. Additionally, staff coordinates with various departments to ensure that capital improvement projects are on schedule and that invoices are paid in a timely manner.
- **Community/ Collaborative Committees.** On a regular basis, staff collaborates with the following organizations: the Stanislaus Housing and Support Services Collaborative (Stanislaus CoC); the Airport Neighborhood Collaborative, the West Modesto/King-Kennedy Neighborhood Collaborative; Emergency Food and Shelter Board; United Way Impact Council on Building Strong Neighborhoods and Safety Net.
- **Sub-recipient and CHDO Outreach.** Staff is proactively contacting its sub-recipients and CHDOs to keep them apprised of upcoming training opportunities, changes in HUD requirements, etc. Staff is also looking to schedule regular meetings with its CHDOs to discuss the status of existing and future projects.
Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The PY 2016-2017 Annual Action Plan was prepared with oversight by and direction from the CH&CDC. Other key aspects of the planning process are described below:

- Consult with key stakeholders, including representatives of the Housing Authority of Stanislaus County; non-profit organizations that provide housing, facilities, and/or services to low- and moderate-income residents; and neighborhood organizations.
- Consult with the general public through workshops and public hearings (see Citizen Participation below).
- Attend and participate in monthly meetings held by the Stanislaus CoC.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

A stakeholders meeting was held on April 21, 2016, at a regularly scheduled Stanislaus CoC meeting. The meeting was held at the Housing Authority of the County of Stanislaus in Modesto (Stanislaus Housing Authority). The PY 2016-17 Annual Action Plan and priority needs were the meeting agenda. The Stanislaus CoC meeting was attended by 33 people from the following agencies and organizations:

- Disability Resource Agency for Independent Living (DRAIL)
- Golden Valley Health Center (GVHC) – Corner of Hope
- United Samaritans Foundation
- Community Impact Central Valley (CICV)
- City of Modesto
- Turning Point Community Program
- Telecare Shop
- Stanislaus Team of Active Retired Seniors (STARS) Citizen Volunteers
- Community Housing and Shelter Services (CHSS)
- Stanislaus County
- Golden Valley Health Center
- Health Plan of San Joaquin
- Valley Recovery Resources
- Parent Resource Center
- Stanislaus Housing Authority
- Stanislaus County Affordable Housing
Attendees were asked to provide feedback regarding the priority needs for the use of CDBG, ESG and HOME grant funds.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Consultation with the Stanislaus CoC assists the City of Modesto in allocating and coordinating the prioritization and use of ESG funds with local needs. Through this process the City of Modesto is able to design programs and activities that are consistent with applicable federal and local standards and to distribute its funds efficiently.

The Stanislaus CoC contributes by setting up the criteria for homeless programs outcomes during its contract period. The City of Modesto’s consultations with the Stanislaus CoC allows an open discussion on how to establish performance measures that benefit the City of Modesto. This allows the City of Modesto’s CH&CDC and its City Council to be informed of the standards that ESG funds demand and best practice outcomes. These goals are then incorporated when negotiating contracts with sub-recipients. The Homeless Management Information System (HMIS) is essential for the coordination of services and the development of public policy. Analysis of information gathered through the HMIS is critical to the preparation of periodic reporting on homelessness and identifies the needs for services in the City of Modesto.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

<table>
<thead>
<tr>
<th></th>
<th>Agency/Group/Organization</th>
<th>Disability Resource Agency for Independent Living (DRAIL)</th>
</tr>
</thead>
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 OM8 Control No: 2506-0117 (exp. 07/31/2015)
<table>
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<tr>
<th>Agency/Group/Organization Type</th>
<th>Services-Persons with Disabilities</th>
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</thead>
<tbody>
<tr>
<td>What section of the Plan was addressed by</td>
<td>Non-Homeless Special Needs</td>
</tr>
<tr>
<td>Consultation?</td>
<td></td>
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<tr>
<td>Briefly describe how the</td>
<td>The agency was consulted during the</td>
</tr>
<tr>
<td>Agency/Group/Organization was consulted. What</td>
<td>formulation of the annual action</td>
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<td>are the anticipated outcomes of the consultation</td>
<td>plan and over the course of the</td>
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<td>or areas for improved coordination?</td>
<td>year as part of the ongoing</td>
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<td></td>
<td>collaboration and coordination</td>
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<td>effort that is the Stanislaus Housing</td>
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<td></td>
<td>and Support Services Collaborative.</td>
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<tr>
<td></td>
<td>The Collaborative meets monthly at</td>
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<td>the offices of the Stanislaus County</td>
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<td></td>
<td>Housing Authority in Modesto.</td>
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<td></td>
<td>The Collaborative seeks to improve</td>
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<td></td>
<td>the coordination of housing and</td>
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<td></td>
<td>human services to address social</td>
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<td>problems, reduce chronic</td>
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<td></td>
<td>homelessness, and increase the</td>
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<tr>
<td></td>
<td>supply of affordable housing.</td>
</tr>
</tbody>
</table>

2 Agency/Group/Organization: United Samaritan Foundation
Agency/Group/Organization Type: Services-Health
What section of the Plan was addressed by Consultation: Anti-poverty Strategy
Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination? The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

3 Agency/Group/Organization: Community Impact Central Valley
Agency/Group/Organization Type: Services-homeless
<table>
<thead>
<tr>
<th>Agency/Group/Organization</th>
<th>TURNING POINT OF CENTRAL CALIFORNIA</th>
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<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Services - Housing</td>
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<tr>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Housing Need Assessment</td>
</tr>
<tr>
<td>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</td>
<td>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</td>
</tr>
</tbody>
</table>

5 | Agency/Group/Organization | COMMUNITY HOUSING AND SHELTER SERVICES |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Housing</td>
</tr>
<tr>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Housing Need Assessment</td>
</tr>
<tr>
<td>Agency/Group/Organization</td>
<td>STANISLAUS COUNTY</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Other government - Local</td>
</tr>
</tbody>
</table>
| What section of the Plan was addressed by Consultation? | Housing Need Assessment  
Homeless Needs - Chronically homeless  
Homelessness Strategy |
| Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination? | The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing. |

<table>
<thead>
<tr>
<th>Agency/Group/Organization</th>
<th>PARENT RESOURCE CENTER</th>
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<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Services-Children</td>
</tr>
</tbody>
</table>
| What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs  
Anti-poverty Strategy |
<table>
<thead>
<tr>
<th>Agency/Group/Organization</th>
<th>Housing Authority of the County of Stanislaus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>PHA</td>
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<tr>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Public Housing Needs</td>
</tr>
<tr>
<td>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>Agency/Group/Organization</th>
<th>CITY OF TURLOCK</th>
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</thead>
<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Other government - Local</td>
</tr>
<tr>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy</td>
</tr>
<tr>
<td>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</td>
<td>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</td>
</tr>
<tr>
<td>Agency/Group/Organization</td>
<td>AMERICAN RED CROSS</td>
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<tr>
<td>Agency/Group/Organization Type</td>
<td>Services-homeless</td>
</tr>
<tr>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Homeless Needs - Chronically homeless Homelessness Strategy</td>
</tr>
<tr>
<td>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</td>
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<table>
<thead>
<tr>
<th>Agency/Group/Organization</th>
<th>THE SALVATION ARMY (EMERGENCY)</th>
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</thead>
<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Services-homeless</td>
</tr>
<tr>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Homeless Needs - Chronically homeless Homelessness Strategy</td>
</tr>
<tr>
<td>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</td>
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</tr>
<tr>
<td>12</td>
<td>Agency/Group/Organization</td>
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<tr>
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<td>---------------------------</td>
</tr>
<tr>
<td></td>
<td>Agency/Group/Organization Type</td>
</tr>
<tr>
<td></td>
<td>What section of the Plan was addressed by Consultation?</td>
</tr>
<tr>
<td></td>
<td>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13</th>
<th>Agency/Group/Organization</th>
<th>Center for Human Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Agency/Group/Organization Type</td>
<td>Housing</td>
</tr>
<tr>
<td></td>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Housing Need Assessment</td>
</tr>
<tr>
<td></td>
<td>Agency/Group/Organization</td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14</td>
<td>Golden Valley Health Centers Homeless Health Project</td>
<td>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</td>
</tr>
<tr>
<td>15</td>
<td>Telecare</td>
<td>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</td>
</tr>
<tr>
<td>16</td>
<td>Agency/Group/Organization</td>
<td>We Care Program -Turlock</td>
</tr>
<tr>
<td>----</td>
<td>---------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td>Agency/Group/Organization Type</td>
<td>Services-homeless</td>
</tr>
<tr>
<td></td>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Homeless Needs - Chronically homeless</td>
</tr>
<tr>
<td></td>
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</tr>
</tbody>
</table>

Identify any Agency Types not consulted and provide rationale for not consulting

The City of Modesto consulted a variety of agencies serving Modesto residents and the region. No agency types were specifically left out of the consultation process.

Please see Appendix A – Summary of Citizen Participation
Other local/regional/state/federal planning efforts considered when preparing the Plan

Please see Appendix A – Summary of Citizen Participation

Narrative

In addition to the organizations that were invited to and participated in public meetings on the PY 2016-17 Action Plan, significant aspects of the PY 2016-17 Action Plan development process included consultations with the Stanislaus CoC and its members, comprised of both public and private non-profit and for-profit entities, as well as private citizens.
AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The City of Modesto holds a minimum of two neighborhood meetings each year in low-income census tract areas to encourage participation of low- and moderate-income persons in conjunction with development of its PY 2016-17 Annual Action Plan and, every five years, its Consolidated Plan. These are held at different times and locations in an effort to accommodate different households.

The City of Modesto also conducts a minimum of one community meeting annually with service providers as the primary audience. The service provider meeting is held during the day to accommodate service providers. Additionally, the City of Modesto will, as needs are identified, make presentations at meetings hosted by civic groups, faith-based groups and other community organizations.

Spanish-speaking translators are available at all meetings. If a request for other language translators is made at least five working days prior to a public meeting, translators will be provided. All community input meetings will be held at public buildings with disabled access.

