A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD NORTHERN CALIFORNIA INC. FOR REIMBURSEMENT FOR IMPROVEMENTS AND RIGHT-OF-WAY DEDICATIONS ON PRESCOTT ROAD AND PELANDALE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an agreement between the City of Modesto and Kaufman and Broad Northern California Inc. for reimbursement for improvements and right-of-way dedications on Prescott Road and Pelandale Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-2

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
ESTIMATING REVENUES AND ESTABLISHING A NEW CIP PROJECT

WHEREAS, StanCOG makes Local Transportation Funds available annual in what is
known as a supplemental apportionment. The amount is money unapportioned from the previous
fiscal year; and is estimated to be $395,000; and

WHEREAS, LTF funds can only be used for transportation purposes; and

WHEREAS, staff is recommending this additional revenue be used for Modesto Area
Express service; purchase of three buses; security patrol service at the Amtrak Station; and street
pavement maintenance projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2000-01 Annual Budget is hereby amended as indicated in Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 4th day of January 2000, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
## Revenues

<table>
<thead>
<tr>
<th></th>
<th>Fund</th>
<th>AU</th>
<th>Opn</th>
<th>Out</th>
<th>Budget</th>
<th>Revised</th>
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<th>Remarks</th>
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<tr>
<td>LTF</td>
<td>6510</td>
<td>510</td>
<td>9510</td>
<td>3204</td>
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<td>177,600</td>
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<td>LTF - 3 Transit Buses - CIP</td>
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<td>3804</td>
<td>9,111,381</td>
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<td>9,821,751</td>
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<td>8,273,351</td>
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<td>Sub-total Revenue - 3 Buses</td>
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<td>Amtrak</td>
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<td>9510</td>
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<td>Amtrak Station-operating (set-up)</td>
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<td>9510</td>
<td>1213</td>
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<td>100,000</td>
<td>LTF - non- Transit non-CIP</td>
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<tr>
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<td>0510</td>
<td>510</td>
<td>9510</td>
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<td>77,000</td>
<td>77,000</td>
<td>77,000</td>
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<tr>
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<td>510</td>
<td>9510</td>
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<td>37,000</td>
<td>37,000</td>
<td>LTF - non- Transit non-CIP</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td>1,700,000</td>
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<td>1,914,000</td>
<td>sub-total LTF - non- Transit non-CIP</td>
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<td>12,935,484</td>
<td>1,104,700</td>
<td>14,040,184</td>
<td>Total Revenue</td>
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### Transfers

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<th>Revised</th>
<th>Budget</th>
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<td>7000</td>
<td>9051</td>
<td>1,963,000</td>
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<td>2,063,000</td>
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<tr>
<td>0100</td>
<td>700</td>
<td>7000</td>
<td>9051</td>
<td>700,000</td>
<td>77,000</td>
<td>777,000</td>
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<td>177,000 Sub-tot Transfers</td>
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<td></td>
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### Expenses

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<th>Opn</th>
<th>Out</th>
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<td>5612C</td>
<td>0330</td>
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<td>new CIP</td>
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<td>5,410 LTF CHK Lisa F on fund-Amtrak station</td>
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<td>LTF-Street Pavement Maint. Project</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td>1,104,700</td>
<td>Total Appropriation</td>
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| Transfer | 0510 | 700  | 0510G| 7000| 7070 | 1,963,000| 100,000 | 2,063,000 |
|          | 0510 | 700  | 0510G| 7000| 7010 | 700,000  | 77,000  | 777,000  |
|          |      |      |     |     |     | 2,063,000| 177,000 | 2,840,000 | Sub-tot Transfers |

394,300 LTF Normally: 710,400 FTA Fund 0510 used for LTF Non-Transit 1,104,700 Fund 6510 used for LTF-Transit

Note: worked with f. cavanah and lisa forester
A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE HOLLOW NO. 3 AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Hollow No. 3 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $176,000 and $88,000 Respectively to guarantee improvements in Rose Hollow No. 3 and;

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

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

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

1. The improvements in Rose Hollow No. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $176,000 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $17,600 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN KENSINGTON PARK UNIT NO. 1 AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Properties, a California Corporation, subdividers of Kensington Park Unit No. 1 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $812,800 and $406,400 respectively to guarantee improvements in Kensington Park Unit No. 1 and;

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

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

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

1. The improvements in Kensington Park Unit No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $812,800 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $406,400 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jeann Zahr, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN WILDFLOWER SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Kaufman Capital Corporation, a California Corporation, subdividers of Wildflower subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $1,208,311 and $514,155.50 respectively to guarantee improvements in Wildflower subdivision and;

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

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

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

1. The improvements in Wildflower Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $1,208,311 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $514,155.50 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk
A RESOLUTION APPROVING COOPERATIVE AGREEMENT NO. 10-118 BETWEEN THE CITY OF MODESTO AND CALTRANS FOR INSTALLATION OF TRAFFIC SIGNAL CONTROLLERS AND FOUNDATIONS AT VARIOUS LOCATIONS IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Cooperative Agreement No. 10-118 between the City of Modesto and Caltrans for installation of traffic signal controllers and foundations at various locations in the City of Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO ESTIMATE ADDITIONAL REVENUE FROM THE STATE COST SHARING AGREEMENT

WHEREAS, staff successfully applied for a Congestion management and Air Quality (CMAQ) grant which paid for the purchase of traffic controllers; and

WHEREAS, the City requested that Caltrans share in the direct construction costs for installing 13 controllers that are on State routes; and

WHEREAS, Caltrans has agreed to participate and will contribute $20,000 towards the installation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>#0700-160-K388</th>
<th>$20,000</th>
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<tbody>
<tr>
<td>#0700-510-3138</td>
<td>$20,000</td>
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</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Frohman, Fisher, Friedman, Serpa, Smith and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zehr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TAI CHI CHUAN TO PROVIDE SELF-DEFENSE CLASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tai Chi Chuan to provide self-defense classes be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-8

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH CHRIS RICCI PRESENTS, INC., TO HOST A STREET FESTIVAL, THE “EXCLAMATION FEST,” IN DOWNTOWN MODESTO ON SATURDAY, JULY 22, 2000.

WHEREAS, staff has received a request from Chris Ricci Presents, Inc, to host an adult-only street festival, the *Exclamation Fest*, in downtown Modesto on Saturday, July 22, 2000, and

WHEREAS, the promoters are proposing to pay for all costs, including city services, specifically Modesto Police Department coverage (event security), medical emergency coverage, event setup, event cleanup, insurance, and any other services that the City may deem necessary, and

WHEREAS, permits for street closure will be required, and waiver of amplified music and/or noise ordinances may be required, and

WHEREAS, the promoters have met with City staff and have received an endorsement from the Downtown Improvement District, and

WHEREAS, the Human Services Committee met on December 14, 1999, and recommended that staff be authorized to negotiate an agreement for this event, and

WHEREAS, the Council considered this matter at its meeting of January 4, 2000,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to negotiate an agreement, with Chris Ricci Presents, Inc., to host a street festival, the “Exclamation Fest,” in downtown Modesto on Saturday, July 22, 2000. The agreement shall provide for a letter of credit to secure the covenants made by the promoter in the agreement.

BE IT FURTHER RESOLVED that City staff will return to the City Council for authorization for the City Manager to execute the proposed agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-9

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF 12 WATER WELL SITES REORGANIZATION TO THE CITY OF MODESTO. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the annexation of Twelve (12) Water Well Sites Reorganization (hereafter referred to as the “territory”) to the City of Modesto, and

WHEREAS, the City is the owner of one hundred (100) percent of the property involved, and is the only agency that will gain territory from the annexation of the territory, and

WHEREAS, State law permits the Local Agency Formation Commission (hereafter referred to as “LAFCO”) to make a determination on the proposal without notice and hearing and permits the City to waive the Conducting Authority Proceedings, and

WHEREAS, State annexation law, the Cortese-Knox Local Government Reorganization Act of 1985, Section 56111, permits cities to annex non-contiguous lands (not exceeding 300 acres) as long as they are owned by the city and are being used for municipal purposes, and
WHEREAS, the City of Modesto acquired a number of water well and tank sites at the time the City purchased the Del Este Water Company, and

WHEREAS, these public facility sites are scattered throughout the Modesto General Plan Area including Salida and the unincorporated Del Rio area, and

WHEREAS, there are no Williamson Act contracts within the proposed annexation area, and

WHEREAS, the territory proposed to be annexed is uninhabited, and the Twelve (12) Water Well Sites are as shown on the Map of Annexation Proposal which is marked as Exhibit “A”, attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed ranges from .01 acre to 5 acres, for a total of approximately 8.89 acres, as set forth on Exhibits “B-1” through “B-12”, attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibits “B-1” through “B-12” attached hereto, to the City of Modesto.

(b) The detachment of said territory from the following Fire Protection Districts:

1. Well Site No. 1 Reorganization - from the Salida Fire Protection District.

2. Well Site No. 2 Reorganization - from the Stanislaus
Consolidated Fire Protection District.

3. Well Site No. 3 Reorganization - from the Stanislaus Consolidated Fire Protection District.

4. Well Site No. 4 Reorganization - from the Stanislaus Consolidated Fire Protection District.

5. Well Site No. 5 Reorganization - from the Stanislaus Consolidated Fire Protection District.

6. Well Site No. 6 Reorganization - from the Stanislaus Consolidated Fire Protection District.

7. Well Site No. 7 Reorganization - from the Stanislaus Consolidated Fire Protection District.

8. Well Site No. 8 Reorganization - from the Stanislaus Consolidated Fire Protection District.

9. Well Site No. 9 Reorganization - from the Woodland Avenue Fire Protection District.

10. Well Site No. 10 Reorganization - from the Burbank-Paradise Fire Protection District.

11. Well Site No. 11 Reorganization - from the Woodland Avenue Fire Protection District.

12. Well Site No. 12 - from the Woodland Avenue Fire Protection District.

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and
WHEREAS, the reason for this proposed *Twelve (12) Water Well Sites Reorganization* to the City of Modesto is as follows:

The *Twelve (12) Water Well Sites* have no potential for further development other than public facilities,

and

WHEREAS, the proposed reorganization is categorically exempt under CEQA Guidelines Section 15319 (a), which section basically provides for the annexation of existing facilities and lots for exempt facilities, public or private, which would not require additional capacity to be served, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That pursuant to Cortese-Knox Section 56837, the City consents to LAFCO waiving the Conducting Authority Proceeding, said consent allows the completion of the proceedings without notice, hearing, or election.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the annexation of the *Twelve (12) Water Well Sites* Reorganization, as set forth on Exhibits “B-1” through “B-12”, attached hereto,
according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the annexation of *Twelve (12) Water Well Sites Reorganization* to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

**AYES:**
Councilmembers: Conrad, Dobbs, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

**NOES:**
Councilmembers: None

**ABSENT:**
Councilmembers: None

**ATTEST:**
JEAN ZAHR, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By

MICHAEL D. MILICH, City Attorney
12 Water Well Annexation (Key - Map)
BASIS OF BEARINGS:
DEED RECORDED MAY 27, 1988, AS INSTRUMENT 034177, STANISLAUS COUNTY RECORDS.

SCALE: 1"=100'

REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT
PREZONED TO C-3, HIGHWAY COMMERCIAL ZONE.

WELL SITE NO.1 REORGANIZATION
to the City of Modesto

0.027 ACRES

EXHIBIT "A-1"
BASIS OF BEARING

COURSE OF N 89'26"E ON E.W.
1/4 LINE THRU SECTION 10 AS SHOWN ON STANISLAUS SURVEY #529, AND SURVEY OF PORTION
OF SW 1/4 OF SEC.10 FILED DEC. 21, 1959 IN BOOK 8 OF SURVEYS AT PAGE 20.

1. N 89'30"E
   145.00'
2. N 00'47"20"W
   122.00'
3. N 89'12"40"W
   165.00'
4. S 00'47"20"E
   121.92'
5. N 89'30"E
   20.00'

REFERENCES ARE TO STANISLAUS COUNTY RECORDS.
DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE
PROTECTION DISTRICT PREZONED TO R-2, MEDIUM DENSITY
RESIDENTIAL ZONE.

WELL SITE NO.2
REORGANIZATION

to the City of Modesto

0.209 ACRES

SEC.10, T.3S., R.9E., MDB&M

EXHIBIT "B-2"
EXISTING CITY LIMITS  
(PREVIOUS ANNEXATION BOUNDARY) ————

BASIS OF BEARING  
COURSE OF N89°26'E ALONG E.W. 1/4  
LINE THRU SECTION 10 AS SHOWN ON  
STANISLAUS SURVEY #529, AND  
SURVEY OF A PORTION OF S.W. 1/4  
OF SECTION 10, FILED DECEMBER 21,  
1959, IN BOOK 8 OF SURVEYS AT  
PAGE 20.

REFERENCES ARE TO STANISLAUS COUNTY RECORDS.  
DETACHMENT FROM STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT  
PREZONED R-1, LOW DENSITY RESIDENTIAL ZONE.

WELL SITE NO. 3 REORANIZATION  
to the City of Modesto

.444 ACRES  
SEC. 10, T.3S. R.9E., MDB&M

EXHIBIT "B-3"
WELL SITE NO. 4 REORGANIZATION to the City of Modesto

5.10 ACRES

EXHIBIT "B-4"
REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT
PREZONED C-3, HIGHWAY COMMERCIAL ZONE.

WELL SITE NO. 5
REORGANIZATION
to the City of Modesto

0.238 ACRES
SEC. 30, T.3S., R.10E., MDB&M

EXHIBIT "B-5"
REFERENCES ARE TO STANISLAUS COUNTY RECORDS.
DETACHMENT FROM THE STANISLAUS CONSOLIDATED
FIRE PROTECTION DISTRICT PREZONED R-1, LOW
DENSITY RESIDENTIAL ZONE.