To obtain community input on the development of the City of Modesto PY 2016-17 Annual Action Plan, staff requested to be included on the agenda for local focus groups and forums providing health services, social and fair housing services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, the homeless and the chronically homeless persons. Presentations to these groups outlined the eligible uses of these funds, how the funds are currently utilized, and proposed future uses. Please see the Summary of Citizen Participation attached.
### Citizen Participation Outreach

<table>
<thead>
<tr>
<th>Sort Order</th>
<th>Mode of Outreach</th>
<th>Target of Outreach</th>
<th>Summary of response/attendance</th>
<th>Summary of comments received</th>
<th>Summary of comments not accepted and reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Meeting</td>
<td>Minorities</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-targeted/broad community</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Public Hearing</td>
<td>Minorities</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-targeted/broad community</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Newspaper Ad</td>
<td>Minorities</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
<td>Please see Appendix A - Summary of Citizen Participation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-targeted/broad community</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Table 3 – Citizen Participation Outreach
Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

There are several potential funding sources to implement the strategies contained in the PY 2016-17 Annual Action Plan. These sources include, but are not limited to:

- Funds covered under the Consolidated Plan: CDBG, HOME and ESG;
- Funds provided under other HUD programs, the Department of Commerce, the Federal Emergency Management Agency, and other federal agencies;
- Funds provided under various programs of the California Department of Housing and Community Development and the California Housing Finance Agency;
- State and federal tax credits and mortgage credit certificates;
- Tax exempt bond proceeds;
- The City of Modesto's General Fund; and
- Private industry sources such as the Federal Home Loan Bank Board's Affordable Housing Program.
## Priority Table

<table>
<thead>
<tr>
<th>Program</th>
<th>Source of Funds</th>
<th>Uses of Funds</th>
<th>Expected Amount Available Year 2 PY 2016-17</th>
<th>Expected Amount Available Reminder of ConPlan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Annual Allocation: $</td>
<td></td>
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<tr>
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<td></td>
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<td></td>
<td>Program Income: $</td>
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<td>*Prior Year Resources: $</td>
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<td>Total: $</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>CDBG</td>
<td>public - federal</td>
<td>Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services</td>
<td>1,871,328 50,000 2,617,684</td>
<td>4,539,012 5,613,984</td>
</tr>
<tr>
<td>HOME</td>
<td>public - federal</td>
<td>Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA</td>
<td>717,504 50,000 1,728,475</td>
<td>2,495,979 2,152,512</td>
</tr>
<tr>
<td>Program</td>
<td>Source of Funds</td>
<td>Uses of Funds</td>
<td>Expected Amount Available Year 2 PY 2016-17</td>
<td>Expected Amount Available Reminder of ConPlan</td>
</tr>
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<td></td>
</tr>
<tr>
<td>ESG</td>
<td>public - federal</td>
<td>Conversion and rehab for transitional housing</td>
<td>Annual Allocation: $166,397</td>
<td>499,191</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Financial Assistance</td>
<td>Program Income: $0</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Overnight shelter</td>
<td>Prior Year Resources: $41,806</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rapid re-housing (rental assistance)</td>
<td>Total: $208,203</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rental Assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Services</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Transitional housing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Resources are estimates. Actual amounts may vary due to PY15 project completion.

Table 4 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

For the ESG program, the City of Modesto requires that ESG sub-recipients provide a dollar-for-dollar match for ESG funds received. Typically, the City of Modesto is able to generate significantly more match than the amount required through its allocation of CDBG funds for ESG activities and primarily through the cash and non-cash contributions provided by ESG sub-recipients as a result of the generosity of their donors, supporters, and other funders.

Cash contributions mean cash expended for allowable ESG costs, while noncash contributions mean the value (using a method reasonably calculated to establish fair market value) of any real property, equipment, goods, and services contributed to an ESG activity, provided that if these had to be paid with ESG funds, the costs would have been allowable.

Specific sources of cash contributions include: private individual donors, California Wellness Foundation, Family and Youth Services Bureau
(Runaway and Homeless Youth Program), California Department of Education (CCTR/CSPP), First 5 California, Emergency Food and Shelter Program, and California Governor’s Office of Emergency Services (Victim Services Branch).

The 25% HOME match requirements are met through the contributions or layers of funds that the developers provide for each HOME-assisted project. The match includes private financing, waiver or deferral of development fees approved by the City of Modesto Council, Tax Credit Allocations, and any other eligible source. The City of Modesto also has accumulated a match surplus from previous years. The City of Modesto intends to satisfy this requirement by allocating sufficient funds from the Affordable Housing Fund for this purpose. The City of Modesto just released a Request for Qualifications (RFQ) for CHDO operating and set-aside funds and will release an RFQ for future developments.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Modesto has one single family unit located in the Airport Neighborhood that was recently foreclosed and has been vandalized. The intent is to transfer the unit to a non-profit organization that could, in turn, rent this unit to a low income household or rehabilitate the unit and sell it to a low income household. Additionally, the City of Modesto, as the successor housing entity to the former Redevelopment Agency of the City of Modesto, owns a parcel that will be utilized to develop 74 affordable housing units for low and very low income households.

Discussion

No additional discussion.
## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3) & (e)

#### Goals Summary Information

<table>
<thead>
<tr>
<th>Sort Order</th>
<th>Goal Name</th>
<th>Start Year</th>
<th>End Year</th>
<th>Category</th>
<th>Needs Addressed</th>
<th>Goal Outcome Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rental Housing Construction</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>H-1 Increase affordable rental housing</td>
<td>Rental units constructed: 8 Household Housing Unit</td>
</tr>
<tr>
<td>2</td>
<td>Acquisition and Rehabilitation</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>H-2 Provide Homeownership Opportunities</td>
<td>Homeowner Housing Rehabilitated: 14 Household Housing Unit</td>
</tr>
<tr>
<td>3</td>
<td>Homebuyers Assistance</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>H-2 Provide Homeownership Opportunities</td>
<td>Direct Financial Assistance to Homebuyers: 7 Households Assisted</td>
</tr>
<tr>
<td>4</td>
<td>Housing Preservation</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>H-3 Preserve Existing Affordable Housing</td>
<td>Rental units rehabilitated: 60 Household Housing Unit</td>
</tr>
<tr>
<td>5</td>
<td>Housing Rehabilitation Program</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>H-3 Preserve Existing Affordable Housing</td>
<td>Homeowner Housing Rehabilitated: 7 Household Housing Unit</td>
</tr>
<tr>
<td>6</td>
<td>Minor Home Repair - Energy Efficiency</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>H-3 Preserve Existing Affordable Housing</td>
<td>Homeowner Housing Rehabilitated: 12 Household Housing Unit</td>
</tr>
<tr>
<td>7</td>
<td>Housing Program Administration</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>H-3 Preserve Existing Affordable Housing</td>
<td>None (program administration)</td>
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</tbody>
</table>

Annual Action Plan
2015-2017

Updated: 05.27.2016
<table>
<thead>
<tr>
<th>Sort Order</th>
<th>Goal Name</th>
<th>Start Year</th>
<th>End Year</th>
<th>Category</th>
<th>Needs Addressed</th>
<th>Goal Outcome Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Fair Housing Services and Education</td>
<td>2015</td>
<td>2019</td>
<td>Fair Housing</td>
<td>H-4 Continue to Support Fair Housing.</td>
<td>Public service activities other than Low/Moderate Income Housing Benefit: 437 Persons Assisted</td>
</tr>
<tr>
<td>9</td>
<td>Emergency Shelter Beds</td>
<td>2015</td>
<td>2019</td>
<td>Homeless</td>
<td>HM-1 Address Chronic Homelessness</td>
<td>Overnight/Emergency Shelter/Transitional Housing Beds added: 12 Beds</td>
</tr>
<tr>
<td>10</td>
<td>Supportive Services - Homeless</td>
<td>2015</td>
<td>2019</td>
<td>Homeless</td>
<td>HM-1 Address Chronic Homelessness</td>
<td>Public service activities other than Low/Moderate Income Housing Benefit: 600 Persons Assisted</td>
</tr>
<tr>
<td>11</td>
<td>Transitional Housing Units</td>
<td>2015</td>
<td>2019</td>
<td>Homeless</td>
<td>HM-2 Increase transitional housing</td>
<td>Housing for Homeless added: 7 Household Housing Unit</td>
</tr>
<tr>
<td>12</td>
<td>Permanent Supportive Housing</td>
<td>2015</td>
<td>2019</td>
<td>Homeless</td>
<td>HM-3 Provide permanent supportive housing</td>
<td>Overnight/Emergency Shelter/Transitional Housing Beds added: 30 Beds</td>
</tr>
<tr>
<td>13</td>
<td>Housing Crisis Counselling</td>
<td>2015</td>
<td>2019</td>
<td>Homeless</td>
<td>HM-4 Prevent Homelessness for those at Risk</td>
<td>Public service activities other than Low/Moderate Income Housing Benefit: 290 Persons Assisted</td>
</tr>
<tr>
<td>Sort Order</td>
<td>Goal Name</td>
<td>Start Year</td>
<td>End Year</td>
<td>Category</td>
<td>Needs Addressed</td>
<td>Goal Outcome Indicator</td>
</tr>
<tr>
<td>------------</td>
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<td>---------------------------------</td>
<td>------------------------------------------------------</td>
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</tr>
<tr>
<td>14</td>
<td>HMIS Implementation</td>
<td>2015</td>
<td>2019</td>
<td>Homeless</td>
<td>HM-5 Coordinated case management</td>
<td>None (program administration)</td>
</tr>
<tr>
<td>15</td>
<td>Neighborhood Clean-up</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-1 Neighborhood Revitalization Strategy Area</td>
<td>Housing Code Enforcement/Foreclosed Property Care:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20 Household Housing Unit</td>
</tr>
<tr>
<td>17</td>
<td>Local LMI Hiring Initiative</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-2 Promote Economic Development Activity</td>
<td>Jobs created/retained:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>35 Jobs</td>
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<tr>
<td>18</td>
<td>Independent Living Services</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-3 Provide Public Services for Residents</td>
<td>Public service activities other than</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Low/Moderate Income Housing Benefit:</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>11 Persons Assisted</td>
</tr>
<tr>
<td>19</td>
<td>Supportive Housing Services</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-3 Provide Public Services for Residents</td>
<td>Public service activities other than</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Low/Moderate Income Housing Benefit:</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>2,500 Persons Assisted</td>
</tr>
<tr>
<td>20</td>
<td>At-risk Housing Services</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-3 Provide Public Services for Residents</td>
<td>Public service activities other than</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Low/Moderate Income Housing Benefit:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>94 Persons Assisted</td>
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<tr>
<td>Sort Order</td>
<td>Goal Name</td>
<td>Start Year</td>
<td>End Year</td>
<td>Category</td>
<td>Needs Addressed</td>
<td>Goal Outcome Indicator</td>
</tr>
<tr>
<td>------------</td>
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</tr>
<tr>
<td>21</td>
<td>Child Care Services</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-3 Provide Public Services for Residents</td>
<td>Public service activities other than Low/Moderate Income Housing Benefit: 290 Persons Assisted</td>
</tr>
<tr>
<td>22</td>
<td>Public improvements - Accessibility</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-4 Fund ADA Improvement in the City of Modesto</td>
<td>Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3000 Persons Assisted</td>
</tr>
<tr>
<td>23</td>
<td>Street Paving</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-4 Fund ADA Improvement in the City of Modesto</td>
<td>Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3000 Persons Assisted</td>
</tr>
<tr>
<td>25</td>
<td>Senior Housing Production</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>SN-1 Supportive housing services - elderly</td>
<td>Homeowner Housing Rehabilitated: 25 Household Housing Unit</td>
</tr>
<tr>
<td>26</td>
<td>Senior Supportive Services</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>SN-1 Supportive housing services - elderly</td>
<td>Public service activities other than Low/Moderate Income Housing Benefit: 175 Persons Assisted</td>
</tr>
<tr>
<td>27</td>
<td>Supportive Housing</td>
<td>2015</td>
<td>2019</td>
<td>Affordable Housing</td>
<td>SN-2 Supporting Housing Services - Disabled</td>
<td>Rental units constructed: 18 Household Housing Unit</td>
</tr>
<tr>
<td>Sort Order</td>
<td>Goal Name</td>
<td>Start Year</td>
<td>End Year</td>
<td>Category</td>
<td>Needs Addressed</td>
<td>Goal Outcome Indicator</td>
</tr>
<tr>
<td>------------</td>
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<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>28</td>
<td>Supportive Services - Housing</td>
<td>2015</td>
<td>2019</td>
<td>Non-Homeless Special Needs</td>
<td>SN-2 Supporting Housing Services - Disabled</td>
<td>Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted</td>
</tr>
<tr>
<td>29</td>
<td>Services - Anti-poverty</td>
<td>2015</td>
<td>2019</td>
<td>Non-Housing Community Development</td>
<td>CD-3 Provide Public Services for Residents</td>
<td>Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted</td>
</tr>
</tbody>
</table>