WELL SITE NO. 6 REORGANIZATION
to the City of Modesto

0.031 ACRES
SEC. 30, T.3S., R.10E., MDB&M

EXHIBIT "B-6"
WELL SITE NO. 7 REORGANIZATION

REORGANIZATION

to the City of Modesto

.321 ACRES

SEC.32.T.3S. R.10E., MDB&M

EXHIBIT "B-7"
REFERENCES ARE TO STANISLAUS COUNTY RECORDS.
DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION
DISTRICT PREZONED R-1, LOW DENSITY RESIDENTIAL ZONE.

WELL SITE NO.8 REORGANIZATION
to the City of Modesto

0.095 ACRES
SEC.30, T.3S., R.10E., MOD&M

EXHIBIT "B-8"
WELL SITE NO. 9
REORGANIZATION
to the City of Modesto

0.043 ACRES

EXHIBIT "B-9"
WELL SITE NO. 10
REORGANIZATION
to the City of Modesto

2,000 ACRES
SEC. 36, T. 3S. R. 8E., MDB&M

EXHIBIT "B-10"
ELM ESTATES
19-M-37
LOT 1
BLOCK
LOT 2
25' 25'
LOT 3
25'
LOT 4
FORMER
LOT LINE
10'

BASIS OF BEARING
N. 89°14'E. FOR THE CENTERLINE OF ELM AVE AS SHOWN ON MAP OF MAZE RANCH SUBDIVISION RECORDED IN VOL. 4 OF MAPS AT PAGE 18, STANISLAUS COUNTY RECORDS.

1. S 00°46'W
   342.73'
2. S 08°00'58"E
   40.00'
3. N 21°08'20"E
   96.04'
4. N 68°51'40"W
   89.32'
5. N 52°09'42"E
   117.05'
6. R=40.00'
   Δ=42°58'50"
   Ch=29.31'
   L=30.01'

REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE WOODLAND AVENUE FIRE PROTECTION DISTRICT PREZONED R-1, LOW DENSITY RESIDENTIAL ZONE

SCALE: 1"=100"

WELL SITE NO. 11
REORGANIZATION
to the City of Modesto

0.134 ACRES
SEC. 25, T.3S., R.8E., MDB&M

EXHIBIT "B-11"
WELL SITE NO. 12
REORGANIZATION
to the CITY of MODESTO

0.228 ACRES

SEC.24, T.3S. R.8E., MDB&M

EXHIBIT "B-12"
C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will not apply to this reorganization.

E. How will services be financed?

The only services applicable would be City maintenance of the facilities. These services would be financed by the City’s water fund.
ATTACHMENT C

12 WATER WELL SITES REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the 12 Water Well Sites Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** – Upon reorganization, the properties will be withdrawn from the Stanislaus Consolidated, Burbank-Paradise, Woodland Avenue, and Salida Fire Protection Districts and fire protection services will be provided by the Modesto Fire Department. The water well sites contain “well-head” chlorination systems that are non-flammable, non-hazardous materials type. Liquid sodium hypochloride (bleach) is used. Primary response will come from the following Stations:
   - Site 1, Station No. 5
   - Sites 2-4, Station No. 7
   - Sites 5-8, Station No. 9
   - Sites 9-11, Station No. 2
   - Site 12, Station No. 4

2. **Police Protection** – Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** – Not applicable. These properties are well and tank sites only, no waste is generated.

4. **Sanitary Sewer Service** – Not applicable. These properties are well and tank sites only.

5. **Water Service** – Not applicable. These properties are part of the City’s water system.

6. **Streets** – For Sites No. 2 and 20, streets will be the responsibility of the City.

B. The level and range of services:

The City of Modesto is a full-service provider of municipal services. However, the sites to be annexed and water well and tank sites that only require limited services as described above.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-10

A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 96-87.

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and

WHEREAS, the Downtown Redevelopment Commission requested angle parking along 13th Street to maximize parking yields, and

WHEREAS, said matter was considered by the City Council at its meeting of January 4, 2000,

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

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street, between 9th and 12th Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)
• 16th Street, between I Street and J Street (east side)
• Elm Street, between Jefferson and Washington Streets (diagonal)
• Jefferson Street, between 8th and Laurel Streets (diagonal)
• 13th Street, between H and L Streets (east side)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 96-87 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 2000-11

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Administrative Analyst I/II
Account Clerk

The revised specifications for the classifications of Administrative Analyst I/II, as shown on the attached Exhibit "A", and Account Clerk, as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a
part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 4, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
ADMINISTRATIVE ANALYST I
ADMINISTRATIVE ANALYST II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION:

To provide administrative support for a department and or division head; to perform research, statistical and other analytical work; and to fulfill other assignments in functional areas such as personnel, budget, and other areas.

DISTINGUISHING CHARACTERISTICS

Administrative Analyst I - This is the entry level class in the Administrative Analyst series. This class is distinguished from the Administrative Analyst II by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Administrative Analyst II - This is the full professional level class within the Administrative Analyst series. Employees within this class are distinguished from the Administrative Analyst I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside, require prior work experience directly related to the area of assignment.

SUPERVISION RECEIVED AND EXERCISED

Administrative Analyst I

Receives direction from management staff, usually a department head.

Administrative Analyst II

Receives general direction from management staff, usually a department head.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

**Essential Functions:**

- Assist in the preparation and review of all division operating, multi-year, and capital improvement budgets.
- Investigate, analyze, develop, and prepare special studies or projects as requested.
- Collect data for and prepare monthly departmental activity report; submit to City Manager and City Council.
- Research special issues, problems and procedures; prepare various reports for City Council regarding special projects, problems and requests.
- Revise and develop fees; negotiate contracts; ensure compliance of department functions with pertinent laws, regulations and ordinances; authorize payments for various contracts.
- Recommend goals and objectives; assist in the development of policies and procedures.
- Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.
- Answer questions and provide information to the public, outside agencies and City staff; investigate complaints and recommend corrective action as necessary to resolve complaints.
- Attend various City Council, Commission, board, and other governmental meetings; prepare and present agenda items to the City Council.
- Prepare grant proposals.
- Review administrative practices and make recommendations for improvements.
- Review and recommend training for departmental personnel.
- Provide economic and statistical analysis; present oral and written reports.
Essential Functions, Continued:

In addition, when assigned to the City Attorney's Office:

Prepare City Council Resolutions and City Ordinances.

Conduct property title and ownership searches; prepare land acquisition agreements.

Prepare notices of property tax lien and develop revenue projections based on tax collections.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Administrative Analyst I

Knowledge of:

Principles and practices of organization, administration, and personnel management.

Principles and practices of budget preparation and administration.

Statistical methods and methods of graphic presentation.

Principles and practices of accounting in a municipal government.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.

Technical report writing procedures and grant proposal development.

In addition, when assigned to the City Attorney's Office:

Laws governing special facilities district formation and maintenance.
QUALIFICATIONS, Continued:

Ability to:

Learn the process and structure of City and department.

Learn applicable Federal, State, and local laws, codes and regulations.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Analyze facts and make sound recommendations.

Prepare completed staff work for oral and written communications.

Work with and control sensitive, confidential information.

Estimate and project revenues and expenditures.

Plan, initiate and complete work assignments with a minimum of direction.

Communicate clearly and concisely, both orally and in writing.

Use and operate a personal computer with a variety of software.

Establish and maintain cooperative working relationships with those contacted in the course of work.

In addition, when assigned to the City Attorney’s Office:

Work independently with tax consultant on a variety of complex facilities tax issues.

Prepare and negotiate professional service contracts and land acquisition agreements.

Experience and Training Guidelines

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

One year of increasingly responsible management, administrative and analytical experience in a public agency.

Training:

Equivalent to a Bachelor's degree from an accredited college or university.

Administrative Analyst II

In addition to the qualifications for Administrative Analyst I:

Knowledge of:

Process and structure of City and department.

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

Ability to:

Identify and respond to public and City Council issues and concerns.

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

Experience and Training Guidelines

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

Experience:

Two years of increasingly responsible administrative and analytical experience in a public agency, including tax financing experience when assigned to the City Attorney's Office.
Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration or a related field.

WORKING CONDITIONS

Environment Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travel from site to site.
ACCOUNT CLERK

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To perform a variety of accounting and related clerical tasks involving financial record keeping and transactions including payroll, accounts payable, accounts receivable, utility billing, cashing and business licensing; to perform a wide variety of general clerical activities and work related to both internal and external customers.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from high level accounting or supervisory staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Post data to various ledgers, registers, journals and logs according to established account classifications and procedures.

Check and tabulate statistical and financial data.

Assist customers, departments, and employees, by providing information, explaining procedures, and answering questions over the telephone and in person.

Perform a variety of general clerical duties including computer data entry, typing, and maintaining files and records.

Perform customer service at counter, write receipts, collect monies, post and assign account numbers.

Enter data for new hires and related personnel changes using a personal computer; enter time records for the processing of payroll checks and other payroll records.

Process and match payment vouchers and invoices; verify accuracy of information, research discrepancies, assign codes and verify with registers.

Process incoming mail; write deposit receipts and record on files; verify account numbers and amount paid; process returned mail and improperly written checks.

Operate a personal computer for a variety of applications, depending on assignment.

EXHIBIT B
Depending upon the assignment, additional specific functions include the following.

When assigned to Accounts Receivable:

Maintain accounts receivable PC system and files, including adding new invoices, recording paid invoices, filing paid invoices, working with customers by letter and over the phone, monitoring past due invoices, and sending follow-up notices.

Process appropriate delinquent invoices to the Credit Bureau.

Enter, process and verify for accuracy a variety of accounting and payroll documents in the City's financial management and payroll systems, including journals, cash receipt documents, and timesheets.

Request, sort and distribute to departments monthly and quarterly budgetary and accounting reports from the financial management system.

When assigned to Cashiering:

Perform customer service at counter by collecting monies, issuing receipts and answering basic questions regarding utility accounts, dog license, parking citations, business licensing, parking, bus passes and other city procedures.

Operate machinery to open and sort utility payments; verify amounts; balance and process payments.

Prepare daily banking and necessary deposit tickets and materials; prepare and type various bills and notices.

When assigned to Business Licensing:

Provide customer service to explain business license and dog license rules and regulations over the telephone and in person.

Operate a PC based business license and dog license systems including: setting up new accounts, posting payments and adjustment and closing out accounts.

When assigned to Utility Billing/Collections:

Provide customer service to explain utility collections, regulations, policies and procedures by telephone and in person.

Operate a PC based utility billing system including new accounts, adjustments and payment plans.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Financial record keeping practices and procedures.

Basic accounting principles.

Modern office procedures and methods including a variety of personal computer applications including spreadsheet.

Principles and procedures of record keeping.

Basic accounting and mathematical principles.

Customer service practices resulting in positive outcomes.

Accounts receivable collection techniques and procedures.

Ability to:

Maintain a variety of financial records and files.

Perform varied accounting clerical work.

Operate a calculator, personal computer and related office equipment; type at a speed necessary for successful job performance.

Perform procedures in an organized and accurate manner.

Accurately count, record and balance assigned transactions; accurately spell.

Work with sensitive and confidential customer information; provide excellent customer service.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines:

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

Two years of clerical experience involving financial record keeping including: accounting, payroll preparation, cashiering, customer service, statistical data, or a related function.

Training:

Equivalent to completion of the twelfth grade.

WORKING CONDITIONS:

Office environment; exposure to computer screens.

PHYSICAL CONDITIONS:

Essential and marginal functions may require maintaining physical condition necessary for sitting or standing for prolonged periods of time.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-12

A RESOLUTION AUTHORIZING ASSIGNMENT OF RIGHTS TO COSTCO UNDER THE DEVELOPMENT AGREEMENT BETWEEN COSTA LIMITED PARTNERS AND THE CITY OF MODESTO RELATED TO THE DEVELOPMENT OF P-D(537).

WHEREAS, Ordinance No. 3153-C.S., which became effective on August 19, 1999, approved a Development Agreement between the City of Modesto and Costa Limited Partners relating to a retail commercial center, which includes the new Costco store, on property located on the north side of Pelandale Avenue, east of Sisk Road, and

WHEREAS, subsection 4., entitled “Assignment,” of Section II, entitled “General Provisions,” on page 4 of said Development Agreement, dated August 19, 1999, provides, in part, that “Owner shall have the right to transfer or assign the Property, in whole or in part, to any person, partnership, joint venture, firm, limited liability, company, or corporation at any time during the term of this Agreement; provided however, the rights of Owner under this Agreement may not be transferred or assigned without the written consent of the City Council . . . ;” and

WHEREAS, by Ordinance No. 3167-C.S., which was introduced by the Council at a special meeting held on December 16, 1999, and which ordinance will become effective on February 3, 2000, the Council approved a revised Development Agreement with Costa Limited Partners relating to P-D(537) in conjunction with the approval of revised plans to expand the retail center, and
WHEREAS, in the interim, Costco is purchasing the property on which it proposes to develop the store, and escrow is set to close prior to the date that the new Development Agreement will become effective, therefore, the rights and obligations of the Development Agreement dated August 19, 1999, need to be assigned to Costco, and

WHEREAS, the Council considered this matter at its meeting of January 4, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the assignment of rights to Costco as provided for under the Development Agreement dated August 19, 1999, between the City of Modesto and Costa Limited Partners, relating to P-D(537) for a retail commercial center, which includes the new Costco store, on property located on the north side of Pelandale Avenue, east of Sisk Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-13

A RESOLUTION AUTHORIZING STAFF TO PREPARE AN
ORDINANCE AMENDING THE MODESTO MUNICIPAL
CODE RELATING TO BINGO GAMES AND AUTHORIZING
THE PREPARATION OF BINGO ADMINISTRATIVE
REGULATIONS.