Table 5 – Goals Summary

Goal Descriptions

<table>
<thead>
<tr>
<th></th>
<th>Goal Name</th>
<th>Goal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rental Housing Construction</td>
<td>Construction of 44 affordable rental units over 5 years, or approximately 8 to 9 units annually.</td>
</tr>
<tr>
<td>2</td>
<td>Acquisition and Rehabilitation</td>
<td>Acquire and rehabilitate 14 to 15 units annually or 73 units over 5 years.</td>
</tr>
<tr>
<td>3</td>
<td>Homebuyers Assistance</td>
<td>Assist 7 to 8 households annually, or 36 households over 5 years, through the DPAP.</td>
</tr>
<tr>
<td>Goal Name</td>
<td>Goal Description</td>
<td></td>
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</tr>
<tr>
<td><strong>Housing Preservation</strong></td>
<td>Preserve 300 affordable housing units in the eight complexes with project-based Section 8 subsidies, through contract extensions</td>
<td></td>
</tr>
<tr>
<td><strong>Housing Rehabilitation Program</strong></td>
<td>Assist 7 to 8 households annually, or approximately 35 households over 5 years through the Emergency Home Repair Program/Disabled Access Assistance Program.</td>
<td></td>
</tr>
<tr>
<td><strong>Minor Home Repair - Energy Efficiency</strong></td>
<td>Assist 12 to 13 households annually, or approximately 60 households over 5 years through the Minor Home Repair Grant Program.</td>
<td></td>
</tr>
<tr>
<td><strong>Housing Program Administration</strong></td>
<td>Provide $397,650 in annual funding, or $1.988 million over 5 years, to support rehabilitation administration, services and supplies necessary to provide technical support and oversight of the City of Modesto's housing rehabilitation programs.</td>
<td></td>
</tr>
<tr>
<td><strong>Fair Housing Services and Education</strong></td>
<td>Assist 437 residents annually, or 2,184 over 5 years by providing fair housing consultations and information, investigation services, outreach and educational presentation and tenant landlord dispute resolution services.</td>
<td></td>
</tr>
<tr>
<td><strong>Emergency Shelter Beds</strong></td>
<td>Increase the supply of emergency shelter beds by 8 beds annually, or 40 beds over 5 years, for individuals and 4 beds annually, or 20 beds over 5 years, for families.</td>
<td></td>
</tr>
<tr>
<td><strong>Supportive Services - Homeless</strong></td>
<td>Allocate ESG and CDBG funds to provide counseling and other supportive services for homeless individuals and families as well as those most at risk. Provide supportive services to 600 homeless individuals, families, and those most at risk annually, or 3,000 persons over 5 years.</td>
<td></td>
</tr>
<tr>
<td>Goal Name</td>
<td>Goal Description</td>
<td></td>
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<td>-------------------------------</td>
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</tr>
<tr>
<td>Transitional Housing Units</td>
<td>Increase options for long-term transitional housing, especially for certain affected groups such as households with children, and those with mental health and chemical dependency issues. Leverage CDBG, HOME, and ESG funds with NSP, HPRP, and other federal, State, and private funding sources. Provide 4 additional transitional housing units annually for families, or 20 over 5 years, and 3 annually for individuals, or 15 over the next 5 years.</td>
<td></td>
</tr>
<tr>
<td>Permanent Supportive Housing</td>
<td>Increase the inventory of permanent supportive housing beds, leveraging CDBG, HOME, and ESG funds with NSP, HPRP, and other federal, State, and private funding sources. Provide 3 permanent supportive housing beds annually for individuals, or 15 over 5 years, and 3 additional permanent supportive housing beds annually for families, or 15 over 5 years.</td>
<td></td>
</tr>
<tr>
<td>Housing Crisis Counselling</td>
<td>Provide counseling to homeowners to avoid defaulting on mortgage payments, offer alternative financing to address delinquencies and refinance eligible homeowners into more favorable fixed-rate loans and provide advocacy service to negotiate with lenders for alternative financing. Assist between 42 and 69 households annually, or 291 over 5 years.</td>
<td></td>
</tr>
<tr>
<td>HMIS Implementation</td>
<td>Fully implement the Homeless Management Information System (HMIS) to better identify gaps in service and to maintain accurate data about housing and service needs. Encourage greater HMIS participation from non-HUD funded organizations by providing CDBG funding to acquire necessary HMIS equipment and technical assistance to assist those organizations. Assist one organization per year, or 5 over 5 years.</td>
<td></td>
</tr>
<tr>
<td>Neighborhood Clean-up</td>
<td>Provide CDBG funds for neighborhood clean-up and crime-prevention activities. Assist neighborhood clean-up projects for the City of Modesto's low-income residents through Neighborhood Clean-Up events. Fund code enforcement officers that work in low-income Census Tracts, along with support staff to serve about 2,184 households annually, or 10,920 over 5 years. Fund around one eligible Community Based Development Organization (CBDO) annually, or 4 over 5 years, to carry out allowable neighborhood revitalization activities in low-income neighborhoods.</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Goal Name</td>
<td>Local LMI Hiring Initiative</td>
</tr>
<tr>
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</tr>
<tr>
<td></td>
<td>Goal Description</td>
<td>Develop a process, in compliance with Section 3 requirements, to give preference to low- and very low-income persons or business concerns employing low- and very low-income persons in contract bidding opportunities for housing construction, rehabilitation, or other public construction projects that use HUD funds. Generate 7 jobs annually, or 35 jobs over 5 years, for low- and very low-income persons by giving preference in contract bidding for HUD-funded projects. Use CDBG funds to support adult literacy programs, including English as a Second Language courses. Provide literacy services to 20 residents annually, or 100 residents over 5 years.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18</th>
<th>Goal Name</th>
<th>Independent Living Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Goal Description</td>
<td>Use CDBG funds to provide supportive services that allow for independent living by populations with special needs. Serve approximately 41,000 residents annually, or 205,000 residents over 5 years, with food and nutrition programs for low- and moderate-income persons, including delivery of food to homeless individuals or referred clients temporarily living in hotels, food programs for seniors, and delivery of food to persons with HIV/Aids. Fund health services for 11 disabled persons annually, or 55 over 5 years, mainly funding for medical equipment, adaptive aids or assistive devices for the DRAIL program.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>19</th>
<th>Goal Name</th>
<th>Supportive Housing Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Goal Description</td>
<td>Provide CDBG and ESG funds to combine supportive services with housing programs for homeless persons and families. Provide shelter services for 2,500 persons annually, or 12,500 over 5 years, including a seasonal homeless emergency shelter and a transitional shelter for women recovering from alcohol/drug addictions and their children, and case management for families and/or individuals who are homeless or at risk of homelessness. Note that persons assisted may receive services over multiple years, duplicating numbers over the 5-year period.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>20</th>
<th>Goal Name</th>
<th>At-risk Housing Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Goal Description</td>
<td>Use CDBG funding to support programs for at-risk youth. Support a shelter for runaway or homeless youth, serving 72 to 73 persons annually, or 364 over 5 years. Support services for abused or neglected children, serving 21 to 22 persons annually, or 109 over 5 years.</td>
</tr>
<tr>
<td>Goal Name</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>21 Child Care Services</td>
<td>Use CDBG funding to support programs for at-risk youth. Support a shelter for runaway or homeless youth, serving 72 to 73 persons annually, or 364 over 5 years. Support services for abused or neglected children, serving 21 to 22 persons annually, or 109 over 5 years.</td>
<td></td>
</tr>
<tr>
<td>22 Public Improvements - Accessibility</td>
<td>Use CDBG dollars to fund improvements to address accessibility issues for persons with disabilities. Fund Americans with Disabilities Act (ADA) accessibility improvements in 3 public buildings over 5 years. Install of ADA-compliant curb ramps at 6 priority intersections over 5 years.</td>
<td></td>
</tr>
<tr>
<td>23 Street Paving</td>
<td>Use CDBG funds to pave streets in low-income areas where such amenities are non-existent or in a state of neglect. Pave 12 streets over 5 years.</td>
<td></td>
</tr>
<tr>
<td>25 Senior Housing Production</td>
<td>Use CDBG and HOME funds to promote construction as well as the rehabilitation and improvement of existing very low-, low-, and moderate-income senior housing. Construct or provide housing rehabilitation and improvement assistance to 25 senior households annually, or 125 households over 5 years.</td>
<td></td>
</tr>
<tr>
<td>26 Senior Supportive Services</td>
<td>Use CDBG to fund supportive services for senior residents such as food delivery and nutritional education programs. Provide supportive services to 175 seniors annually, or 875 seniors over 5 years.</td>
<td></td>
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<tr>
<td>27 Supportive Housing</td>
<td>Use CDBG and HOME funds to promote construction as well as the rehabilitation and improvement of existing very low-, low-, and moderate-income housing for persons with disabilities, mental illness, and substance addictions. Construct or provide housing rehabilitation and improvement assistance to 18 units in supportive housing facilities annually, or 90 units over 5 years.</td>
<td></td>
</tr>
</tbody>
</table>
Goal Name | Supportive Services - Housing
---|---
Goal Description | Use CDBG to fund supportive services for persons with disabilities, mental illness, and substance addictions. Provide supportive services to 250 special needs residents annually, or 1,250 persons over 5 years.

Goal Name | Services - Anti-poverty
---|---
Goal Description | Public services to the general public that are intended to address the conditions of poverty and alleviate poverty. Programs include food aid, transportation, and substance abuse treatment.

Table 6 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

All assistance will be provided to very low and low-income households (10 households in total – breakdown pending).
AP-35 Projects – 91.220(d)

Introduction

The activities to be undertaken during 2016-17 are summarized below.

<table>
<thead>
<tr>
<th>#</th>
<th>Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>City of Modesto ESG</td>
</tr>
<tr>
<td>2</td>
<td>Boys &amp; Girls Clubs of Stanislaus County (West Modesto Boys &amp; Girls Club)</td>
</tr>
<tr>
<td>3</td>
<td>CASA of Stanislaus County (CASA of Stanislaus County Direct Service Project)</td>
</tr>
<tr>
<td>4</td>
<td>Center for Human Services (Pathways)</td>
</tr>
<tr>
<td>5</td>
<td>Children's Crisis Center of Stanislaus County, Inc. (Audrey's House)</td>
</tr>
<tr>
<td>6</td>
<td>City of Modesto (Recreation Public Service)</td>
</tr>
<tr>
<td>7</td>
<td>Haven Women's Center (Domestic Violence Shelter)</td>
</tr>
<tr>
<td>8</td>
<td>Howard Training Center (Senior Meals Program)</td>
</tr>
<tr>
<td>9</td>
<td>Family Promise of Greater Modesto (Renter Restoration &amp; Prevention Services)</td>
</tr>
<tr>
<td>10</td>
<td>Parent Resource Center (Mom's Moments Plus Parenting Education)</td>
</tr>
<tr>
<td>11</td>
<td>Second Harvest Food Bank (Food Assistance and Food 4 Thought)</td>
</tr>
<tr>
<td>12</td>
<td>United Samaritans Foundation (Daily Bread Mobile Lunch Program)</td>
</tr>
<tr>
<td>13</td>
<td>Archway Commons Phase II</td>
</tr>
<tr>
<td>14</td>
<td>Stanislaus County Affordable Housing Corporation (1317 Coffee Villa, Modesto, California)</td>
</tr>
</tbody>
</table>

Table 7 – Project Information
Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Modesto is located within Stanislaus County, in Northern California. The attached maps show the census tracts that will be the focus of assistance during the program year. The first map shows the low-income census tracts where median household incomes are below 80% of the area’s median income. The second map shows the areas of minority concentration for those who identified themselves as Hispanic, Black-African/American, Asian, and American Indian/Alaskan Native.

If 51 percent or more of the households in a given Census Tract qualify as low- or moderate-income, or 51 percent or more of the population are members of minority groups, then the tract is defined as an area of concentration. Nine Census Tracts mainly located along Highway 99 and surrounding downtown Modesto, have low- or moderate-income concentrations. Fourteen Census Tracts, including most of the Census Tracts west of Highway 99 and a couple other tracts on the edges of the City of Modesto limits, have minority concentrations.

- In the funding of all projects, and in providing assistance to specific beneficiaries, the City of Modesto will ensure:
- Documentation of the low- and moderate-income status of individuals/households, or
- The area where a project benefit will be realized has a population where at least 51% of the residents are low-and moderate-income, or
- A slum and blight project meets the criteria for such projects.

The availability of funding from both federal and State sources is a key determinant of the City of Modesto’s ability to address identified needs. Budget problems at both the federal and State levels make funding for housing programs uncertain. Partly to make the most of limited resources, the City of Modesto has formed partnerships with a variety of governmental, non-profit, and service agencies to combine resources to implement programs related to housing and community development needs.
Current funding leveraging requirements;

- Not enough services to support the diverse population in affordable housing communities;
- Need to better combine housing with supportive services;
- Limited resources;
- Prevailing wage requirements;
- Resident perceptions of various services may hinder them from accepting assistance;
- Current housing market and economic conditions; and
- Need for more education and dissemination of information.

There is also a tremendous need for affordable housing including rental and homeownership units. The City of Modesto utilizes HOME funds for the development of housing units and CDBG funds for homebuyers’ assistance loans for income eligible households.

Also the City of Modesto has a large number of old housing units that need repairs. The City of Modesto offers rehabilitation loans as well as grants for the repairs needed by income eligible households.

Another obstacle is the impact of the national housing market downturn on local housing production. As of the time of publication, financing for private sector housing projects is almost non-existent. It is difficult, if not impossible, for housing developers to gather the necessary private equity investment, debt financing, and multiple sources of grants to fund projects.
### Projects

**AP-38 Projects Summary**

**Project Summary Information**

#### Table 8—Project Summary

<table>
<thead>
<tr>
<th>1</th>
<th>Project Name</th>
<th>ESG16 City of Modesto</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Target Area</strong></td>
<td></td>
<td>Not targeted by area</td>
</tr>
<tr>
<td><strong>Goals Supported</strong></td>
<td></td>
<td>Emergency Shelter Beds</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Supportive Services - Homeless</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Transitional Housing Units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Permanent Supportive Housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Housing Crisis Counselling</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HMIS Implementation</td>
</tr>
<tr>
<td><strong>Needs Addressed</strong></td>
<td></td>
<td>HM-1 Address Chronic Homelessness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HM-2 Increase transitional housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HM-3 Provide permanent supportive housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HM-4 Prevent Homelessness for those at Risk</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HM-5 Coordinated case management</td>
</tr>
<tr>
<td><strong>Funding</strong></td>
<td></td>
<td>ESG: $166,397</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td></td>
<td>The 2016 Federal Fiscal Year allocation of ESG funds for the City of Modesto are planned to provide outreach to persons living on the street, operate a shelter for the homeless, provide utility assistance and emergency rental assistance to prevent homelessness, implement rapid re-housing strategies and for program administration and data collection through HMIS.</td>
</tr>
<tr>
<td><strong>Target Date</strong></td>
<td></td>
<td>6/30/2017</td>
</tr>
</tbody>
</table>
| Estimate the number and type of families that will benefit from the proposed activities | Community Housing & Shelter Services - Activity will serve 15 unduplicated households, in conjunction with FY15 City of Modesto CDBG award.

Center for Human Services - Activity will serve 20 unduplicated beneficiaries in conjunction with FY15 City of Modesto CDBG award.

Family Promise of Greater Modesto - Activity will serve 24 unduplicated beneficiaries in conjunction with City of Modesto FY15 ESG award.

The Salvation Army, Modesto Citadel - Activity will serve 750 unduplicated beneficiaries in conjunction with FY15 City of Modesto CDBG award. |
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Location Description</td>
<td>All activities will take place within the City of Modesto limits and with all eligible households and/or persons.</td>
</tr>
</tbody>
</table>
| Planned Activities | 1. ESG Administration - @ 6% = $11,753.63

2. Community Housing & Shelter Services @ 29% = $60,000 (HPRP) - Provide ESG assistance to eligible households experiencing homelessness and at risk of experiencing homelessness. Sub-recipient is to provide ESG assistance to local U.S. Department of Housing and Urban Development (HUD) - U.S. Department of Veterans Affairs (VA) Supportive Housing (HUD VASH) program participants to the maximum extent possible. |

3. Center for Human Services (CHS) - Pathways @ 15% = $30,000 (Shelter) - Pathways is a transitional living program that serves up to 16 youth, ages 18-22, who are experiencing homelessness. Pathways’ mission is to support young adults in their journey toward self-sufficiency. Program participants may stay in the program, rent-free, for up to 21 months. 50% of any money they receive is put into savings which is returned to them at program exit. Youth enter Pathways with mental health issues, including trauma, a lack of education and work experience, and 60-85 percent engage in substance use. Ninety-five to 100 percent have experienced negative consequences as a result of a family member’s addiction. To address these barriers to success, program participants are offered intensive case management, substance abuse and mental health counseling, and a variety of life skills lessons, including job preparation and skills necessary to search for and maintain a job. Without intervention, the outcomes for these youth are poor; |
<table>
<thead>
<tr>
<th>Project Name</th>
<th>Boys &amp; Girls Clubs of Stanislaus County (West Modesto Boys &amp; Girls Club)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $42,000</td>
</tr>
<tr>
<td>Description</td>
<td>The Boys &amp; Girls Clubs of Stanislaus County will provide a number of innovative and promising programs and strategies through its Formula for Impact programs. The Boys &amp; Girls Clubs of Stanislaus County will serve youth ages 6 to 18 at the West Modesto Boys &amp; Girls Clubs in Mellis Park.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>250 youth/children</td>
</tr>
</tbody>
</table>

affecting the community through higher costs for public assistance, hospitalization, incarceration, and crime. The work Pathways does reduce the possibility that these youths become the next generation of those who experience chronic homelessness.

4. Family Promise of Greater Modesto (FPOGM) - Case Management @ 18% = $37,280 (Shelter) - Family Promise of Greater Modesto brings faith communities together to address homelessness and to support families in their journeys toward stable housing and self-sufficiency by connecting them to necessary resources while providing warmth and shelter. Family Promise does this through daily intensive case management and a network of 14 diverse congregations (representing more than 600 volunteers) in the community who provide shelter, food, and fellowship (without proselytizing) in their respective facilities on a rotating basis.

5. The Salvation Army – Berberian Emergency Shelter @ 32% = $65,129 (Shelter) - Operation of the Berberian Homeless Shelter and Transitional Living Center, lodging to approximately 115 unduplicated adults experiencing homelessness on any given evening.