WHEREAS, California Penal Code Section 326.5 was amended on January 1,
1997, changing the manner in which a municipal entity may collect fees from bingo operators,
and

WHEREAS, the revised State statute permits a municipal entity to impose fees for
law enforcement and public safety costs that are directly related to bingo operations, however,
such fees may not exceed the actual costs incurred in providing law enforcement and public
safety services, and

WHEREAS, Sections 4-1.1001 through 4-1.1024 of Article 10 of Title 4 of the
Modesto Municipal Code provides for the conduct of Bingo Games, and

WHEREAS, by an agenda report dated December 27, 1999, from the Modesto
Police Department, the Council was requested to direct staff to prepare an ordinance amending
appropriate sections of Title 4 of the Modesto Municipal Code relating to Bingo Games, and

WHEREAS, said agenda report also proposed that ongoing monitoring and
financial accounting for bingo operations would be handled in accordance with administrative
regulations which would be developed upon Council authorization, and

WHEREAS, a copy of said agenda report is on file in the office of the City Clerk,
and

WHEREAS, the Council considered said matter at its Council meeting held on January 4, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby authorize staff to prepare an ordinance amending appropriate sections of Title 4 of the Modesto Municipal Code relating to Bingo Games to comply with State statute, which permits a municipal entity to impose fees for law enforcement and public safety costs that are directly related to bingo operations. Said fees shall not exceed the actual costs incurred in providing such services.

BE IT FURTHER RESOLVED by the Council that staff is authorized to prepare Bingo Administrative Regulations for the purpose of monitoring bingo operations and for financial accounting purposes related to bingo operations.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION DESIGNATING COUNCILMEMBER KENNI FRIEDMAN TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Kenni Friedman is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-15

A RESOLUTION ACCEPTING THE BID OF MISSION LINEN FOR FURNISHING LINEN SERVICES FOR THE FIRE DEPARTMENT FOR ONE YEAR

WHEREAS, the bids received for linen services for the Fire Department, were opened at 11:00 a.m. on December, 1999, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Mission Linen for a one year total amount of $14,586.00 for the first year and a total three year cost of $44,425.68 be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-16

A RESOLUTION ACCEPTING THE BID OF WEST COAST MATERIALS FOR FURNISHING ROCK, SAND AND GRAVEL REQUIREMENTS

WHEREAS, the bids received for rock, sand and gravel requirements, were opened at 11:00 a.m. on November 9, 1999, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of West Coast Materials for a one-year total amount of $228,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Coast Materials be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-17

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

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

WHEREAS, the City of Modesto possesses forty (40) bicycles which have been placed into surplus, and

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

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

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

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the forty (40)
bicycles which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

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

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

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __11th__ day of __January__, 2000, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Fisher__, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** __Jean Zahr__, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By __Michael D. Milich__, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE & SMITH ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE WASTEWATER COLLECTION MAINTENANCE BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Grothe & Smith Architects for architectural services for the Wastewater Collection Maintenance Building be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SIGN A GRANT APPLICATION AND ASSOCIATED
AGREEMENTS WITH THE GREAT VALLEY CENTER FOR
$20,000.00 IN FUNDING FOR THE ESTABLISHMENT OF A
NON-PROFIT TREE FOUNDATION.

WHEREAS, the Great Valley Center is a nonprofit organization formed to
promote the economic, social and environmental health of the Central Valley, and

WHEREAS, it is the goal of the LEGACI grant program to facilitate
development of sound public policy, create a healthy, sustainable Central Valley, and to provide
support for its residents, its economy and its natural resources, and

WHEREAS, LEGACI grants are awarded annually to community groups, non-
profit organizations, and local governments in the Central Valley, and

WHEREAS, a citizens group has approached the City of Modesto (City) and the
Modesto Irrigation District (M.I.D.) with an interest in establishing a non-profit tree foundation,
and

WHEREAS, tree foundations typically focus on accelerated tree planting and
enhanced care of trees on public and private properties, and

WHEREAS, City staff is supportive of the tree foundation concept, and believes
establishment of a tree foundation meets the eligibility criteria for a LEGACI grant, and

WHEREAS, it has been proposed that the City and M.I.D. each contribute
$10,000.00 to provide initial funding for the foundation, said funds to be used for researching the
process for starting a non-profit foundation, filing the appropriate documentation, and building
WHEREAS, the City's Operations & Maintenance Department is prepared to fund the City's $10,000.00 share of initial funding for the tree foundation, in the event the LEGACI grant is not approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute a grant application and an agreement with the Great Valley Center for $20,000.00 in funding for the establishment of a non-profit tree foundation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-20

A RESOLUTION APPROVING AND AUTHORIZING
SUBMISSION OF THE ANNUAL CLAIM FOR LOCAL
TRANSPORTATION FUNDS, FOR NON-TRANSIT
PURPOSES, TO THE STANISLAUS COUNCIL OF
GOVERNMENTS (StanCOG).

WHEREAS, on May 25, 1999, the City Council approved the annual claim for
Local Transportation Funds for transit purposes only, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the
Finance Department that the non-transit dollars are available to be claimed, and

WHEREAS, the claim includes $1,671,437 for street purposes, $30,000 for the
"Save the Train" project, and $92,901 for non-motorized projects, and

WHEREAS, the City is also requesting that $900,000 of carryover funds
originally apportioned for transit purposes be reallocated for the 9th Street Track Relocation
project this fiscal year, and

WHEREAS, Council action authorizing the claim is required by StanCOG prior
to the funds being released,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager, or his authorized designee, is hereby authorized to execute and submit the
claim for apportionment of Local Transportation Funds to the Stanislaus Council of
Governments (StanCOG) to obtain non-transit funds and carryover transit revenues to be
reallocating for street purposes.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-21

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND DON MONACO, CHARLES THOMPSON, AND LEROY DEL DON FOR ADJUSTMENT OF THE TERMS OF THE RENTAL RATE FOR USE OF AIRPORT PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Don Monaco, Charles Thompson, and LeRoy Del Don for adjustment of the terms of the rental rate for use of Airport property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHN, City Clerk
A RESOLUTION ACCEPTING THE BID OF TENNYSON ELECTRIC FOR THE PROJECT TITLED “INSTALLATION OF TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD”

WHEREAS, the bids received for Installation of Traffic Signal at 9th Street and Carver Road were opened at 11:00 a.m. on November 2, 1999, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $181,472.00 from Tennyson Electric be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Fisher, Frohman & Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-23

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD

WHEREAS, staff successfully applied for a Federal grant to reduce pollution and improve air quality; and

WHEREAS, the proposed project will add pavement for a dedicated southbound left-turn lane; will improve drainage by adding a rockwell in the median on the north leg; facilitate pedestrians with crosswalks and add wheelchair ramps; and

WHEREAS, funds for this project were partially budgeted in the 1996-97 CIP. A budget transfer is needed due to additional roadwork that was not part of the original project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#141-160-H977</td>
<td>$98,253</td>
</tr>
<tr>
<td>#1410-160-L021</td>
<td>$(60,000)</td>
</tr>
<tr>
<td>#1410-430-3504</td>
<td>$38,253</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Friedman, Smith and Mayor Sabatino

NOES: Councilmembers: Fisher, Frohman and Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-24

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $60,000 TO FULLY FUND THE INSTALLATION OF A TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD.

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

FROM: 141-160-L021-6040; $60,000  
TO: 141-160-H977-6040; $60,000

Fund transfer is needed because of additional roadwork that was originally not part of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Smith, Mayor Sabatino
NOES: Councilmembers: Fisher, Frohman, Serpa
ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-25

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE SERVICE AGREEMENT AMONG THE CITY OF MODESTO, THE COUNTY OF STANISLAUS, AND OGDEN MARTIN SYSTEMS OF STANISLAUS, INC. FOR THE WASTE-TO-ENERGY PROJECT, A COMMUNITIES ASSIGNMENT AGREEMENT AND A PURCHASE AGREEMENT RELATING TO THE STANISLAUS WASTE-TO-ENERGY AGENCY REFUNDING REVENUE CERTIFICATES, AND OTHER RELATED TRANSACTIONS.

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City, together with the County of Stanislaus (the "County") and Ogden Martin Systems of Stanislaus, Inc. (the "Company"), a California corporation, are parties to an Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste, dated as of June 1, 1986, as amended on September 27, 1988 and May 17, 1990 (the "Service Agreement"), and

WHEREAS, the Stanislaus Waste-to-Energy Financing Agency (the "Agency"), formed by the City and the County, proposes to issue its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1999 (the "Certificates") in the aggregate principal amount of not to exceed $62 million, which are being issued to refund the Stanislaus Waste-to-Energy Financing Agency Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 and Series 1990A (the "Prior Certificates"), the proceeds of which were used to refinance the design, construction and equipping of the Stanislaus mass burn resource recovery steam and electric generating facility (the "Project"), and

WHEREAS, pursuant to the Service Agreement the City and the County pay a service fee to the Company, which service fee includes a debt service component equal to
sublease payments paid by the Company to the Agency in amounts equal to the payments due with respect to the Prior Certificate, and

WHEREAS, the issuance by the Agency of the Certificates and the refunding of the Prior Certificates will result in substantial reductions in the debt service component of the Service Fee, and

WHEREAS, in connection with the issuance of the Certificates, it is necessary and desirable to execute a Third Amendment to the Service Agreement, to be dated the date of issuance of the Certificates (the "Third Amendment"), and

WHEREAS, the City, together with the County, desires to execute a Communities Assignment Agreement (the "Assignment Agreement") from the County and City to The Bank of New York as trustee (the "Trustee") under the Trust Agreement dated as of December 1, 1999 among the City, County, and Trustee providing for the execution and delivery of the Certificates (the "Trust Agreement"), including the City and County assignment of certain of their rights under the Service Agreement to the Trustee in the event of default thereunder, and agreement to pay the Service Fee under the Service Agreement directly to the Trustee for deposit in the Revenue Fund under the Trust Agreement, and

WHEREAS, the Certificates represent undivided and proportionate interests in lease payments made by the Agency pursuant to a Lease Agreement dated as of December 1, 1999 with the Company (the "Lease"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement dated December 1, 1999 with the Agency (the "Sublease"), and

WHEREAS, the County desires to consent to such Lease and Sublease by the Company and the execution by the Company of the Company Security Agreement dated as of December 1, 1999 to the Trustee (the "Security Agreement"), the Leasehold Deed of Trust dated as of December 1, 1999 from the Company to First American Title Company for the
benefit of the Trustee (the "Leasehold Deed of Trust") and the Trust Agreement in order to secure payment of the Certificates, and

WHEREAS, in connection with the execution and delivery of the Certificates, the City desires to accept and authorize the execution and delivery of the Purchase Agreement relating to the Certificates among Lehman Brothers Inc., the Company and the Agency (the "Purchase Contract"), and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California, including the Charter of the City, 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 Council of the City of Modesto as follows:

SECTION 1. DECLARATION OF COUNCIL. The Council of the City of Modesto hereby specifically finds and declares that the actions authorized hereby constitute and are municipal affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. AMENDMENT NO. 3 TO SERVICE AGREEMENT. The form of Amendment No. 3 to Service Agreement, to be dated the date of delivery of the Certificates, presented to this meeting on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Amendment No. 3 to Service Agreement in
substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the execution of Amendment No. 3 shall take place concurrently with the issuance of the Certificates.

SECTION 3. ASSIGNMENT AGREEMENT. The form of Assignment Agreement, dated as of December 1, 1999, presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representative are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Assignment Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. ACKNOWLEDGE AND CONFIRM PURCHASE CONTRACT. The form of Purchase Contract presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and deliver thereof, provided that the principal amount of the Certificates shall not exceed $62 million.

SECTION 5. APPROVAL OF FORM OF DOCUMENTS AND CERTAIN CONSENTS. The City Council hereby consents to the execution and delivery by the Company of the Trust Agreement, Lease, Sublease, Security Agreement and Leasehold Deed of Trust in the form presented to this meeting and on file with the City Clerk of the City of Modesto, and approves such form of documents. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of
the City, to execute, acknowledge and delivery further written evidence of such consents in
the form as such executing officer may require or approve, such approval to be conclusively
evidenced by the execution and delivery thereof.

SECTION 6. ATTESTATION AND SEAL. The City Clerk of the City of
Modesto is hereby authorized and directed to attest the signature of the authorized signatory.
and to affix and attest the seal of the City, as may be required or appropriate in connection
with the execution and delivery of Amendment No. 3 to Service Agreement, the Assignment
Agreement or other related certificates, as necessary.

SECTION 7. FURTHER ACTIONS. The City Manager, the Finance
Director, the City Clerk and any other officers of the City authorized by the City Manager
are each authorized and directed in the name and on behalf of the City to do any and all
things and to execute and deliver any and all documents which they may deem necessary or
advisable in order to consummate, carry out, give effect to and comply with the terms and
intent of this resolution and the execution and delivery of Certificates. Such actions
heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 8. Effective Date. This resolution shall take effect immediately
upon its passage and shall remain in full force and effect thereafter; provided, however, that if
the Certificates are not issued on or before March 1, 2000, this Resolution shall expire and be
of no further force and effect. In the event the Certificates are issued on or after January 1,
2000, the signatory of any document authorized for execution hereunder is authorized to
make such appropriate changes to the document as are required to reflect the change of dates.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
Certified Copy of the Resolutions and Minutes of the Meeting of the City Council of
the City of Modesto

I, JEAN ZAHR, hereby certify that I am the City Clerk of the City of Modesto (the “City”), a charter city and municipal corporation duly organized and validly existing under the laws of the State of California, and, as such I am authorized to execute this Certificate on behalf of the City.

I hereby further certify that Resolution No. 2000-25, adopted January 11, 2000 is a full, true and correct copy of such resolution adopted at the above-stated regular meeting of the City Council of the City, as indicated on the attached copies thereof, of which meeting all of the members of the City Council of the City had due notice and at which a majority of the members thereof were present.

I further certify that an agenda for said meeting was posted at least 72 hours prior to the date of the respective meeting in a place in the City of Modesto, California, freely accessible to members of the public and that a short description of said ordinance or resolutions, as the case may be, appeared in said respective agendas.

I further certify that I have carefully compared the attached copy with the original minutes of said meeting on file and of record in my office; that said resolution is a full, true and correct copies of the original resolution, adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this _____ day of January, 2000.

CITY OF MODESTO

(SEAL)  

By: ________________________________  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-26

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE SERVICE AGREEMENT AMONG THE CITY OF MODESTO, THE COUNTY OF STANISLAUS, AND OGDEN MARTIN SYSTEMS OF STANISLAUS, INC. FOR THE WASTE-TO-ENERGY PROJECT, A COMMUNITIES ASSIGNMENT AGREEMENT AND A PURCHASE AGREEMENT RELATING TO THE STANISLAUS WASTE-TO-ENERGY AGENCY REFUNDING REVENUE CERTIFICATES, AND OTHER RELATED TRANSACTIONS.

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City, together with the County of Stanislaus (the "County") and Ogden Martin Systems of Stanislaus, Inc. (the "Company"), a California corporation, are parties to an Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste, dated as of June 1, 1986, as amended on September 27, 1988 and May 17, 1990 (the "Service Agreement"), and

WHEREAS, the Stanislaus Waste-to-Energy Financing Agency (the "Agency"), formed by the City and the County, proposes to issue its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1999 (the "Certificates") in the aggregate principal amount of not to exceed $62 million, which are being issued to refund the Stanislaus Waste-to-Energy Financing Agency Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 and Series 1990A (the "Prior Certificates"), the proceeds of which were used to refinance the design, construction and equipping of the Stanislaus mass burn resource recovery steam and electric generating facility (the "Project"), and

WHEREAS, pursuant to the Service Agreement the City and the County pay a service fee to the Company, which service fee includes a debt service component equal to
sublease payments paid by the Company to the Agency in amounts equal to the payments due with respect to the Prior Certificate, and

WHEREAS, the issuance by the Agency of the Certificates and the refunding of the Prior Certificates will result in substantial reductions in the debt service component of the Service Fee, and

WHEREAS, in connection with the issuance of the Certificates, it is necessary and desirable to execute a Third Amendment to the Service Agreement, to be dated the date of issuance of the Certificates (the "Third Amendment"), and

WHEREAS, the City, together with the County, desires to execute a Communities Assignment Agreement (the "Assignment Agreement") from the County and City to The Bank of New York as trustee (the "Trustee") under the Trust Agreement dated as of December 1, 1999 among the City, County, and Trustee providing for the execution and delivery of the Certificates (the "Trust Agreement"), including the City and County assignment of certain of their rights under the Service Agreement to the Trustee in the event of default thereunder, and agreement to pay the Service Fee under the Service Agreement directly to the Trustee for deposit in the Revenue Fund under the Trust Agreement, and

WHEREAS, the Certificates represent undivided and proportionate interests in lease payments made by the Agency pursuant to a Lease Agreement dated as of December 1, 1999 with the Company (the "Lease"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement dated December 1, 1999 with the Agency (the "Sublease"), and

WHEREAS, the County desires to consent to such Lease and Sublease by the Company and the execution by the Company of the Company Security Agreement dated as of December 1, 1999 to the Trustee (the "Security Agreement"), the Leasehold Deed of Trust dated as of December 1, 1999 from the Company to First American Title Company for the
benefit of the Trustee (the "Leasehold Deed of Trust") and the Trust Agreement in order to secure payment of the Certificates, and

WHEREAS, in connection with the execution and delivery of the Certificates, the City desires to accept and authorize the execution and delivery of the Purchase Agreement relating to the Certificates among Lehman Brothers Inc., the Company and the Agency (the "Purchase Contract"), and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California, including the Charter of the City, 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 Council of the City of Modesto as follows:

SECTION 1. DECLARATION OF COUNCIL. The Council of the City of Modesto hereby specifically finds and declares that the actions authorized hereby constitute and are municipal affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. AMENDMENT NO. 3 TO SERVICE AGREEMENT. The form of Amendment No. 3 to Service Agreement, to be dated the date of delivery of the Certificates, presented to this meeting on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Amendment No. 3 to Service Agreement in
substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the execution of Amendment No. 3 shall take place concurrently with the issuance of the Certificates.

SECTION 3. ASSIGNMENT AGREEMENT. The form of Assignment Agreement, dated as of December 1, 1999, presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representative are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Assignment Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. ACKNOWLEDGE AND CONFIRM PURCHASE CONTRACT. The form of Purchase Contract presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and deliver thereof, provided that the principal amount of the Certificates shall not exceed $62 million.

SECTION 5. APPROVAL OF FORM OF DOCUMENTS AND CERTAIN CONSENTS. The City Council hereby consents to the execution and delivery by the Company of the Trust Agreement, Lease, Sublease, Security Agreement and Leasehold Deed of Trust in the form presented to this meeting and on file with the City Clerk of the City of Modesto, and approves such form of documents. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of...
the City, to execute, acknowledge and delivery further written evidence of such consents in the form as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 6. ATTESTATION AND SEAL. The City Clerk of the City of Modesto is hereby authorized and directed to attest the signature of the authorized signatory and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of Amendment No. 3 to Service Agreement, the Assignment Agreement or other related certificates, as necessary.

SECTION 7. FURTHER ACTIONS. The City Manager, the Finance Director, the City Clerk and any other officers of the City authorized by the City Manager are each authorized and directed in the name and on behalf of the City to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the execution and delivery of Certificates. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 8. Effective Date. This resolution shall take effect immediately upon its passage and shall remain in full force and effect thereafter; provided, however, that if the Certificates are not issued on or before March 1, 2000, this Resolution shall expire and be of no further force and effect. In the event the Certificates are issued on or after January 1, 2000, the signatory of any document authorized for execution hereunder is authorized to make such appropriate changes to the document as are required to reflect the change of dates.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Not to Exceed $62 Million
Stanislaus Waste-To-Energy Financing Agency
Solid Waste Facility
Refunding Revenue Certificates
(Ogden Martin Systems of Stanislaus, Inc. Project)
Series 1999

Certified Copy of the Resolutions and Minutes
of the Meeting of the City Council of
the City of Modesto

I, JEAN ZAHR, hereby certify that I am the City Clerk of the City of Modesto (the “City”), a charter city and municipal corporation duly organized and validly existing under the laws of the State of California, and, as such I am authorized to execute this Certificate on behalf of the City.

I hereby further certify that Resolution No. 2000-25, adopted January 11, 2000 is a full, true and correct copy of such resolution adopted at the above-stated regular meeting of the City Council of the City, as indicated on the attached copies thereof, of which meeting all of the members of the City Council of the City had due notice and at which a majority of the members thereof were present.

I further certify that an agenda for said meeting was posted at least 72 hours prior to the date of the respective meeting in a place in the City of Modesto, California, freely accessible to members of the public and that a short description of said ordinance or resolutions, as the case may be, appeared in said respective agendas.

I further certify that I have carefully compared the attached copy with the original minutes of said meeting on file and of record in my office; that said resolution is a full, true and correct copies of the original resolution, adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this _____ day of January, 2000.

CITY OF MODESTO

(SEAL)

By: ________________________________
    JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-27

A RESOLUTION DIRECTING CITY STAFF TO CONDUCT A CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") REVIEW OF THE FARMLAND STABILIZATION ("FOOD") INITIATIVE.

WHEREAS, the “Future Options On Development” or “FOOD” citizens group drafted an Initiative for the City of Modesto entitled “Farmland Stabilization Initiative”, and

WHEREAS, the “FOOD” group requested the City Council to place the Initiative on the ballot, and

WHEREAS, at its January 11, 2000, meeting, the City Council considered directing City staff to conduct a California Environmental Quality Act ("CEQA") review of the action of placing the Farmland Stabilization Initiative on the ballot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby directed to conduct a CEQA review of the Farmland Stabilization Initiative, prior to the initiative being placed on the ballot.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(APPROVED AS TO FORM:)

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION REFERRING BOARD AND COMMISSION APPOINTMENTS TO THE ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL RELATIONS COMMITTEE

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

WHEREAS, two members of the current Council were recently voted into office and are requesting additional time to research the requested appointments;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the list of members of various boards and/or committees whose terms are expired be sent to the Economic Development and Intergovernmental Relations Committee for further review.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “98/99 BIKE ROUTE IMPROVEMENTS” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 98/99 Bike Route Improvements, has been completed by Fagundes & Son, in accordance with the contract agreement dated August 10, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 98/99 Bike Route Improvements be accepted from said contractor, Fagundes & Son; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $49,178.45 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "REHABILITATION OF SLUDGE DRYING BEDS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Rehabilitation of Sludge Drying Beds, has been completed by Teichert Construction, in accordance with the contract agreement dated September 15, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Rehabilitation of Sludge Drying Beds be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $259,410.49 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE TO CREATE A CIP PROJECT FOR THE PURCHASE OF THREE TRANSIT BUSES FOR THE MODESTO AREA EXPRESS BUS SERVICE

WHEREAS, the Stanislaus Council of Governments (StanCOG) makes Local Transportation Funds (LTF) available annually. For Fiscal year 1999-00, approximately $395,000 is anticipated to be made available to the City of Modesto; and

WHEREAS, on January 4, 2000, the City Council approved the use of $217,400 of the Local Transportation Fund supplemental apportionment for a variety of City projects; and

WHEREAS, it was recommended to use the remaining $177,600 to supply the local match for the purchase of three MAX buses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as shown on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ________________________________
STAN FEATHERS, Budget Officer
### Revenues

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-32

A RESOLUTION APPROVING THE FY 1999/2000 TRANSIT AND AIRPORT OPERATIONS DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND A 10% DBE GOAL FOR TRANSIT AND AIRPORT CONTRACTS.

WHEREAS, the Disadvantaged Business Enterprise Program (DBE) describes the process the City will use to obtain participation by DBE's in City-awarded contracts, and

WHEREAS, a new DBE Program must be adopted for the Transit and Airport Divisions as required by federal regulation, and

WHEREAS, the Transit and Airport Divisions require a DBE Program based on the use of Federal Department of Transportation funds, and

WHEREAS, an approved DBE Program must be in place for the City to receive federal transportation funds, and

WHEREAS, a 10% DBE goal indicates the City will attempt to award 10% of the total federal transit and airport funds expended through City-awarded contracts to DBE's, either as primary contractors or sub-contractors, and

WHEREAS, a copy of the City Of Modesto Transit & Airport Operations Disadvantaged Business Enterprise (DBE) Program dated January 18, 2000, is on file in the Office of the City Clerk, and

WHEREAS, the proposed revised program prepared by City staff is similar to that which has been in existence since the early 1980's, and

WHEREAS, said DBE Program was made available for public review for a period of 45 days, and
WHEREAS, the Transportation Policy Committee has approved the DBE program and a 10% DBE goal for FY 1999/2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the FY 1999/2000 Transit and Airport Operations DBE Program and a 10% DBE goal for Transit and Airport contracts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND OATES, SIERRA PACIFIC – SACRAMENTO, LLC, A GENERAL PARTNERSHIP FOR LEASE OF OFFICE SPACE FOR THE NORTHWEST AREA POLICE OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the lease agreement between the City of Modesto and Oates, Sierra Pacific – Sacramento, LLC, a General Partnership for lease of office space for the Northwest Area Police Office be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:   Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES:   Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
         City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR AND ASSOCIATES TO PROVIDE ADDITIONAL CONSULTANT SERVICES FOR THE MODESTO/CERES CLOSED CIRCUIT TELEVISION CAMERAS (CCTV) SYSTEMS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Minagar and Associates to provide additional consultant services for the Modesto/Ceres Closes Circuit Television Cameras (CCTV) Systems project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-35

A RESOLUTION APPROVING THE 2000 LEGISLATIVE PLATFORM

WHEREAS, one of the responsibilities of the City Manager’s Office is to maintain a legislative program to provide Council with a more proactive approach for influencing policy and other governmental entities, and

WHEREAS, approval of the platform will allow the City’s position on bills to be expressed without the need for Council action on individual legislative measures. Staff will provide periodic reports to the Economic Development Community and Intergovernmental Relations Committee on the status of legislative matters,

WHEREAS, the key component of this approach is development of a legislative platform, which would consist of policy statement adopted by the Council on an annual basis, and

WHEREAS, staff is proposing a modification of Council’s existing legislative platform to take into account current issues and legislation, and

WHEREAS, the proposed platform as been reviewed by the Economic Development Community and Intergovernmental Relations Committee on January 13, 2000, and

WHEREAS, modifications are included and shown as underlined in the attached 2000 Legislative Platform, and

WHEREAS, the Council considered the proposed legislative platform at its meeting held January 18, 2000,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2000 Legislative Platform, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk
2000 LEGISLATIVE PLATFORM

New items and/or language are underlined.

1. Economic Development:
   a. Support additional funding from the California Department of Education for funding for public adult schools for worker literacy programs at work sites.
   b. Support modification to Federal Reform legislation to minimize impacts of caseload shift to counties and cities.
   c. Support legislation which provides additional funds for infrastructure or which provides options for financing developer requirements.
   d. Support efforts to establish a statewide consensus for broad-based funding solutions/mechanisms, which could reduce or supplant developer fees prior to any legislation which might amend AB 1600 provisions allowing adoption of developer fees.
   e. Support legislation expanding the California State Enterprise Program, assuming such legislation does not penalize a community for growth impact fees.
   f. Support legislation giving cities/counties which have adopted developer fees “Self Help” status.
   g. Support legislation to streamline CEQA requirements and utilization of a Master EIR concept, and facilitate economic development and job creation.
   h. Seek Federal funding to assist with the construction of a parking structure for 800 spaces in the Downtown.
   i. Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities.
   j. Support legislation designed to encourage business creation and expansion and training opportunities for residents.
   k. Support legislation to continue receiving credit for redevelopment “outside” project areas. The current law permits crediting two units outside the project as if they were a single unit inside the project area. The two for one credit is due to expire by the end of year 2000 at which time no credit will be given for redevelopment outside the project area.
2. Employee Relations/Workers Compensation:
   a. Oppose any measure, which would grant employee benefits that would be more properly decided at the local bargaining table.
   b. Oppose any efforts, which would reduce local control over public employee disputes, and impose regulations of an outside agency (such as Public Employees Relations Board – PERB).
   c. Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible for employers to prove an administrative violation.
   d. Oppose any form of mandatory Social Security Coverage.
   e. Oppose expansion of requirement for the City to pay Medicare coverage of local employees beyond the current requirement of new hires.
   f. Support legislation, which manages costs of workers’ compensation benefits for occupational injuries/illnesses.
   g. Oppose legislation, which expands or extends any presumptions of occupational injury or illness.
   h. Oppose any expansion to the California Police Officers Bill of Rights or a creation of new Federal “Police Officers Bill of Rights.” Oppose extending these rights to firefighters.
   i. Support Federal legislation to modify or eliminate FLSA requirements on public agencies.