American Red Cross - Disaster/Housing Crisis Assistance
<table>
<thead>
<tr>
<th>Location Description</th>
<th>King/Kennedy Center, 601 South Martin Luther King Drive, Modesto, CA 95351</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planned Activities</td>
<td>The Boys &amp; Girls Clubs of Stanislaus County will serve youth ages 6 – 18 at the West Modesto Boys &amp; Girls Clubs in Mellis Park.</td>
</tr>
<tr>
<td></td>
<td>The Boys &amp; Girls Clubs of Stanislaus County, will provide a number of innovative and promising programs and strategies through its Formula for Impact that will result in our members achieving the following Priority Outcomes. 1) Academic success - Graduate from high school ready for college, trade school, military or employment; 2) Good Character &amp; Citizenship - Be an engaged citizen involved in the community, register to vote and model strong character; 3) Healthy Lifestyles - Adopt a healthy diet, practice healthy lifestyle choices and make a lifelong commitment to fitness.</td>
</tr>
<tr>
<td></td>
<td>The West Modesto Club will annually serve 250 unduplicated members 6-18 years of age, Monday – Thursday, 3 PM – 7 PM with an estimated daily attendance of 100-120 youth. Occasionally specialized programs, services and events will be held on Fridays and Saturdays. Boys &amp; Girls Clubs of Stanislaus County maintains a 20:1 staffing ratio. Based upon the estimated daily attendance, 6 adults are required during program hours. A Program Director will work an average of 6 hours per day. Youth Development Professionals will work 4 hours per day. Services will target ages 6-13 from 3:00 PM – 6:00 PM, with a limited number of high school youth 14-18 years participating as peer counselors during this period. From 6:00PM-7:00PM, the focus will be on the high school age group.</td>
</tr>
<tr>
<td>Project Name</td>
<td>CASA of Stanislaus County (CASA of Stanislaus County Direct Service Project)</td>
</tr>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $18,500</td>
</tr>
<tr>
<td>Description</td>
<td>CASA of Stanislaus County (CASA of Stanislaus County Direct Service Project)</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit</td>
<td>38 youth/children</td>
</tr>
<tr>
<td>from the proposed activities</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td>CASA of Stanislaus County office, 800 11th Street, 4th Floor, Modesto, CA 95353</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location Description</th>
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<tbody>
<tr>
<td>CASA provides coordinated case management to address the needs of dependent youth. CASA is a program that significantly meets the needs of 'at-risk' youth. The services directly benefit a vulnerable 'low-income' population (children by definition are not in control of their resources and all of the youth in foster care, regardless of age, often live in very modest to poor conditions). This program meets an urgent community development need. For our community to thrive, we must provide proactive services for a marginalized population who cannot (yet) provide for themselves, our children. This is a unique program. It is supported (and recruited) by the Stanislaus County Superior Court to provide advocacy services for children in dependency. When a child is first placed in foster care, their future is undecided. Will they return home? What services will ensure the child's safety? Is adoption by a family member or a foster guardian a better option? While the courts grapple with these crucial questions, they are also beset by high caseloads and insufficient funding. This is where CASA comes in. CASA advocates works with everyone involved and make independent, informed recommendations on the child's behalf directly to the Judge who makes all orders regarding the case. The dedication of CASA volunteers allows judges to ensure successful outcomes for children. For many abused children, their CASA volunteer will be the one constant adult presence in their lives. Independent research has demonstrated that children with a CASA volunteer who have a chance at either reunification with their family or an opportunity to be adopted are substantially less likely to spend time in long-term foster care and less likely to reenter care.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Planned Activities</th>
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</thead>
<tbody>
<tr>
<td>Center for Human Services (Pathways)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Center for Human Services (Pathways)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Target Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not targeted by area</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Goals Supported</th>
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</thead>
<tbody>
<tr>
<td>Services - Anti-poverty</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Needs Addressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDBG: $25,900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pathways is a 16 bed transitional living program that addresses the need for shelter and support services for homeless youth 18 to 21 years of age. Shelter is provided up to 21 months.</td>
</tr>
<tr>
<td>Target Date</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
</tr>
<tr>
<td>Location Description</td>
</tr>
<tr>
<td>Planned Activities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Children's Crisis Center of Stanislaus County, Inc. (Audrey's House)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $21,346</td>
</tr>
<tr>
<td>Description</td>
<td>Children birth to 6 years of age will be welcomed into Audrey's House to receive safety, solace and compassionate care.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>100 youth/children</td>
</tr>
<tr>
<td>Location Description</td>
<td>141 Kimble Street, Modesto, CA 95354</td>
</tr>
<tr>
<td>Planned Activities</td>
<td>This proposal represents a new project in Modesto to provide emergency child care, shelter, meals, crisis intervention and specialized prevention services to a disadvantaged population of high-risk infants, toddlers, preschool and school-age children living in Modesto. This project will provide essential care services to an impoverished population of children, growing up in families afflicted by generational abuse, domestic violence, extreme poverty, substance abuse, mental illness or homelessness. These children will be from high risk families living in very low to moderate low income households (below 80% of the area median income), enduring various social and economic difficulties. They will have experienced traumas stemming from exposure to family conflict and crisis. This project will operate from a home setting located at 141 Kimble Street in Modesto and will be called Audrey's House. From this location nurturing CCC staff specializing in child development, crisis counseling, meal services, crisis management, and human services will tend to the physical, emotional, therapeutic, educational and nutritional needs of each child. Children birth to 6 years of age will be welcomed into Audrey's House to receive safety, solace and compassionate care. These young children will be welcomed with food, clean clothing, emotional support, and comfort, along with medical screenings, crisis counseling, and developmental assessments. Their stay will last a few hours or a few days based on their assessed circumstances and family needs. Audrey's House will shield children from situations that threaten their well-being and will also offer troubled parents the support and tools necessary to</td>
</tr>
</tbody>
</table>
overcome anxieties related to poverty, substance abuse, homelessness, domestic violence, unemployment and evictions. Audrey’s House is projected to serve 30 children (12 infants and toddlers; 18 preschool aged children) daily.

<p>| | |</p>
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>6</td>
<td>Project Name</td>
</tr>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $31,560</td>
</tr>
<tr>
<td>Description</td>
<td>A variety of recreational programming for both at risk youth, young adults &amp; senior citizens.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>200 seniors</td>
</tr>
<tr>
<td></td>
<td>1500 youth/children</td>
</tr>
<tr>
<td>Location Description</td>
<td>Maddux Youth Center: 615 Sierra Drive, Modesto, CA. 95351</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Center at Marshall Park (NCAMP): 420 Chicago Avenue, Modesto, CA. 95351</td>
</tr>
<tr>
<td></td>
<td>Senior Citizens Center: 211 Bodem Street, Modesto, CA. 95350</td>
</tr>
<tr>
<td></td>
<td>Burris Pool @ Sonoma Elementary: 1325 Sonoma Avenue, Modesto, CA. 95355</td>
</tr>
<tr>
<td>Planned Activities</td>
<td>The City of Modesto Parks, Recreation, &amp; Neighborhoods Department (PRN) will utilize this funding to provide a variety of recreational programming for at risk youth, young adults &amp; senior citizens. PRN will provide no less than 10 distinct programs at 4 different sites meeting critical needs within the City of Modesto. The Maddux Youth Center offers programs designed to enrich the lives of at risk youth including the Youth Service Learning Program and Girls Circle. The Neighborhood Center at Marshall Park offers educational and wellness opportunities for at risk youth including STEAM youth program, Kids Time, and &quot;up, down, all around.&quot; The Senior Citizens Center and the Burris Pool offer safe exercise activities.</td>
</tr>
<tr>
<td><strong>Project Name</strong></td>
<td>Haven Women's Center (Domestic Violence Shelter)</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td><strong>Target Area</strong></td>
<td>Not targeted by area</td>
</tr>
<tr>
<td><strong>Goals Supported</strong></td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td><strong>Needs Addressed</strong></td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td><strong>Funding</strong></td>
<td>CDBG: $37,402</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Shelter to provide survivors in danger with immediate access to safe shelter; increase knowledge of how domestic violence and trauma has impacted their family; increase access to services and reduce isolation; and assist clients in addressing safety concerns so that they become safe enough to access permanent housing.</td>
</tr>
<tr>
<td><strong>Target Date</strong></td>
<td>6/30/2017</td>
</tr>
<tr>
<td><strong>Estimate the number and type of families that will benefit from the proposed activities</strong></td>
<td>197 homeless persons</td>
</tr>
<tr>
<td><strong>Location Description</strong></td>
<td>Confidential</td>
</tr>
<tr>
<td><strong>Planned Activities</strong></td>
<td>Haven's domestic violence shelter supports survivors seeking safety and healing. Victims fleeing abuse who are homeless or imminently homeless because of domestic violence, sexual assault, or human trafficking are eligible for up to six weeks of shelter in a confidential location. While in the shelter, participants receive crisis intervention, safety planning, peer counseling, legal advocacy, and support groups for adults and children affected by trauma. The goals of the shelter program are to provide survivors in danger with immediate access to safe shelter; increase knowledge of how domestic violence and trauma has impacted their family; increase access to services and reduce isolation; and assist clients in addressing safety concerns so that they become safe enough to access permanent housing. The shelter is staffed by trained advocates 24 hours a day. Shelter staff are also responsible for</td>
</tr>
<tr>
<td>Project Name</td>
<td>Howard Training Center (Senior Meals Program)</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $29,772</td>
</tr>
<tr>
<td>Description</td>
<td>This program provides fresh hot or frozen meals Monday through Friday to Seniors 60 years and older. The Congregate Meal Sites offer a nutritious hot meal, socialization and opportunities to remain engaged in the community.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>953 seniors</td>
</tr>
<tr>
<td>Location Description</td>
<td>Howard Training Center: 1424 Stonum Rd, Modesto CA</td>
</tr>
<tr>
<td></td>
<td>Modesto Senior Center: 211 Bodem St, Modesto CA</td>
</tr>
<tr>
<td></td>
<td>Marple Manor: 530 Coffee Rd, Modesto CA</td>
</tr>
<tr>
<td></td>
<td>Ralston Tower: 900 17th St, Modesto CA</td>
</tr>
<tr>
<td></td>
<td>Mancini Hall: 718 Tuolumne Rd, Modesto CA</td>
</tr>
<tr>
<td>Planned Activities</td>
<td>Our Senior Meals program provides fresh hot or frozen meals Monday through Friday to Seniors 60 years and older. The Congregate Meal Sites offer a nutritious hot meal, socialization and opportunities to</td>
</tr>
<tr>
<td>Project Name</td>
<td>Family Promise of Greater Modesto (Renter Restoration &amp; Prevention Services)</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $17,299</td>
</tr>
<tr>
<td>Description</td>
<td>Provide education to help participants become better tenants with a goal of restoration to the mainstream rental market.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>20 families</td>
</tr>
<tr>
<td>Location Description</td>
<td>Modesto Church of the Brethren: 2301 Woodland Avenue, Suite 8, Modesto CA 95358.</td>
</tr>
</tbody>
</table>
| Planned Activities | As a provider of shelter and rental assistance, Family Promise frequently assists families who are homeless due to an eviction. With the current competitive rental market and increased use of property management companies, these families are finding few, if any, landlords willing to rent to them. Even with Rapid Re-Housing assistance, the difficulty finding units is resulting in longer shelter stays than in the past. In order to address this challenge and in an effort to reduce the length of time that families are homeless, Family Promise proposes a new program with two-fold approach to address this problem. First, the program will provide education to help participants become better tenants with a goal of restoration to the mainstream rental market. We will also reach out to landlords to determine what would be
<table>
<thead>
<tr>
<th>Project Name</th>
<th>Parent Resource Center (Mom’s Moments Plus Parenting Education)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $20,819</td>
</tr>
<tr>
<td>Description</td>
<td>Mom’s Moments Plus, a 12-week parenting education program enhanced with life skills education.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>100 LMI persons</td>
</tr>
<tr>
<td>Location Description</td>
<td>Parent Resource Center: 811 5th Street Modesto, CA, 95351</td>
</tr>
<tr>
<td></td>
<td>Modesto Gospel Mission: 1400 Yosemite Blvd, Modesto, CA, 95354 (part of collaborative effort)</td>
</tr>
<tr>
<td></td>
<td>Salvation Army: 625 I Street Modesto, CA, 95354 (part of collaborative effort)</td>
</tr>
<tr>
<td>Planned Activities</td>
<td>The PRC will target Modesto low-income mothers and their at-risk children and partner with The Salvation Army and the Modesto Gospel Mission to provide Mom’s Moments Plus, a 12-week parenting education program enhanced with life skills education. The PRC will follow the Nurturing Parenting program developed by Dr. Stephen J. Bavolek and used successfully for more than 10 years. The curriculum is centered on the family, trauma informed, and designed to build nurturing parenting skills.</td>
</tr>
</tbody>
</table>
According to the program, one of the long-term goals is to prevent recidivism in families receiving social services and stop the inter-generational cycle of child abuse.

A successful program will demonstrate short- and long-term outcomes through survey measurement and case management/home visit follow-up. Outcomes include improved parenting skills as well as family functioning. Through these outcomes, Mom's Moments Plus will play an important role in improving stability for our region's families.