3. Environment
   a. Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.
   b. Oppose legislation which would limit or reduce recycling credits for Waste to Energy projects in California.
   c. Support legislation, which would enhance or provide market incentives for recycling materials (e.g., newspapers, compost).
   d. Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material.
   e. Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that “Maximum Extent Practicable” (MEP) is the standard for stormwater discharges.
f. Support legislation which would amend the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party.

g. Support legislation which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents.

h. Support legislation which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the “Master EIR” or “Program EIR level.”

i. Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites.

4. Finance (Local Government):
   a. Support measures which relieve taxpayers of the burden of paying for services which could be charged directly to the service users.
   
   b. Support efforts, which would provide greater accountability on the part of counties for the distribution of funds back to municipalities, including, but not limited to, fines and forfeitures.
   
   c. Support the repeal or reimbursement of property tax administration collection fees.
   
   d. Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.
   
   e. Oppose any increases in City costs to fund State programs by the legislature to manipulate the Public Employees’ Retirement System.
   
   f. Oppose any further shift measure that would make local agencies more dependent on the State for financial stability and policy direction.
   
   g. Oppose the shift of any city fees to any other jurisdiction.
   
   h. Oppose measures, which would impose State and Federal mandated costs for which there is no guarantees of local reimbursement or offsetting benefits.
   
   i. Oppose any change in tax allocations, which would negatively affect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry.
   
   j. Oppose any requirement that there be a mutual agreement for cities and counties for sales tax distribution for all annexation proposals.
k. Support legislation exempting local entities from the prohibition of filing more than two small claims actions of a specified amount of money in any calendar year.

l. Support legislation allowing attorney representation at small claims court in cases where the amount in question is less than $5,000 (the current “ceiling”).

m. Support legislation which would allow for voter-approved simple majority vote for General Obligation Bonds.

n. Continue to oppose Federal legislation, which threatens the $100,000 per account FDIC coverage for deferred compensation plans.

o. Oppose legislation which reduces local agency reimbursement from the Police Officers Standards and Training (POST) fund.

p. Support legislation to improve collection capabilities for cities and counties.

q. Support Federal legislative efforts, which will facilitate the collection of sales tax on out-of-state mail order and Internet sales.

r. Support state legislation to provide for a phase-out of the negative bailout provisions of AB 8.

s. Oppose the redistribution of the local share of sales tax to an equal per capita allocation within the County in which the sales tax is collected.

t. Support the redistribution of the local share of sales tax to a statewide equal per capita allocation of all sales tax collected in the entire state.

u. Oppose legislation that restricts investment options for all municipal agencies because of problems in Orange County. Specifically, oppose legislation restricting or banning the use of Tax Revenue Anticipation Notes allowable under United States law. Oppose legislation further restricting investment options available to municipalities. Instead, support legislation mandating the “prudent investor” rule for investing public funds. Support legislation strengthening the public reporting requirements for investment policies and investment portfolio composition and earnings.

v. Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAF-property tax shifts and unfunded mandates.

5 General Government:

a. Support legislation which provides State assistance for local public libraries.

b. Participate in seeing the implementation of cable and telecommunications legislation and regulatory developments meet the promise of the 1992 Cable Act.
6. **Housing**
   a. Oppose changes to the Federal CDBG Program which eliminate or reduce qualified activities or areas qualifying for assistance.

   b. Support funding of the CDBG Program and other core spending efforts, which target local communities; work to streamline and focus Federal housing programs to better meet the needs of California communities.

   c. Support the permanent extension of the Federal Low Income Housing Tax Program to help implement affordable housing.

7. **Infrastructure**
   a. Support legislation which enhances resources for local jurisdiction to maintain and operate their infrastructure.

   b. Support legislation that provides increased local control over spending on streets and highways.

   c. Support State legislation which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.

   d. Support legislation amending Section 1810 of the Streets & Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby “leveling the playing field” for cities which can be required to accept such streets.

8. **Land Use and Planning:**
   a. Encourage the Legislature to adopt a statewide policy for growth management and a study of regional government issues which seeks recommendations from local government.

   b. Oppose legislation which places constraints on a totally unrelated sector of government than the one being addressed (e.g., tying allocation of park bonds to an agency’s housing element).

   c. Support legislation which would prohibit the issuance of building permits or land use approval in a city’s sphere of influence without an agreement between the city and the county.

9. **Parks:**
   a. Support legislation authorizing State Park Bond monies, administered by the State Parks and Recreation Department, based on a per capita basis for either capital or operating monies for cities.

   b. Support legislation that would send the money allocated to parks from the Cigarette and Tobacco Products Surcharge or litigation settlement directly to
cities and counties on a per capital basis, to be used for Capital Projects and/or maintenance and operations, at the discretion of each municipality.

c. Support funding legislation, which has the primary intent to fund recreation-related projects (i.e., excluding wetlands or other non-related to subjects best dealt with in separate legislation).

d. Encourage inclusion to any park related legislation, per capita funds to renovate public recreation facilities to conform to Federal Americans with Disabilities Act (ADA) regulations.

e. Support legislation specifically for Historic Preservation.

f. Support/encourage funding for general facility rehabilitation and asbestos/toxic material abatement.

g. Support/encourage funding for treatment of wastewater to be used for golf course and park irrigation.

h. Support legislation to provide Air Quality Districts funding for urban forestry programs within their districts and require that the districts provide fee credits to businesses that locate in communities that have urban forestry programs that offset or mitigate the negative effects of factories, processing plants and other high emissions industry.

10. Redevelopment:
   a. Support legislation which would curb proven abuses of the redevelopment process or resolve procedural or technical problems in the law.

   b. Oppose additional or expanded mandates on redevelopment activities or local authority to allocate funds.

11. Safety:
   a. Support measures which would provide a greater share of seized assets to localities.

   b. Support efforts, which allow local agencies to recover costs from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.

   c. Oppose attempts to transfer more fines and forfeiture funds to counties.

   d. Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.

   e. Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies.

   f. Oppose legislation which would shorten the current 10-day California waiting period for the purchase of a gun.
g. Oppose State legislation to expand authority for persons carrying concealed weapon.

h. Support legislation which would outlaw private possession of semi-automatic weapons.

i. Support additional legislation to fight graffiti which would:

1) Expand parental responsibility.
2) Prohibit issuance of a driver’s license to anyone under age 18 who has been convicted of graffiti offenses.
3) Require publication of names of anyone arrested for graffiti offenses.

j. Encourage local legislative action banning fireworks on a countywide basis.
Fireworks is defined as the individual discharging of fireworks for personal use.

k. Support legislation banning fireworks statewide.

l. Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards.

m. Support legislation granting cities the right to determine which ambulance companies operate within their jurisdiction.

n. Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of our communities.

o. Support legislation that will increase funding for public safety technology improvement.

p. Support legislation and increased funding for juvenile crime abatement programs.

q. Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.

12. Solid Waste
a. Support legislation which would extend the year 2000 deadline for the adoption of completion of a the Source Reduction and Recycling Element under the Integrated Waste Management Act of 1989 (AB 939).

b. Oppose legislation which would reduce a local agency’s source reduction credits relating to compliance with AB 939.

c. Oppose legislation prohibiting any city from receiving credit for its existing programs; in order to meet the mandates of AB 939 (recycling).
d. Oppose legislation that would limit the local jurisdiction’s authority by the County to regulate or direct municipal solid waste.

e. Support legislation that would give cities which use transformation a 25% or higher credit towards meeting the 50% mandated diversion in AB 939.

f. Support legislation which would continue the Local Government Technical Advisory Committee to the California Integrated Waste Management Board, or, alternatively, which would add a 7th member to the Waste Board representing Local Governments.

g. Oppose legislation which would increase diversion mandates above 50%.

h. Oppose legislation which would assess State solid waste fees on waste sent to transformation facilities.

i. Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose defacto bans on the land application of biosolids or biosolids composts.

13. Tort Reform:
   a. Support measures to reform California’s tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.

14. Transportation:
   a. Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.

   b. Oppose legislation which prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site.

   c. Support legislation which requires Notice of Public Disclosure be made a part of the property deed for the property next to or near an airport.

   d. Oppose legislation which would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation

   e. Request additional State funding to complete the 9th Street Project.

   f. Support legislation which provides additional funding to improve transportation and the existing infrastructure in the City and region.

   g. Support a comprehensive national air transportation strategy that includes adequate, predictable, and long-term funding necessary to sustain the planning and financing of airport development projects that accommodate needed growth and to ensure the safety and security of airline passengers through reauthorization of the Federal Aviation Administration (FAA). For local governments, an FAA
reauthorization could increase funds at both large and small airports, as well as funding to reduce air noise problems.

h. Support legislation to halt preemption of local government authority in relation to railroad activities, especially with regard to traditional municipal authority. Local governments have the authority to protect their citizens public safety and environment.

i. Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems.

j. Support SCA 3- This constitutional Amendment, subject to majority approval of the electorate, would allow statewide half-cent sales and use tax for the purpose of funding transportation needs for the next 20 years. In order for the tax to become effective in a particular county, the county would have to place the expenditure plan on the ballot and receive a majority vote on the plan.

15. Water Supply/Management:
   a. Support measures which increase water supply or improve water quality within the city/region.
   b. Support legislation which will encourage the use of drought tolerant plant material and water conservation techniques.
   c. Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.
   d. Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.
   e. Support measures that will fund water management improvements.

16. Communication/Technology
   a. Continue to support California Public Utilities Commission’s petition to the Federal Communications Commission in its efforts to gain increased authority to relieve telephone area code proliferation and confusion in the state.
   b. Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right -a-ways and affecting conditions addressed by local planning and land use policies.
   c. Support legislation to fund telecommunication planning and implementation.
   d. Support legislation to fund geographic information systems (GIS) to better manage regional resources, respond to emergencies and plan for growth.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-36

A RESOLUTION APPROVING THE FINAL MAP OF THE CHATEAU PROVENCE PHASE 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ANDERSON HOMES (subdivider), is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 15.69 acres, known as CHATEAU PROVENCE PHASE 1 Subdivision, ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 22nd day of September, 1997, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said CHATEAU PHASE 1 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct.
Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY

By ALISON A. BARRATT-GREEN, SENIOR DEPUTY CITY ATTORNEY
A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (ANNEXATION #3)

WHEREAS, this Council did, on December 14, 1999, adopt its Resolution No. 99-615 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on January 18, 2000, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and
WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.
SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT “A” attached hereto and by this reference incorporated herein.  
(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.  
(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.  
(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.
SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7.

(a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT A hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT A is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.
SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 25th day of January, 2000, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory
and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner, or Landowner’s authorized representative for the purpose of voting its interests at the special election, within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services
and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in
the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.

SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

(Seal)

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

F:\apps\Caoffice\TINA\CFD\PROJECTS\VILLAGE\ANNEX#3\Resolution - Calling Election.wpd
INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

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

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

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

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

For particulars, reference is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:
B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.

2. Central Basin (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

- Community Park: 39 acres
- Roselle Neighborhood Park: 7 acres
- Claus Neighborhood Park: 7 acres
- Merle Neighborhood Park: 8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.
E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the Village One Specific Plan, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*Street parkways includes median and roadside landscape and hardscape.
III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the Village One Facilities Master Plan adopted June 1996, and as shown on page 28 of the Village One Finance Plan, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Arterial Roads</td>
<td>$20,509,278</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$13,240,470</td>
</tr>
<tr>
<td>Utility Relocation</td>
<td>$1,120,458</td>
</tr>
<tr>
<td>Parks</td>
<td>$10,863,967</td>
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<tr>
<td>Public Facilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other</td>
<td>$2,698,683</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$48,457,856</strong></td>
</tr>
</tbody>
</table>

Annual CFD Administration (1%) $484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435
IV. RATE AND METHOD (By David Taussig and Associates)

A special tax applicable to each Assessor’s Parcel in Community Facilities District No. 1996-1 (herein “CFD No. 1996-1”) shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

“Annual Maintenance Special Tax” means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

“Assessor’s Parcel” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

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

“City” means the City of Modesto.

“City Manager” means the City Manager of the City of Modesto.

“Commercial Property” means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,
restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor’s Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the Village One Specific Plan #8, the Village One Financing Plan and CFD Public Report) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor’s Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.
"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by
reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

**B. ASSIGNMENT TO LAND USE CLASS**

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current Village One Specific Plan. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.
C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.
Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.
Table 1
Per-Acre Special Tax to be Used in Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,715 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$29,479 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$76,394 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,616 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,564 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.
a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Annual Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$72.99 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$394.30 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$394.30 per Gross Acre</td>
</tr>
</tbody>
</table>

Table 2
Maximum Annual Maintenance Special Tax (Fiscal Year 1996-97)

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the Village One Specific Plan.
Step 2: Multiply the average density for the Parcel’s Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the Village One Specific Plan.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.
2. **Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

**Step 1:** Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

**Step 2:** Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

**Step 3:** If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

**Step 4:** Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall
track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.
VI. **CERTIFICATION**

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

______________________________  ________________________
Jerry L. Slinkard                  Date
Vail Engineering Corporation
DISTRIBUTION LIST FOR
COMMUNITY FACILITIES DISTRICT RESOLUTIONS

2 - City Clerk
1 - City Clerk - Jean Zahr
1 - City Attorney's Office - Rosemarie
1 - City Attorney's Office - Tina
1 - CDD - Phil Testa
1 - CDD - Keith Coggins
1 - Finance
A RESOLUTION APPOINTING COUNCILMEMBER MIKE SERPA TO THE
INTERREGIONAL PARTNERSHIP ADVISORY BOARD

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

SECTION 1. Councilmember Mike Serpa is hereby appointed to the Interregional Partnership Advisory Board.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES

WHEREAS, the Lions Club presented two checks to the City Council in the total amount of $1,950 toward the purchases and installation of soccer goals at Robertson Road Park; and

WHEREAS, the City will match these funds from the Park Partners Capital Improvement Project account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

| #1400-510-8107 | $1,250 |
| #1400-310-L009 | $1,250 |

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-40

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT (MID) OBLIGATING THE CITY TO PAY ALL MID COSTS RELATED TO RELOCATING ELECTRIC FACILITIES FOR THE PROPOSED KANSAS-NEEDHAM OVERCROSSING (9TH STREET RAILROAD RELOCATION PROJECT)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District obligating the City to pay all MID costs related to relocating electric facilities for the proposed Kansas-Needham Overcrossing (9th Street Railroad Relocation Project) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN SILVERADO AT THE VILLAGE PHASE II SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Jaguar/Sylvan Partnership, a California Limited Partnership, subdividers of Silverado at the Village Phase II Subdivision have filed a Subdivision Faithful Performance bond and a bond for labor and materials in the amount of $284,165 and $142,082.50 respectively to guarantee improvements in Silverado at the Village Phase II subdivision and;

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

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

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

1. The improvements in Silverado at the Village Phase II Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $284,165 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $142,082.50 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN SILVERADO AT THE VILLAGE PHASE III SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Jaguar/Sylvan Partnership LP, a California Limited Partnership, subdividers of Silverado at the Village Phase III have filed a Subdivision Faithful Performance bond and a bond for labor and materials in the amount of $388,780 and $194,390 respectively to guarantee improvements in Silverado at the Village Phase III and;

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

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

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

1. The improvements in Silverado at the Village Phase III Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $388,780 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $194,390 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR HR LEADERSHIP FOR PERSONNEL CONSULTING TO CONDUCT THE INITIAL IMPLEMENTATION PHASE OF THE PERSONNEL REDESIGN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for HR Leadership for personnel consulting to conduct the initial implementation phase of the Personnel Redesign Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $50,000 TO FULLY FUND THE CONSULTANT AGREEMENT FOR PERSONNEL REDESIGN IMPLEMENTATION

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

FROM: 7510-030-6650 0176 6600X; $50,000

TO: 0100-700-7000 9751; $50,000

Transfer $50,000 in unspent 1999 Bonus Program funding from the Employee Benefits Fund to the General Fund (City Manager Office Budget), to fund consultant agreement for Personnel Redesign implementation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-45

A RESOLUTION ESTABLISHING REDUCED CHARGES IN ZONE 1 FOR METERED AND UNMETERED WATER SERVICES AND RESCINDING RESOLUTION NO. 97-101.

WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After February 1, 2000

<table>
<thead>
<tr>
<th>Size of Meter</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾ &quot;</td>
<td>$ 13.63</td>
</tr>
<tr>
<td>1 &quot;</td>
<td>18.14</td>
</tr>
<tr>
<td>1½ &quot;</td>
<td>22.54</td>
</tr>
<tr>
<td>2 &quot;</td>
<td>27.20</td>
</tr>
<tr>
<td>3 &quot;</td>
<td>36.27</td>
</tr>
<tr>
<td>4 &quot;</td>
<td>47.16</td>
</tr>
<tr>
<td>6 &quot;</td>
<td>70.90</td>
</tr>
<tr>
<td>8 &quot;</td>
<td>90.55</td>
</tr>
<tr>
<td>10 &quot;</td>
<td>109.16</td>
</tr>
<tr>
<td>12 &quot;</td>
<td>127.83</td>
</tr>
</tbody>
</table>

The charge for each additional 100 cf over 1,680 cf on a monthly rate 0.82
Commodity Charge:

For the first one thousand six hundred eighty (1,680) cubic feet of water delivered through a water meter, per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be eighty-two ($0.82) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after February 1, 2000, shall be as follows:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Monthly Rate February 1, 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,500 SF, or less</td>
<td>$17.86</td>
</tr>
<tr>
<td>3,501 to 7,000 SF</td>
<td>20.60</td>
</tr>
<tr>
<td>7,001 to 10,500 SF</td>
<td>23.08</td>
</tr>
<tr>
<td>10,501 to 14,000 SF</td>
<td>25.56</td>
</tr>
<tr>
<td>14,001 to 17,500 SF</td>
<td>30.78</td>
</tr>
<tr>
<td>17,501 to 21,000 SF</td>
<td>36.09</td>
</tr>
</tbody>
</table>

For each 3,500 SF or fraction thereof over 21,000 4.85

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5) percent discount will be made in all billings on unmetered services paid one year in advance.
SECTION 3. CHARGES FOR UNMETERED WATER SERVICES TO SCHOOLS.

(a) The Flat-rate water service charges for schools shall be established according to the following formula:

\[
\text{Domestic Use - ADA (Avg. daily attendance) x c.f./pupil/month x 12 months x } \frac{\$2.76}{1000 \text{ c.f.}}
\]

Where:

- K-6 Schools ........ 10 cu. ft./pupil/month
- K-8 Schools ........ 13 cu. ft./pupil/month
- 7-8 Schools ......... 24 cu. ft./pupil/month
- High Schools ....... 36 cu. ft./pupil/month
- College ............. 36 cu. ft./pupil/month

(b) Irrigation

\[140,000 \text{ cu. ft./acre/year x no. of acres x } \frac{\$2.76}{1000 \text{ c.f.}}\]

The formula set forth above shall be based on the number of pupils enrolled in each of the following schools:

<table>
<thead>
<tr>
<th>Empire Union School District</th>
<th>Grade Range</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capistrano Elementary</td>
<td>K-5</td>
<td>6.022</td>
</tr>
<tr>
<td>Christine Sipherd Elementary</td>
<td>K-5</td>
<td>7.622</td>
</tr>
<tr>
<td>Bernard Hughes Elementary</td>
<td>K-5</td>
<td>0.165</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Modesto City School District</th>
<th>Grade Range</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harriet Kirsch Elementary</td>
<td>K-6</td>
<td>2.600</td>
</tr>
<tr>
<td>Elihu Beard Elementary</td>
<td>K-6</td>
<td>6.269</td>
</tr>
<tr>
<td>Fred C. Beyer High</td>
<td>9-12</td>
<td>28.122</td>
</tr>
<tr>
<td>Grace Davis High</td>
<td>9-12</td>
<td>19.937</td>
</tr>
<tr>
<td>Enslen Elementary</td>
<td>K-6</td>
<td>0.425</td>
</tr>
<tr>
<td>Catherine Everett Elementary</td>
<td>K-6</td>
<td>6.929</td>
</tr>
<tr>
<td>John C. Fremont Elementary</td>
<td>K-6</td>
<td>0.580</td>
</tr>
<tr>
<td>William H. Garrison Elementary and Joseph M. Kelly Center</td>
<td>K-6</td>
<td>5.960</td>
</tr>
<tr>
<td>Lakewood Elementary</td>
<td>K-6</td>
<td>7.008</td>
</tr>
<tr>
<td>Alberta Marton Elementary</td>
<td>K-6</td>
<td>5.100</td>
</tr>
</tbody>
</table>
Modesto High 9-12 6.604
Modesto High (North Campus) 9-12 1.463
John Muir Elementary K-6 5.751
Robertson Road Elementary K-6 5.610
Roosevelt Junior High 7-8 1.979
Rose Avenue Elementary K-6 6.304
Sonoma Elementary K-6 5.609

Salida Union School District
Mildred Perkins Elementary K-5 1.874

Stanislaus Union School District
Eisenhut Elementary K-6 5.158
Muncy Elementary K-6 1.461
Prescott Junior High 7-8 7.147
Agnes Baptist Elementary K-6 5.000

Sylvan Union School District
Coleman F. Brown Elementary K-6 6.826
Sherwood Elementary K-6 6.855
Somerset Junior High 7-8 17.644
Standiford Elementary K-6 6.876
Stockard Coffee Elementary K-6 8.250
Sylvan Elementary K-6 8.011
Woodrow Elementary K-6 6.957

Yosemite Community College District
Modesto Junior College - East Campus College 19.243

Central Catholic High 9-12 9.940

(c) The flat-rate sewer water charges shall be due and payable to the City of Modesto November 1st of each year.

(d) The determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

(e) The schools shall promptly notify City of any changes in area irrigated from the City water system. Charges shall be immediately revised in accordance with said changes. Failure to promptly notify City may be cause for immediate requirement of metering of the premises.
(f) All other property owned or controlled by the schools and connected to the City water system shall be on a regular metered basis.

SECTION 4. WATER CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION.

(a) The water service charge furnished to single-family residences, duplexes, and triplexes that are under construction will be a flat rate charge based on the formula below. This charge will be assessed and paid at the time of building permit issued.

\[
120 \text{ Day Construction Water Rate:} \\
\text{Flat Rate for Smallest Lot Area} \times \text{Utility Tax} \times 4 \text{ months} \\
\$18.80/\text{month} \times 6\% \text{ tax} \times 4 \text{ months} = \$79.71
\]

(b) Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

(c) The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

(d) In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.

(e) In the event a structure is occupied before final inspection of the structure, or water is used for other than normally required for construction, the water service charge will be made at the established rate for regular service.

SECTION 5. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons shall apply as follows:
Annual Income Levels

<table>
<thead>
<tr>
<th>Annual Income Levels</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 7,560 or less</td>
<td>25%</td>
</tr>
<tr>
<td>$ 7,561 to $10,394</td>
<td>15%</td>
</tr>
<tr>
<td>$10,395 to $13,230</td>
<td>10%</td>
</tr>
</tbody>
</table>

Criteria to receive the discount is as follows:

1. Must be 60 years old.
2. Must live alone or with spouse.
3. Living with children will not qualify the household for a discount.
4. Must be able to prove the qualifying income level.
5. If living with a spouse, the combined income level will determine the level of discount.
6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.
7. All applicants must complete an application.

SECTION 6. PREPAID UNMETERED WATER SERVICE CHARGES. Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 97-101 is hereby rescinded effective January 31, 2000.
BE IT FURTHER RESOLVED that this resolution shall become effective on
and after February 1, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of January, 2000, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Conrad, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Distribution List For
Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney’s Office
1 - Finance Department
1 - Engineering & Transportation
A RESOLUTION ACCEPTING THE PROJECT TITLED “EFFLUENT AND DRAINAGE HEADWALL PROJECT” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Effluent and Drainage Headwall Project, has been completed by Cunningham & Sons, in accordance with the contract agreement dated January 5, 1999.

NOW, THEREFORE, BE IT RESOLVED that the effluent and drainage headwall project be accepted from said contractor, Cunningham & Sons; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $68,400 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-46

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORMAN AND JUNE GALAS AND STANLEY AND BONNIE K. GALAS FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Norman and June Galas and Stanley and Bonnie K. Galas for the acquisition of property needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORMAN AND JUNE GALAS AND STANLEY AND BONNIE K. GALAS TO PAY COMPENSATION FOR DAMAGES OF PROPERTY NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Norman and June Galas and Stanley and Bonnie K. Galas to pay for damages of property needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-48

A RESOLUTION CANVASSING THE RESULTS OF THE JANUARY 25, 2000 ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO THE VILLAGE ONE COMMUNITY FACILITIES DISTRICT NO. 1996-1 AND ORDERING ANNEXATION OF SAID TERRITORY TO THE DISTRICT (ANNEXATION #3)

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution of Formation No. 96-544, adopted on October 8, 1996, formed its Community Facilities District No. 1996-1 (the "District"), relating to territory within the Village One Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 1 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 2 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 99-615, adopted December 14, 1999, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 of Maps of Assessment and Community Facilities Districts at page 29 in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Village One Area, and to levy a special tax therein (the "Special Tax") as set forth in Exhibit "A" hereto and by this reference incorporated herein for the purposes of financing certain facilities and services as set forth in
Exhibit “A” hereto, respectively, and by this reference incorporated herein, and to set a hearing thereon for January 18, 2000, and

WHEREAS, at the conclusion of the public hearing, the Council did, on January 18, 2000, adopt its Resolution No. 2000-37, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on January 25, 2000, (the "Election"), and

WHEREAS, on January 25, 2000, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election the proposition of levying the Special Tax within the Annexed Territory was approved by more than two-thirds (2/3) of the votes cast,

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

1. The above recitals are true and correct.
2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.
3. Based on the City Clerk's certificate of election results, attached hereto as Exhibit “B”, the ballot proposition presented to the qualified electors of the Annexed Territory, at the Election received at least two-thirds (2/3) of the votes cast.
4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.
5. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of February, 2000, by Councilmember Serpa who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY

By: Roland R. Stevens, Assistant City Attorney
EXHIBIT “A”

PUBLIC REPORT
COMMUNITY FACILITIES DISTRICT
NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX
# COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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</tr>
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<td>3</td>
</tr>
<tr>
<td>3. Industrial Basin (8 acres):</td>
<td>3</td>
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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

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

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

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

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

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:
I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the Village One Facilities Master Plan adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the Village One Finance Plan. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- **Claus Road (Expressway)**: Briggsmore to AT and SF railroad, widen to six-lane expressway.
- **Briggsmore (Expressway)**: Oakdale Road to Claus Road, widen to six-lane expressway.
- **Sylvan Avenue**: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Claus Road, widen to four lanes plus bike lanes.
- **Floyd Avenue**: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- **Oakdale Road**: Briggsmore to Sylvan, widen to six lanes.
- **Roselle Avenue**: Briggsmore to Sylvan, widen to four lanes plus bike lanes.
B. **STORM DRAINAGE SYSTEM**

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.