To accomplish this goal, the following objectives have been developed: 1) Successful program completion rate; 2) Increased in knowledge of nurturing parenting skills; 3) Improvement in family communication; 4) increased in knowledge of life skills.

Classes, with child care, and services will be provided at no cost to families.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Second Harvest Food Bank (Food Assistance and Food 4 Thought)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $29,428</td>
</tr>
<tr>
<td>Description</td>
<td>Second Harvest Food Bank provides food assistance to those who are low-income and food insecure.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>30,500 LMI</td>
</tr>
<tr>
<td>Location Description</td>
<td>Baptist Temple of Modesto: 705 Paradise Rd., Modesto, CA, 95351</td>
</tr>
<tr>
<td></td>
<td>Big Valley Grace: 4040 B Tully Rd., Modesto, CA, 95356</td>
</tr>
<tr>
<td></td>
<td>C.F.H.S., Hutton House: 201 Jennie Street, Modesto, CA, 95354</td>
</tr>
<tr>
<td></td>
<td>Carpenters House: 1105 S Carpenter Rd., Modesto, CA, 95351</td>
</tr>
</tbody>
</table>
Davis Park Church of Christ: 901 W Rumble Road, Modesto, CA, 95350
Eastridge Community Church: 2300 E Briggsmore Ave., Modesto, CA, 95355
The Father's House: 346 Burney Street, Modesto, CA, 95354
Interfaith Ministries: Modesto 120 Kerr Avenue, Modesto, CA, 95354
Medical Ambassadors: 523 Martin Luther King Dr., Modesto, CA, 95351
Modesto Central SDA: 602 16th Street, Modesto, CA, 95354
Nineveh Outreach/The House Modesto: 1601 Coffee Rd., Modesto, CA, 95355
Nirvana Drug & Alcohol: 1028 Reno Ave., Modesto, CA, 95351
Parent Resource Center: 811 5th St., Modesto, CA, 95351
Salvation Army - Red Shield: 1649 Las Vegas St., Modesto, CA, 95358
Second Baptist Church: 529 B California Ave., Modesto, CA, 95351
Sierra Vista - Kirk Baucher School: 2524 Finney Road, Modesto, CA, 95358
St. Vincent De Paul - St. Joseph's: 1813 Oakdale Road, Modesto, CA, 95355
United Pentecostal Church of Modesto: 825 7th Street, Modesto, CA, 95354
Victory in Praise Church: 720 G Street Modesto, CA, 95354
The Well Community Fellowship: 2500 Claus Rd., Modesto, CA, 95355
Valley Oaks: 1513 Ohio Ave., Modesto, CA, 95358
Food 4 Thought Elementary Sites:
   Agnes Baptist: 1825 Cheyenne Way, Modesto, CA, 95356
   Chrysler: 2818 Conant Ave., Modesto, CA, 95350
   Eisenhut: 1809 Sheldon Dr., Modesto, CA, 95350
   Franklin: 120 S. Emerald Ave., Modesto, CA, 95351
Second Harvest Food Bank provides food assistance to those who are low-income and food insecure. Second Harvest’s Food Assistance Program interacts with non-profit charities that have a food pantry program of their own. We are currently partnering with 22 non-profit agencies in the City of Modesto.

Second Harvest provides low-income children and their families supplemental groceries at school sites in the City of Modesto. The Food 4 Thought Program is provided at 4 school sites in the City of Modesto.

Second Harvest Food Bank is requesting $40,000 to help support our distribution efforts in the City of Modesto. For the 2016-2017 fiscal year we anticipate utilizing the funds to serve 30,500 unduplicated individuals, children, seniors, and families with total of 1.4 million pounds of supplemental groceries, including fresh fruits and vegetables.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>United Samaritans Foundation (Daily Bread Mobile Lunch Program)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Services - Anti-poverty</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>CD-3 Provide Public Services for Residents</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $14,172</td>
</tr>
<tr>
<td>Description</td>
<td>The Daily Bread Mobile Lunch Program delivers nutritious meals directly into the neighborhoods where extremely low, very low income, low income, and homeless individuals reside.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2017</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>450 LMI</td>
</tr>
<tr>
<td>Location Description</td>
<td>1416 Maze Blvd., St. Stanislaus Parish, Modesto, CA, 95351</td>
</tr>
<tr>
<td>Planned Activities</td>
<td>The Daily Bread Mobile Lunch Program delivers nutritious meals directly into the neighborhoods where extremely low, very low income, low income, and homeless individuals reside. Our program ensures that persons living in these neighborhoods have access to at least one nutritious meal a day, five days a week.</td>
</tr>
<tr>
<td>Project Name</td>
<td>Archway Commons Phase II</td>
</tr>
<tr>
<td>------------------------------</td>
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</tr>
<tr>
<td>Target Area</td>
<td>Not targeted by area</td>
</tr>
<tr>
<td>Goals Supported</td>
<td>Rental Housing Construction</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>H-1 Increase affordable rental housing</td>
</tr>
<tr>
<td>Funding</td>
<td>HOME: $717,504</td>
</tr>
<tr>
<td>Description</td>
<td>Archway Commons Phase II will provide an additional 74 affordable rental units at the existing Archway Commons Phase I multi-family housing development.</td>
</tr>
<tr>
<td>Target Date</td>
<td>06/30/2018</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>74 LMI and VLI renter households</td>
</tr>
<tr>
<td>Location Description</td>
<td>1101 Carver Rd, Modesto, CA, 95350</td>
</tr>
<tr>
<td>Planned Activities</td>
<td>Archway Commons Phase II will provide an additional 74 affordable rental units at the existing Archway Commons Phase I multi-family housing development. All units will be income restricted. It is expected</td>
</tr>
</tbody>
</table>

During the week we provide as many extras (milk, juice, bread eggs, yogurt and fresh produce, etc.) as we have available to supplement their diet with nutritious foods. Delivering these meals and extras directly into neighborhoods provides supportive services that enable residents to remain in independent living situations. We also distribute information regarding other supportive services such as local food box programs, holiday food box programs, the CalFresh Program, and other services that can assist those who are at risk.

In 2015, USF served a total of 112,332 meals - 9,361 meals each month (on average) - 1,872 meals each week (on average) in the City of Modesto.

Our goal is to use this funding to provide meals for at least 450 UNDUPLICATED individuals.
<table>
<thead>
<tr>
<th><strong>Project Name</strong></th>
<th>Stanislaus County Affordable Housing Corporation (1317 Coffee Villa, Modesto, California)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Target Area</strong></td>
<td>Not targeted by area</td>
</tr>
<tr>
<td><strong>Goals Supported</strong></td>
<td>Transitional Housing Units</td>
</tr>
<tr>
<td><strong>Needs Addressed</strong></td>
<td>HM-2 Increase Transitional Housing</td>
</tr>
<tr>
<td><strong>Funding</strong></td>
<td>CDBG: $400,000</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Provide transitional housing for 6 individuals.</td>
</tr>
<tr>
<td><strong>Target Date</strong></td>
<td>12/31/2016</td>
</tr>
<tr>
<td><strong>Location Description</strong></td>
<td>1317 Coffee Villa, Modesto, California, CA, 95355</td>
</tr>
<tr>
<td><strong>Planned Activities</strong></td>
<td>Provide transitional housing for 6 individuals.</td>
</tr>
</tbody>
</table>

that at least 11 units will be HOME units. Rents will be affordable to low-income and very low-income households. The current property is at capacity with a long waiting list.
AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Assistance will be primarily but not exclusively directed towards primarily residential low-income areas. The City has not established a percentage of funding that is to be directed to low-income areas.

Geographic Distribution

<table>
<thead>
<tr>
<th>Target Area</th>
<th>Percentage of Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOW INCOME CENSUS TRACTS</td>
<td>Not targeted by area</td>
</tr>
</tbody>
</table>

Table 9 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Modesto is located within Stanislaus County, in Northern California. The maps included in the 2015-20 Consolidated Plan show the census tracts that will be the focus of assistance during the term of the five-year plan. The first map shows the low-income census tracts where median household incomes are below 80% of the area’s median income. The second map shows the areas of minority concentration for those who identified themselves as Hispanic, Black-African/American, Asian, and American Indian/Alaskan Native.

If 51 percent or more of the households in a given Census Tract qualify as low- or moderate-income, or 51 percent or more of the population are members of minority groups, then the tract is defined as an area of concentration. Nine Census Tracts mainly located along Highway 99 and surrounding downtown Modesto, have low- or moderate-income concentrations. Fourteen Census Tracts, including most of the Census Tracts west of Highway 99 and a couple other tracts on the edges of the City of Modesto limits, have minority concentrations.

In the funding of all projects, and in providing assistance to specific beneficiaries, the City of Modesto will ensure:

- Documentation of the low- and moderate-income status of individuals/households, or
- The area where a project benefit will be realized has a population where at least 51% of the residents are low-and moderate-income, or
- A slum and blight project meets the criteria for such projects. See AP-50 Geographic Distribution above.

Discussion

No additional discussion.
Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Modesto offers programs to assist working families in obtaining or maintaining a home. The City of Modesto offers many programs to assist with the provision of affordable housing, using contracts that ensure that the units remain affordable. Publicly-assisted housing in the City of Modesto includes housing developments that were subsidized with low-interest loans and rent subsidies through various HUD and Federal Housing Administration (FHA) programs, City of Modesto funding programs, and a variety of other private funding programs. According to the City of Modesto's Housing Element, the City of Modesto can maintain the existing affordable housing stock by preserving existing assisted housing assisted units or by replenishing the affordable housing inventory with new units.

<table>
<thead>
<tr>
<th>One Year Goals for the Number of Households to be Supported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless</td>
</tr>
<tr>
<td>Non-Homeless</td>
</tr>
<tr>
<td>Special-Needs</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Table 10 - One Year Goals for Affordable Housing by Support Requirement

<table>
<thead>
<tr>
<th>One Year Goals for the Number of Households Supported Through</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Assistance</td>
</tr>
<tr>
<td>The Production of New Units</td>
</tr>
<tr>
<td>Rehab of Existing Units</td>
</tr>
<tr>
<td>Acquisition of Existing Units</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Table 11 - One Year Goals for Affordable Housing by Support Type

Discussion

No additional discussion.
AP-60 Public Housing – 91.220(h)

Introduction

There are 432 public housing units in the City of Modesto, and all but eight units are currently occupied. None of the units are substandard. There are 3,345 applications combined for all of the housing programs run by the Stanislaus Housing Authority including public housing, Section 8 housing (Housing Choice Voucher), as well as other affordable housing programs. It is unknown how many of the applications are from City of Modesto residents. The Section 504 needs assessment of public housing units from the Stanislaus County Housing Authority indicates that in the City of Modesto there are 28 housing units available for the physically impaired (five one-bedroom units, 12 two-bedroom, and 11 three-bedroom units), seven units for the visually impaired (three one-bedroom, two two-bedroom, and two three-bedroom units), and seven units for the hearing impaired (4 one-bedroom, and 3 three-bedroom units). This equates to a total of 42 units for the physically, visually, and hearing impaired in the City of Modesto. The Stanislaus County Housing Authority estimates in the Authority’s Five Year Plan for Fiscal Years 2009-2013 that about 15 percent of the families on the waiting list for public housing are families with disabilities (about 560 families).