2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

C. **UTILITY RELOCATION**

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. **PARKS**

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

- **Community Park:** 39 acres
- **Roselle Neighborhood Park:** 7 acres
- **Claus Neighborhood Park:** 7 acres
- **Merle Neighborhood Park:** 8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.
E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the Village One Specific Plan, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*Street parkways includes median and roadside landscape and hardscape.
II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.
III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the Village One Facilities Master Plan adopted June 1996, and as shown on page 28 of the Village One Finance Plan, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Roads</td>
<td>$20,509,278</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$13,240,470</td>
</tr>
<tr>
<td>Utility Relocation</td>
<td>$1,120,458</td>
</tr>
<tr>
<td>Parks</td>
<td>$10,863,967</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other</td>
<td>$2,698,683</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>$48,457,856</strong></td>
</tr>
</tbody>
</table>

Annual CFD Administration (1%)  $484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435
B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

Annual maintenance cost at buildout in 1996 dollars:

- Community Park and three (3) neighborhood parks $149,073
- Street/Parkways: 1,500,000 sq. ft. x $0.417/sq. ft. $625,500
- Pathway Landscaping: Subtotal Paths $44,965
- Class I: 17,889/5,280 x $4,020 = $13,560
- Class II: 82,388/5,280 x $1,500 = $23,405
- Class III: 84,480/5,280 x $500 = $8,000
- Weed and Litter Abatement $4,251
- Misc. Annual Admin/Cont. (3%) $26,211
- Total Annual Cost $850,000

Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.
IV. RATE AND METHOD (By David Taussig and Associates)

A special tax applicable to each Assessor’s Parcel in Community Facilities District No. 1996-1 (herein “CFD No. 1996-1”) shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

“Annual Maintenance Special Tax” means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

“Assessor’s Parcel” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

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

“City” means the City of Modesto.

“City Manager” means the City Manager of the City of Modesto.

“Commercial Property” means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,
restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the Village One Specific Plan #8, the Village One Financing Plan and CFD Public Report) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.
“Maintenance Special Tax Requirement” means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

“Multi-Family Residential” means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

“Other Property” means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

“Other Undeveloped Property” means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

“Public Agency” means the federal government, State of California or other local governments or public agencies.

“Subdivided Property” means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor’s Parcels that are not individual lots for which a building permit may be issued, including Assessor’s Parcels that are designated as a remainder parcel.

“Undeveloped Commercial Property” means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel’s zoning designation.

“Undeveloped Industrial Property” means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by
reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current Village One Specific Plan. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.
C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

**Step 1:** Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

**Step 2:** Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

**Step 3:** Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.
**Step 4:** Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

**Step 5:** Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

**Step 6:** Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

**Step 1:** Determine the Gross-Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

**Step 2:** Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

**Step 3:** Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.
Table 1
Per-Acre Special Tax to be Used in Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,715 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$22,479 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$76,394 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,616 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,664 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1995-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.
a) **Developed Property**

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Annual Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$72.99 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$394.30 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$394.30 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the *Engineering News Record* or other comparable source if the *Engineering News Record* is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) **Undeveloped Property**

**Undeveloped Residential Property:**

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the Village One Specific Plan.
Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the Village One Specific Plan.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

   The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.
2. **Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

*Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

*Step 2:* Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

*Step 3:* If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

*Step 4:* Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the “City of Modesto Village One Finance Plan” as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall
track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. Maintenance Fund

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.
VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

______________________________  ______________________________
Jerry L. Slinkard               Date
Vail Engineering Corporation
EXHIBIT "B"

CITY CLERK'S
CERTIFICATE OF ELECTION RESULTS
CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2000-37, the Resolution calling for the Election, adopted on January 18, 2000 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(3) on January 25, 2000, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution calling for an election adopted at a public hearing held by the City Council of the City of Modesto on January 11, 2000, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(3) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 92   NO 0

Dated: February 1, 2000

JEAN ZAHR
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-49

A RESOLUTION DESIGNATING THE CITY OF MODESTO
FINANCE DIRECTOR TO REQUEST AND RECEIVE
CONFIDENTIAL SALES AND USE TAX INFORMATION
FROM THE STATE BOARD OF EQUALIZATION.

WHEREAS, pursuant to the Bradley-Burns Uniform Local Sales and Use Tax
Law, the State Board of Equalization, as a contracting party, maintains all information relative to
sales and use taxes for the State of California as well as the City of Modesto, and

WHEREAS, such sales and use tax information is considered proprietary and is
confidential, however, in order to properly audit and budget sales taxes, the City Finance
Director must have access to this information, and

WHEREAS, State law requires that the City Council, by resolution, designate the
City Tax Collector, (in this case, the City Finance Director), as the person authorized to receive
and examine such information, and

WHEREAS, the Council considered this matter at its meeting of February 1,
2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the City Finance Director, or his authorized designee, to request and
receive confidential sales and use tax information from the Board of Equalization.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabation

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-50  

A RESOLUTION DECLARING A WELL SITE AND SMALL PUMP IN HICKMAN SURPLUS, AUTHORIZING THE DONATION OF SAID WELL SITE AND PUMP TO JOHN GILMORE, THE ADJOINING PROPERTY OWNER, AND AUTHORIZING THE ACTING CITY MANAGER TO TAKE APPROPRIATE ACTIONS TO COMPLETE THE TRANSFER OF THE SITE.

WHEREAS, the City of Modesto acquired a small well site in Hickman when it acquired the Del Este Water System, said well site is Assessors Parcel No. 19-43-11, and is located in the area as shown on the map which is attached hereto and incorporated herein by reference, and

WHEREAS, said well site contains less than 1,000 sq. ft, no longer produces potable water, has been removed from service, and is surplus to the City’s needs, and

WHEREAS, if the City retains this particular site, a pump will need to be removed and other improvements will need to be made, at an estimated cost of $12,000, plus annual maintenance expenses at an estimated cost of $3,000, plus taxes estimated at $225 a year, and

WHEREAS, the adjacent property owner, Mr. John Gilmore, has indicated that he would be willing to possess the site to irrigate his property, and since Mr.Gilmore is the only person who can use the site, City staff is recommending that the site and a small pump be donated to the adjacent property owner, Mr. Gilmore, and

WHEREAS, the Council of the City of Modesto considered this matter at its meeting of February 1, 2000,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the small well site in Hickman, which was acquired when the City acquired the Del Este Water System, has become surplus property to the City's needs, and the Council hereby authorizes the donation of said well site to the adjacent property owner, Mr. John Gilmore. Said well site is more particularly described as Assessor's Parcel No. 19-43-11, and is located in the area as shown on the map which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to take appropriate actions to complete the transfer of the site to Mr. Gilmore.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAH\R, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO TRANSFER FUNDS TO REIMBURSE LING INVESTMENTS

WHEREAS, pursuant to an agreement with the City, Ling Investments is requesting reimbursement for the costs of constructing a portion of the subtrunk sewer; and

WHEREAS, the developer is requesting $32,094 in reimbursements; however, the Capital Improvement Program has $22,540 available; and

WHEREAS, the shortfall of $9,554 needs to be transferred from the Wastewater Contingency Reserves to the Subtrunk Sewer Extension fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#621-440-K011</td>
<td>$9,554</td>
</tr>
<tr>
<td>#6210-800-8003</td>
<td>$(9,554)</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION ACCEPTING THE PROJECT TITLED "1998-99 CAPE SEAL PROJECT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 1998-99 Cape Seal Project, has been completed by Western States Surfacing Inc., in accordance with the contract agreement dated August 17, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 1998-99 Capes Seals Project be accepted from said contractor, Western States Surfacing Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $287,283.11 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-53

A RESOLUTION ACCEPTING THE PROJECT TITLED “SECONDARY WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION FOUNDATION STABILIZATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Secondary Wastewater Treatment Plant Effluent Pump station Foundation Stabilization, has been completed by Conco West Inc., in accordance with the contract agreement dated November 24, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Secondary Wastewater Treatment Plant Effluent Pump station Foundation Stabilization be accepted from said contractor, Conco West Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $274,998.21 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-54

A RESOLUTION DECLARING PROPERTY SURPLUS AND
AUTHORIZING THE SALE BY SEALED BID OR PUBLIC
AUCTION OR FOR SCRAP, PERTAINING TO SURPLUS,
LOST, STOLEN, UNCLAIMED AND/OR SEIZED AND
EXCESS PROPERTY, INCLUDING THREE WRECKED
PATROL VEHICLES FROM THE FLEET SERVICES
DIVISION,

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

WHEREAS, the City of Modesto desires to sell surplus, lost, stolen, unclaimed
and/or seized and excess City property, which has been accumulated at the Jefferson Street
warehouse, including seized jewelry items which have been held at the Police Department
Evidence and Property Room for the required waiting period and have not been claimed, and
three wrecked patrol vehicles from the Fleet Services Division, and

WHEREAS, City staff has recommended that said property could best be sold
on a sealed bid basis, however, if said property does not sell on a sealed bid basis, said
property should then be sold at a public auction to be conducted by Roger Ernst and
Associates, and

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

WHEREAS, a detailed list of those items to be sold is on file in the Office of
the City Clerk,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The surplus, lost, stolen, unclaimed and/or seized and excess City property, which has been accumulated at the Jefferson Street warehouse by the City of Modesto, including seized jewelry items which have been held at the Police Department Evidence and Property Room for the required waiting period and have not been claimed, and three wrecked patrol vehicles from the Fleet Services Division, are hereby declared to be surplus to the City’s needs.

SECTION 2. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder said surplus, lost, stolen, unclaimed and/or seized property. Said property is set forth on the list on file in the Office of the City Clerk.

SECTION 3. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

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

SECTION 6. If said property cannot be sold by a sealed bid process or by public auction, then said property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabation

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahn

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-55

A RESOLUTION SUMMARILY VACATING AND
ABANDONING TWO (2) 10-FOOT PUBLIC UTILITY
EASEMENTS ALONG THE EAST AND WEST SIDES OF
LIBBY WAY, BEING ALSO ALONG THE EAST
BOUNDARY OF BLOCK 11209 AND A PORTION OF THE
WEST BOUNDARY OF BLOCK 11208 WITHIN THE
ADRIANNA TWO SUBDIVISION IN THE CITY OF
MODESTO.

WHEREAS, the City of Modesto has received a request from Max Garcia, a
Consulting Civil Engineer and Land Surveyor, on behalf of Max Norton Enterprises, the
developer for the Adriana Two Subdivision, to abandon two (2) 10-foot public utility
easements located along the east and west sides of Libby Way, (also known as lot A, and
formerly known as Notting Gate Drive), being also along the east boundary of Block 11209
and a portion of the west boundary of Block 11208 within the Adrianna Two Subdivision in
the City of Modesto, and

WHEREAS, these two easements were dedicated by the Subdivision Map of
Adrianna Two in compliance with a tentative map condition, and were not used by the utility
companies during the construction of this subdivision, and

WHEREAS, the California Streets and Highways Code authorizes a city
council, by resolution, to summarily vacate easements, and

WHEREAS, said easements referred to above are more particularly described in
Exhibit "A", attached hereto, and
WHEREAS, the Transportation, Electrical, and Engineering Divisions of the Engineering and Transportation Department, as well as the Development Services and Planning Divisions of the Community Development Department and all of the local Public Utility Companies have no objections to the abandonment as the subdivision has been constructed without using these two easements, and

WHEREAS, the Council finds and declares that:

1. The vacation of these two easements are made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which consists of two (2) 10-foot public utility easements located along the east and west sides of Libby Way, (also known as Lot A, formerly known as Notting Gate Drive), being also along the east boundary of Block 11209 and a portion of the west boundary of Block 11208 within the Adrianna Two Subdivision in the City of Modesto, are not required for public utilities.

3. That from and after the date this resolution is recorded, the two (2) 10-foot public utility easements vacated will no longer constitute a public utility easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the two (2) 10-foot public utility easements located along the east and west sides of Libby Way, (also known as Lot A, formerly known as Notting Gate Drive), being also along the east boundary of Block 11209 and a portion of the west boundary of Block 11208 within the Adrianna Two Subdivision in the City of Modesto, which are more particularly
described in Exhibit "A", which is attached hereto and incorporated herein by reference, be
and are hereby vacated and abandoned.

BE IT FURTHER RESOLVED that such vacation and abandonment shall
become effective upon the recording of a certified copy of this resolution in the Stanislaus
County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of February, 2000, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Frohman, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"
LEGAL DESCRIPTION FOR ABANDONMENT OF
PUBLIC UTILITY EASEMENTS

EASEMENT AREA NO. 1:
A portion of Lots 29 through 31 in Block 11209 as shown on the map for Adrianna Two, filed in Book 38 of Maps, at Page 36, Stanislaus County Records.

Beginning at the intersection of the northeasterly line of said Lot 29 and the south line of Merle Avenue, said south line being 42.00 feet south of parallel with the centerline of said Merle Avenue; thence South 44°07'24" East along said northeasterly line, a distance of 5.69 feet; thence South 00°28'26" East along the east line of said Lot 29, a distance of 67.03 feet; thence South 07°39'22" West along the east line of said Lot 30, a distance of 70.71 feet; thence South 00°28'26" East along the east line of said Lots 31 and 32, a distance of 128.56 feet; thence South 44°31'34" West, a distance of 9.11 feet; thence North 44°31'34" East, a distance of 14.97 feet; thence North 00°28'26" West, a distance of 125.12 feet; thence North 07°39'22" East, a distance of 70.71 feet; thence North 00°28'26" West, a distance of 70.48 feet to the north line of said Lot 29; thence North 89°52'29" East along said north line, a distance of 6.07 feet to the point of beginning.

EASEMENT AREA NO. 2:
A portion of Lots 18 through 21 in Block 11208 as shown on the map for Adrianna Two, filed in Book 38 of Maps, at Page 36, Stanislaus County Records.