Actions planned during the next year to address the needs to public housing

Goals contained in the City of Modesto’s 2015-2018 Strategic commitments are also relevant to this PY 2016-17 Annual Action Plan:

**Healthy Economy & Great Quality of Life** (Increase the City of Modesto’s proactive economic development efforts by creating and preserving jobs, strengthening our economic base and enhancing the City of Modesto’s revenue base)

- Adopt a revised comprehensive General Plan
- Promote new and expanding businesses through targeted incentives
- Adopt a proactive approach for bringing utilities to identified business development areas
- Leverage the airport as a regional asset to encourage economic development

**Vibrant Infrastructure & Sustainable Environment** (Strengthen and maintain a safe infrastructure of City of Modesto roads, water supply, storm sewers, transit and airport needs for residents, businesses and visitors.)

- Maintain the current (PCI) Rating
- Effectively plan and manage infrastructure assets
- Enhance regional partnerships to effectively manage all water resources in the County
• Expand alternative modes of travel and improve transportation flow
• Explore opportunities for regional cooperation and service delivery

**Great Safe Neighborhoods** (Explore new approaches to public safety, working in partnership with the community to reduce crime and maintain a safe and inviting community in which to live, work and play. Increase collaboration with neighborhoods and school district(s) to achieve quality of life improvements, and safe neighborhoods through supporting community self-reliance, problem solving and public/private partnerships.)

• Explore progressive crime and fire prevention techniques
• Ensure the effective use and efficient deployment of public safety resources based on local need
• Increase public safety coordination and communication among all City of Modesto departments
• Grow neighborhood leadership and capacity and identify self-help strategies to strengthen neighborhoods
• Support positive youth activities and engagement
• Increase public awareness of City of Modesto-provided services and partnership opportunities
• Create additional strategic objective on implementing best practices (homeless; graffiti)

**Effective Responsive & Transparent Government** (Enhance the organizations' commitment to the 9 principles of EMBRACE IT, develop new and creative methods to leverage technology, market organizational strengths and remain dedicated to seeking efficiencies and continuous improvement.)

• Enhance the marketing of City of Modesto services and accomplishments
• Improve teamwork through enhanced Council, executive level, and staff communication channels
• Make Modesto an employer of choice
• Make informed decisions embracing best practices and continuous improvement
• Implement technology solutions for improved efficiency and service delivery

**Actions to encourage public housing residents to become more involved in management and participate in homeownership**

The Housing Authority provides homeownership resources to participants in the Housing Choice Voucher Program. The Family Self-Sufficiency (FSS) Program has established partnerships with a variety of community resources to refer participants for services including pre- and post-secondary education, health care, child care, employment development, supported employment, and small business...
development including micro-loans. The FSS Program also encourages families to participate in financial wellness programs including financial literacy and credit repair with an emphasis on long-term financial stability for the purposes of homeownership. Supportive services are provided through the Community Impact Central Valley (CICV), the Stanislaus County Department of Mental Health, or Stanislaus County Integrated Services Agency. The Stanislaus Housing Authority previously implemented a services and communication “quality control” system that provides the Stanislaus Housing Authority with immediate customer feedback and identifies areas that may need improvement. The Housing Authority has also implemented a resident education program with regularly scheduled meetings and written communications on agency policy, rules, and leases.

Efforts to improve communications with residents and program participants include: on site resident training/informational meetings, regular newsletters and flyers. The Stanislaus Housing Authority has implemented a “curb-side” appearance program. The focus of the program is the exterior of buildings, parking areas, play grounds and other areas of the complexes. Rodent and insect problems are addressed when residents report a problem and/or on Annual Inspections. In an effort to better education residents concerning these problems, information is regularly provided through the Stanislaus Housing Authority newsletter. These actions have assisted the Stanislaus Housing Authority in creating an atmosphere which emphasizes customer satisfaction and communication.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The PHA is not troubled.

Discussion

No additional discussion included.
AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Modesto participates in the Stanislaus CoC to develop and implement regional goals and strategies (outlined in this section) to address and end homelessness. The goal of the Homeless Strategy is to increase housing stability and decrease incidents of homelessness in Stanislaus County by targeting funds to populations most in need, meeting both the immediate and long-term needs of the homeless, and avoiding the duplication of services by coordinating with service providers and the Stanislaus CoC.

The current focus of the Stanislaus CoC funding has been to provide permanent supportive housing (PSH) for the chronically homeless, homeless veterans and for homeless youth out of foster care. The Emergency Solutions Grant (ESG) Program provides both emergency shelter and rental assistance to help stably house homeless households with and without children and long-term homeless adults. ESG sub-grantees will assess individual clients’ needs and will evaluate their potential for success in the appropriate program (Emergency, Transitional, Permanent Supportive Housing or Rental Assistance). If they are not able to offer the needed service, then clients will be referred to the appropriate resource.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Modesto has participated in Stanislaus CoC’s planning process to move individuals and families from homelessness to permanent housing and independent living through a network of housing linked to supportive services. The primary strategy document is the annual Stanislaus CoC Application. Additionally, the Stanislaus CoC is currently working with its members in the first steps toward a continuum-wide coordinated intake system.

Addressing the emergency shelter and transitional housing needs of homeless persons

As the county seat of Stanislaus County, the City of Modesto is where most all services (including shelter and transitional housing) are located in Stanislaus County. Therefore, many people experiencing homelessness who utilize available services live in Stanislaus County live in Modesto. The City of Modesto funds shelter activities to the maximum extent possible with CDBG Public Services and ESG (Hold-Harmless Need or HHN) funds. Other strategies designed to address homelessness, such as financial assistance and supportive housing, are carried out through other City of Modesto funding sources, such as using federal stimulus funds in partnership with the Housing Authority to build affordable housing designed to serve youth experiencing homelessness and other extremely low-income/homeless populations.

Annual Action Plan
2016-2017

OMB Control No: 2506-0117 (exp. 07/31/2015)

Updated: 05.27.2016
All ESG sub-recipients that carry out emergency shelter activities have a street outreach component to its operations. Additionally, these ESG sub-recipients also participate in the local Stanislaus CoC’s point-in-time count, which affords them an opportunity to reach out to unsheltered persons. Also, through the Stanislaus CoC, the City of Modesto participates in the annual Street Relief event, which provides a variety of services (bike repair, veterinary, haircut, information and referral, etc.) to scores of persons experiencing homelessness, including unsheltered persons.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

These homeless subpopulations are a high priority for the City of Modesto, the Stanislaus CoC, and its Ten-Year Plan. The City of Modesto is coordinating with the Stanislaus CoC and U.S. Department of Veterans Affairs, allocated security deposit assistance to its sub-recipient, Community Housing and Shelter Services (CHSS) to provide this assistance to HUD-VASH program participants, as this particular assistance is not available through this otherwise comprehensive HUD-VA program.

Families and children experiencing homelessness is also prioritized as reflected by CDBG and ESG allocations to sub-recipients that serve these subpopulations (Center for Human Services, Children’s Crisis Center, Haven Women’s Center, and Family Promise).

City of Modesto, its ESG sub-recipients, and other partners are especially strategic in helping these subpopulations of persons experiencing homelessness. For example, City of Modesto’s Homelessness Prevention and Rapid Re-Housing (HPRP) activities through Community Housing and Shelter Services includes the allocation of ESG funds for HUD-VASH program participants (veterans and/or their families experiencing homelessness) so that they may receive security deposit assistance, which is not available through this otherwise-comprehensive permanent supportive housing program. Another subpopulation that is targeted with ESG HPRP financial assistance is families with dependent children. In addition to helping these persons make the transition to stable housing using its ESG funds, the City of Modesto has invested millions of dollars using federal stimulus funds to develop, in partnership with its sub-recipient, the Housing Authority, a 32-unit complex designed to serve youth experiencing homelessness and former foster youth (ages 18-28) with permanent supportive housing. Center for Human Services’ Pathways serves as a transitional supportive housing pathway to this 32-unit permanent supportive housing project.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly
funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

While a discharge coordination plan has yet to be developed and implemented locally, the City of Modesto does help lead in the coordination of the Stanislaus CoC’s services. Furthermore, homelessness prevention assistance, while scarce, is provided through an ESG sub-recipient (Community Housing and Shelter Services). Foster care youth and those exiting the foster care system will be served through the City of Modesto partnership with the Housing Authority on the above-mentioned federal stimulus funded activity.

Discussion

No additional discussion.
AP-75 Barriers to Affordable Housing – 91.220(j)

Introduction

The goals from the City of Modesto’s 2016 Housing Element are relevant to the Consolidated Plan requirements to remove barriers to affordable housing.

The City of Modesto adopted an Analysis of Impediments to Fair Housing Choice (AI) in 2015 that outlines the public policies that could potentially limit access to affordable housing. These public policies include: development plans and policies; zoning ordinances; building, occupancy, and health and safety codes; affordable housing development, public housing authoring collaboration, and community representation and participation. An example of a policy that incentivizes the development of affordable housing is a recently updated program that provides exemptions and/or deferrals of Capital Facilities Fees to for-profit or non-profit affordable housing developers, with special consideration given to CHDOs.

The City of Modesto in collaboration with other participating cities throughout the Northern San Joaquin Region (Smart Valley Places) have completed a Fair Housing and Equity Assessment (FHEA) that will inform the City of Modesto’s updated AI in the next program year. The City of Modesto is also preparing for the change in AI guidelines as indicated in the Assessment of Fair Housing (AFH) final rule.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Modesto has worked to eliminate internal barriers to the development of affordable housing through the following continuing efforts:

- Providing funding for land acquisition, secondary financing, and infrastructure costs;
- Assisting qualified households to purchase homes utilizing the Homebuyers Assistance Program;
- Exemption or deferral of Capital Facilities Fees for projects providing low-income housing;
- Using the adopted streamlining process for environmental review;
- Continuing to work with non-profit housing agencies in the provision of supportive services and programs; and
- Using streamlined application review and permit processing.

Discussion

No additional discussion.
AP-85 Other Actions – 91.220(k)

Introduction

The City of Modesto has described other actions within the sections of this Action Plan and the five-year Strategic Plan as referenced below.

Actions planned to address obstacles to meeting underserved needs

See response at AP-35 “Describe the reasons for allocation priorities and any obstacles to addressing underserved needs.”

Actions planned to foster and maintain affordable housing

See response at AP-55 “Affordable Housing.”

Actions planned to reduce lead-based paint hazards

Staff developed a workbook to guide contractors through the process when lead-based paint is found or presumed to be present during construction. The workbook contains federal requirements for paint and rehabilitation programs, a flowchart of assistance thresholds, the documentation that is required, and the timeframe to submit the documentation, and cost worksheets on level of rehabilitation assistance. This workbook includes Lead Safe Housing Rule Checklist and Associated Guidance, which complies with Information Bulletin CPD-2003-017, August 2003.

Staff also periodically sponsor an EPA-HUD certified class, “Lead Safety for Remodeling, Repair, & Painting.” Most housing rehabilitation projects are subject to federal regulations for Lead-Based Paint and contractors must be certified in safe work practices when completing the rehabilitation work. This effort in the past has resulted in more contractors being able to bid on and participate in the projects that contain lead-based paint.

The cost for the stabilization of lead based paint can be included in the City of Modesto’s housing rehabilitation loan program. The cost of the lead-based paint inspection and/or clearance is paid from entitlement funds.

The City of Modesto will continue to provide lead-based paint testing as a component of its housing repair and rehabilitation programs when required by HUD regulations. Given the age and condition of the City of Modesto’s housing stock, there are a significant number of homes where lead-based paint testing is needed.

The City of Modesto’s housing program guidelines include specific policies related to testing and abating. When lead-based paint is present or presumed to be present, lead-safe work practices are
required. In addition, all of the City of Modesto's loan agreements for new projects prohibit the use of any lead-based paint.

**Actions planned to reduce the number of poverty-level families**

The City of Modesto’s strategy for reducing poverty will be successful only to the extent that:

- Adequate state and federal funding is available for education, job training, and supportive service programs that will increase economic opportunity and self-sufficiency;
- Adequate state and federal funding is available for regional infrastructure necessary to support economic development; and
- The City of Modesto’s competitiveness in relation to other regional economies attracts employers and industries that create higher paying jobs. Unfortunately, the City of Modesto has little or no direct control over these factors and can make only marginal improvement in the local rate of poverty through its use of federal and other funds.

The City of Modesto’s goals include several that align with the goal of reducing poverty, including creating new affordable housing, expanding housing and services for the homeless, creating new local jobs, and providing social services. The City of Modesto plans to fund specific activities that address each of these goals during the Consolidated Plan timeframe.

**Actions planned to develop institutional structure**

See response at SP-40 “Institutional Delivery Structure.”

**Actions planned to enhance coordination between public and private housing and social service agencies**

City of Modesto relies primarily on its (A) close consultation with the Stanislaus CoC, which is made up of representative stakeholders and (B) monthly meetings with its public and private housing development partners, which include local private CHDOs (e.g., Habitat for Humanity, Stanislaus County and Stanislaus Affordable Housing Corporation) and the Housing Authority (to enhance coordination in the areas of community housing and social services).

**Discussion**

No additional discussion.
Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l) (1,2,4)

Introduction

Please see the responses below that are specific to the CDBG, HOME and ESG programs.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee’s strategic plan.
3. The amount of surplus funds from urban renewal settlements
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan
5. The amount of income from float-funded activities

Total Program Income:

Other CDBG Requirements

1. The amount of urgent need activities
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.

OMB Control No: 2506-0117 (exp. 07/31/2015)

Updated: 05.27.2016
HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Modesto does not use forms of investment within the local HOME program other than those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The City of Modesto does not intend to use HOME funds for homebuyer activities.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The City of Modesto does not intend to use HOME funds for homebuyer activities.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Modesto does not intend to use HOME funds for refinancing activities.

Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

City of Modesto, in consultation with the Stanislaus CoC stakeholders, developed policies and procedures for providing ESG assistance that incorporates the new and broadened components of ESG.

Standards for providing ESG homelessness prevention and rapid re-housing assistance include respectively targeting households with dependent children and persons experiencing homelessness connected to or eligible to receive (within 6 months) assistance from mainstream benefits and services.

These standards also include limiting assistance for a period of up to six (6) months and extending
the period of assistance up to the maximum 18 months on a case-by-case basis.

HUD-VASH (U.S. Department of Housing and Urban Development-U.S. Department of Veterans Affairs Supportive Housing) program participants are also prioritized to receive security deposit assistance upon HUD-VASH intake.

Income qualification guidelines are no less restrictive than ESG guidelines (50% or below AMI for homelessness prevention assistance and not-applicable for rapid re-housing).

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Stanislaus CoC has not established a centralized or coordinated system, as HUD has not finalized its requirements.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Modesto consults with the Stanislaus CoC to develop funding priorities and competitively awards ESG funding through an RFP process. This RFP process conforms to the City of Modesto’s rigorous procurement process, including public noticing and utilizing its state-of-the-art online bidding system. The funding priorities as it relates to ESG are funding emergency shelter to the maximum extent possible (up to Hold Harmless Need [HHN] limit) and prioritizing rapid re-housing higher than homelessness prevention.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The City of Modesto is unable to meet the homeless participation requirement in 24 CFR 576.405(a) due to the fact that its policy-making entity is made up of elected officials. The City of Modesto, however, works very closely with the Stanislaus CoC which is made up of a representative group of diverse stakeholders, including persons experiencing homelessness and those who at one time in their lives had experienced homelessness. The City of Modesto intends to work with the Stanislaus CoC and elected and appointed City of Modesto officials to develop a formal homeless participation plan that will engage persons experiencing homelessness in a meaningful way that influences homelessness-related policies, including development of funding priorities and funding allocation.
5. Describe performance standards for evaluating ESG.

The City of Modesto consulted with the Stanislaus CoC and developed the following performance standard: Elimination or mitigation of barriers to stable housing. These barriers may be financial, health-related, relational, etc. Stanislaus CoC stakeholders determined that post-assistance follow-up evaluation is extremely difficult to achieve.

Discussion

The City of Modesto consults closely and regularly (at least twice monthly) with the Stanislaus CoC and its HMIS, ESG/HPRP, and SHP subcommittees, which develop policies and procedures for these programs and is taking the lead in building the service infrastructure that will be necessary to sustain a centralized or coordinated assessment system. This consultation takes the form of reports and presentations that are placed on the Stanislaus CoC monthly meeting agendas.

The operation and administration of the Homeless Information Management System (HMIS) designated by the Stanislaus CoC is led by the Stanislaus Housing Authority. The City of Modesto may pay the costs of contributing data to the HMIS via funding to sub-grantees or to the HMIS Lead.

The City of Modesto is member of the Stanislaus CoC/s HMIS Subcommittee which meets monthly to develop policies, procedures, and best practices and offers trainings developed by the HMIS Lead.
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-255

RESOLUTION APPROVING THE ALLOCATION OF FUNDING IN THE AMOUNT OF UP TO $288,200 IN COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANTS; UP TO $154,000 IN EMERGENCY SOLUTIONS GRANTS; AND CARRYOVER FUNDS IN THE AMOUNT OF $41,805 FROM PROGRAM YEAR 2015-2016; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REQUIRED AGREEMENT AND DOCUMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City anticipates receiving approximately $50,000 in Program Income for Program Year 2015-2016,

WHEREAS, the City may award up to fifteen percent (15%) of its prior year Program Income and 15% of its current Program Year grant allocation to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, up to $288,200 in CDBG funds will be allocated to Public Service sub-recipients in Program Year 2016-2017, and

WHEREAS, the City awards ESG grants to eligible organizations that provide assistance to individuals and families experiencing homelessness and those at risk of experiencing homelessness, and

WHEREAS, staff issued a Request for Proposals for the Program Year 2016-2017 CDBG Public Services and ESG grants, and
WHEREAS, ESG regulations allow 7.5% of the City's current Program Year grant allocation to be spent on administrative oversight, and

WHEREAS, the remaining funds, or $154,000, and $41,805 of unallocated ESG funds from prior Program Year allocations have been incorporated into the Program Year 2016-2017 Annual Action Plan, and

WHEREAS, up to $195,805 in ESG funds will be allocated in Program Year 2016-2017, and

WHEREAS, the City Council-appointed Citizens Housing & Community Development Committee (CH&CDC) reviewed these proposals and made funding recommendations, as set forth in Exhibit A, and

WHEREAS, those recommendations are incorporated into the Program Year 2016-2017 Annual Action Plan, and

WHEREAS, on May 18, 2016, the CH&CDC recommended forwarding the Program Year 2016-2017 Annual Action Plan to the City Council for consideration and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the estimated allocation of funding in the amount of $288,200 in Community Development Block Grant Public Service Grants, and $154,000 in Emergency Solutions Grants, and any carryover funds from Program Year 2015-2016, described in Exhibit A, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that Council hereby authorizes the City Manager, or his designee, to execute the required agreement and documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDEGREN, City Attorney

STEFANIE LOPEZ, City Clerk
## EXHIBIT A

**Program Year 2016-2017 Public Service Proposed Allocations**

<table>
<thead>
<tr>
<th>Program</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Housing &amp; Shelter Services</td>
<td>$ 60,00</td>
</tr>
<tr>
<td>Interfaith Hospitality Network of Greater Modesto dba Family Promise of Greater Modesto</td>
<td>$ 37,28</td>
</tr>
<tr>
<td>Center for Human Services</td>
<td>$ 30,00</td>
</tr>
<tr>
<td>The Salvation Army, Modesto Citadel – Berberian Emergency Shelter</td>
<td>$ 65,12</td>
</tr>
<tr>
<td><strong>ESG Public Service allocations</strong></td>
<td><strong>$ 192,40</strong></td>
</tr>
<tr>
<td>Haven Women’s Center of Stanislaus</td>
<td>$ 37,40</td>
</tr>
<tr>
<td>Children’s Crisis Center of Stanislaus County – Respite Child Shelter Program</td>
<td>$ 21,34</td>
</tr>
<tr>
<td>Howard Training Center - Senior Meals Program</td>
<td>$ 29,77</td>
</tr>
<tr>
<td>Court Appointed Special Advocates (CASA) of Stanislaus County - Court Appointed Special Advocate</td>
<td>$ 18,50</td>
</tr>
<tr>
<td>Training and Support</td>
<td></td>
</tr>
<tr>
<td>Center for Human Service - Youth Experiencing Homelessness Project</td>
<td>$ 25,90</td>
</tr>
<tr>
<td>Second Harvest Food Bank of San Joaquin and Stanislaus Counties - Food Assistance and Food 4</td>
<td>$ 14,42</td>
</tr>
<tr>
<td>United Samaritans Foundation- Daily Bread Mobile Lunch Program</td>
<td>$ 14,17</td>
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<tr>
<td>Parent Resource Center - Mom’s Moments Parenting Program</td>
<td>$ 20,81</td>
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<tr>
<td>Interfaith Hospitality Network of Greater Modesto dba Family Promise of Greater Modesto</td>
<td>$ 17,30</td>
</tr>
<tr>
<td>City Of Modesto - Recreation Programs - Public Service</td>
<td>$ 31,56</td>
</tr>
<tr>
<td>Boys &amp; Girls Club of Stanislaus County</td>
<td>$ 42,00</td>
</tr>
<tr>
<td><strong>CDBG Public Service allocations</strong></td>
<td><strong>$ 288,00</strong></td>
</tr>
</tbody>
</table>

06/14/2016/CED/TRocha/Item 17