Beginning at the intersection of the northwesterly line of said Lot 18 and the south line of Merle Avenue, said south line being 42.00 feet south of parallel with the centerline of said Merle Avenue; thence South 44°42'02" West along said northwesterly line, a distance of 10.66 feet; thence South 00°28'26" East along the west line of said Lot 18, a distance of 63.19 feet; thence South 08°36'14" East along the west line of said Lot 19, a distance of 70.71 feet; thence South 00°28'26" East along the west line of said Lots 20 and 21, a distance of 124.00 feet to the beginning of a curve concave to the east having a radius of 21.00 feet; thence southerly along the arc of said curve through a central angle of 31°35'17", a distance of 11.58 feet; thence North 89°31'34" East, a distance of 17.89 feet to a point of cusp and the beginning of a curve concave to the northeast, having a radius of 11.00 feet, said curve being concentric to last said curve; thence northwesterly along said curve, through a central angle of 90°00'00", a distance of 17.28 feet; thence North 00°28'26" West, a distance of 124.71 feet; thence North 08°36'14" West, a distance of 70.71 feet; thence North 00°28'26" West, a distance of 69.98 feet to the north line of said Lot 18; thence South 89°52'29" West along said north line, a distance of 2.44 feet to the point of beginning.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Max M. Garcia, L.S. 5122
License Expires: 06/30/03
Date
MERLE AVENUE

NEW CHESHAM COURT

NEW LONDON LANE

LIBBY WAY

10' P.U.E. TO BE ABANDONED
(EASEMENT AREA NO. 1)

10' P.U.E. TO BE ABANDONED
(EASEMENT AREA NO. 2)

NEW HAMPTON COURT

GARCIA-DAVIS-RINGLER
ENGINEERING/SURVEYING/PLANNING

PPUE ABANDONMENT
FOR
ADRIANNA TWO

Date: 1/25/00
Scale: 1" = 50'

Drawn: SH
Dwg.: 704800A

Checked: MG
Job No. 97048
RESOLUTION TO VACATE AND ABANDON
Street, Alley or Right-of-way

File 16.5-2

2 Clerk
1 Attorney
1 O&M
1 E&T
1 CDD - Dev. Services
1 Fire
1 Police
1 MID
1 PG&E
1 Pac Bell
1 Water Dept., Jim Molampy
*1 County Recorder

14

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

PG&E
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

-Pacific Bell Engineering
2300 E. Eight Mile Road
Stockton, CA 95210-9601

Note: Do Not Record Temporary Closings
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-56

A RESOLUTION DESIGNATING CITY PERSONNEL TO
EXECUTE NECESSARY AND REQUIRED DOCUMENTS ON
BEHALF OF THE CITY OF MODESTO FOR THE
CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES)
AND FEDERAL EMERGENCY MANAGEMENT
ADMINISTRATION (FEMA).

WHEREAS, the Office of Emergency Services (OES) has implemented revisions
to existing Public Assistance documentation requirements, and

WHEREAS, in order for the City to file claims for the purpose of obtaining
certain financial Federal assistance under P.S.93-288, and/or State financial assistance under the
National Disaster Assistance Act, the City Council, by resolution, must designate selected City
staff to execute necessary and required documents for and on behalf of the City of Modesto, and

WHEREAS, the City Council considered this matter at its meeting of February 8, 2000,

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

That the Council hereby designates the following City personnel to execute
necessary and required documents for and on behalf of the City of Modesto for the California
Office of Emergency Services (OES) and the Federal Emergency Management Administration (FEMA):

- City Manager
- Deputy City Manager
- Finance Director
- Fire Chief
- Operations & Maintenance Director

2/2/00
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

2/2/00
A RESOLUTION ACCEPTING THE BID OF TENNYSON ELECTRIC INC. FOR THE PROJECT TITLED “TRAFFIC SIGNAL INSTALLATION AT DALE ROAD AND PELANDALE AVENUE”

WHEREAS, the bids received for traffic signal installation project at Dale Road and Pelandale Avenue were opened at 11:00 a.m. on February 1, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $107,642 received from Tennyson Electric Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-58

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL AND COUNTY FUNDS TO FULLY FUND THE TRAFFIC SIGNAL INSTALLATION PROJECT

WHEREAS, funds for this project were partially budgeted in the 1996-97 CIP; and

WHEREAS, the City has recognized additional funds from Stanislaus County and CMAQ to help offset the costs of the traffic signal installation project at Dale Road and Pelandale Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Project Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#070-160-H978</td>
<td>$63,878</td>
</tr>
<tr>
<td>#0700-510-3310</td>
<td>$17,656</td>
</tr>
<tr>
<td>#0700-510-3404</td>
<td>$46,222</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION ACCEPTING THE PROJECT TITLED “PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Prescott/Pelandale and Carver Sewer Subtrunks, has been completed by K.J. Woods construction Inc., in accordance with the contract agreement dated January 5, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Prescott/Pelandale and Carver Sewer Subtrunks be accepted from said contractor, K.J. Woods Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $424,555.97 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-60

A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION’S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM TEN (10%) PERCENT TO THIRTEEN (13%) PERCENT OF THE ORIGINAL CONTRACT PRICE WITH K.J. WOODS CONSTRUCTION, INC., NECESSARY FOR COMPLETION OF THE PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS PROJECT.

WHEREAS, the City Council awarded a contract to K.J. Woods Construction, Inc., on January 5, 1999, in the original amount of $378,000.00 for the contract entitled, “Prescott/Pelandale and Carver Sewer Subtrunks”, to install 12” diameter sewer lines along Prescott Road and Carver Road, and

WHEREAS, during the course of construction, it was necessary to execute a change order for $31,200.00 when the contractor found the existing asphalt roadway, along Carver Road, to be only 1 to 2 inches thick at some locations, leading to brittle cracking of the surface outside the trench line, and

WHEREAS, the roadway was also found to be substandard because a thin asphalt surface was placed over native material, as opposed to being placed over a 4 to 6-inch thick layer of aggregate base material, and the change order was executed to cover the extra costs to rebuild the street section to current standards, and

WHEREAS, this change order was within the Director’s 10% change order level of authority established by City Council policy, but limited the Director’s authority to handle further unforeseen events for the remainder of the project, and
WHEREAS, additional change orders in the amount of $15,355.97, were needed to complete the project, for a total change order amount of $46,555.97 (about 12.4%), and

WHEREAS, said change orders exceeding the Director’s 10% authority have been negotiated and written, but have not been executed, and City staff is requesting an increase in the Director’s change order level of authority to 13% to allow execution of all the remaining valid change orders,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Director of Engineering and Transportation’s authority level to issue change orders from 10% to 13% for additional work by K. J. Woods Construction, Inc., on the Prescott/Pelandale and Carver Sewer subtrunks project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-61

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND CREATE A NEW CIP PROJECT FOR INSTALLATION OF LIGHTED CROSSWALKS

WHEREAS, staff has successfully applied for and received grant funds to install lighted crosswalks in various locations within the City; and

WHEREAS, estimated revenue needs to be appropriated into a new capital improvement project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>Expense:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>#0700-510-9510-3138</td>
<td>#0700-160-L126-6040</td>
<td>$125,000</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-62

A RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL FUND PREAPPLICATION IN THE AMOUNT OF $900,100.00 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR AIRPORT IMPROVEMENT PROJECTS, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City of Modesto is eligible for AIP entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, the City of Modesto recently submitted an Airport Capital Improvement Plan (ACIP) to the FAA for federal funds needed to complete future Modesto City-County Airport Improvements, and

WHEREAS, projects recommended with the preapplication include updating the Airport Master Plan, seal coating the airport service road between the general aviation and terminal areas, expanding and reconstructing the air carrier and transient aircraft parking apron next to the passenger terminal, and the appropriation of the remainder of the funds for resurfacing Taxiways A and B, and

WHEREAS, before, the FAA formally considers funding, the City must submit a preapplication for said funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of a federal fund preapplication in the amount of $900,100.00 to the Federal Aviation Administration for airport improvement projects.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute said federal fund preapplication on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-63

A RESOLUTION APPROVING AN AIRPORT USE AGREEMENT BETWEEN THE CITY OF MODESTO AND ENTERPRISE RENT-A-CAR TO OPERATE A CAR RENTAL BUSINESS FROM A SITE AT MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the airport use agreement between the City of Modesto and Enterprise Rent-a-Car to operate a car rental business from a site at Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-64

A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTH DAY IN THE PARK FESTIVAL 2000" AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT.

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the Citizens' Advisory Committee on Recycling (CACOR) sponsors the event, and the 11th Annual "Earth Day in the Park" will be held on Saturday, April 15, 2000, at Graceada Park, and

WHEREAS, Earth Day in the Park Festival 1999 drew 68 vendors and an estimated 10,000 residents, and

WHEREAS, because the CACOR is an advisory committee to the City Council, the group's ability to obtain event liability coverage is restricted, and City co-sponsorship of the event will allow provision of automatic coverage under the umbrella of the City's existing insurance policy, and

WHEREAS, the City's Risk Manager has assessed the scope of the event and determined it to be of minimal exposure to the City, and

WHEREAS, as in prior years' events, the Committee seeks Council approval for the sale of merchandise in the Park during the event, and
WHEREAS, this event provides a forum for merchants to display and sell their “environmentally friendly” merchandise, and for the creation of a “festival atmosphere”, while giving the public an opportunity to make purchases of positive benefit to the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of “Earth Day in the Park Festival 2000, at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival 2000” event.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Don Abel, John Amistadi, Jack Dickman, Sue Hollingsworth and Pete Kolf are hereby appointed to the Mayor’s Ad Hoc Finance Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Mayor’s Ad Hoc Finance Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-66

A RESOLUTION AMENDING THE BUDGET AND APPROVING ITEMS 1 THROUGH 8 AS SET FORTH IN THE SECOND QUARTERLY BUDGET REPORT FOR FY 1999-00

WHEREAS, the second quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1999-2000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations and revenue for the 1999-2000 budget have been adjusted as shown in Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
<table>
<thead>
<tr>
<th>Recreational &amp; Neighborhoods</th>
<th>1</th>
<th>App</th>
<th>0100</th>
<th>370</th>
<th>3715</th>
<th>0140</th>
<th>55,598</th>
<th>66,148</th>
<th>10,550</th>
<th>Council approved increase for cost recovery for use of Multi-purpose facilities by City approved youth sports organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation &amp; Neighborhoods</td>
<td>2</td>
<td>Rev</td>
<td>0100</td>
<td>370</td>
<td>3717</td>
<td>8107</td>
<td>-</td>
<td>2,750</td>
<td>2,750</td>
<td>Unanticipated revenue for Martin Luther King Celebration, used to offset cost of speaker (Pending approval of FPC on 1/25/00) Funds needed to provide scholarships to low-income youth participating in City and City-sponsored sports and classes.</td>
</tr>
<tr>
<td>Recreation &amp; Neighborhoods</td>
<td>3</td>
<td>App</td>
<td>0100</td>
<td>370</td>
<td>3715</td>
<td>0600</td>
<td>84,000</td>
<td>109,000</td>
<td>25,000</td>
<td>These funds are needed to pay staff charges not originally included in cost estimates for the Sports Complex. Savings will be realized from the Eisenhower Park project.</td>
</tr>
<tr>
<td>Operation &amp; Maintenance</td>
<td></td>
<td>App</td>
<td>0100</td>
<td>480</td>
<td>4727</td>
<td>Various</td>
<td>-</td>
<td>121,000</td>
<td>121,000</td>
<td>Modesto Youth Conservation Corp</td>
</tr>
<tr>
<td>Community</td>
<td>1</td>
<td>App</td>
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<td>700</td>
<td>7000</td>
<td>7113</td>
<td>581,530</td>
<td>578,529</td>
<td>(5,001)</td>
<td>Transfer Out to Fund 1130</td>
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<tr>
<td>Development/Finance</td>
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<td>700</td>
<td>7000</td>
<td>9115</td>
<td>581,530</td>
<td>578,529</td>
<td>(5,001)</td>
<td>Transfer In to Fund 1150</td>
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<td>(1,018,301) Benefits</td>
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<td>(412,627) Benefits</td>
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<td>030</td>
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<td>8,278,331</td>
<td>7,824,566</td>
<td>(463,765) Leave Internal Charges</td>
<td></td>
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<tr>
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<td>Rev</td>
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<td>030</td>
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<td>4992</td>
<td>8,651,414</td>
<td>8,258,335</td>
<td>(393,079) Non-Insurance Benefits-Internal Charges</td>
<td></td>
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<tr>
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<td>2</td>
<td>Rev</td>
<td>7510</td>
<td>030</td>
<td>9650</td>
<td>6101</td>
<td>200,000</td>
<td>380,000</td>
<td>180,000</td>
<td>Reserve</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>App</td>
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<td>800</td>
<td>8000</td>
<td>7510R</td>
<td>6003</td>
<td>(16,668)</td>
<td>764,084</td>
<td>To match Departmental Leave and Non-Insurance Benefits Appropriation to the EBF Fund Appropriations and Revenues</td>
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<tr>
<td>Adjustment #</td>
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<td>Fund</td>
<td>Agency</td>
<td>Organization</td>
<td>Appr Unit</td>
<td>Object</td>
<td>Current Budget</td>
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<td>0100</td>
<td>510</td>
<td>9510</td>
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<td>175,957</td>
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<td>190</td>
<td>1980</td>
<td>3506</td>
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<td>800</td>
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<td>0100R</td>
<td>8003</td>
<td>158,566</td>
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<td>1980</td>
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<td>190</td>
<td>1980</td>
<td>3502</td>
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<td>0400</td>
<td>180</td>
<td>1961</td>
<td>1900C</td>
<td>5318</td>
<td>-</td>
<td>(61,565)</td>
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<td>App</td>
<td>0400</td>
<td>700</td>
<td>7000</td>
<td>0400R</td>
<td>7010</td>
<td>-</td>
<td>(15,000)</td>
<td>Record Management System</td>
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<tr>
<td></td>
<td>3</td>
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<td>1980</td>
<td>1900C</td>
<td>5282</td>
<td>-</td>
<td>(788,064)</td>
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<td>190</td>
<td>1961</td>
<td>3501</td>
<td>150,000</td>
<td>-</td>
<td>(150,000)</td>
<td>Federal Grant -OCJP</td>
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<td>App</td>
<td>0400</td>
<td>800</td>
<td>8000</td>
<td>0400R</td>
<td>8003</td>
<td>540,150</td>
<td>-</td>
<td>COPS</td>
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<tr>
<td></td>
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<td>App</td>
<td>0400</td>
<td>800</td>
<td>8000</td>
<td>0400R</td>
<td>8003</td>
<td>540,150</td>
<td>-</td>
<td>Reserve</td>
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| Engineering & Transportation | To 1A  | App  | 0100   | 420          | 4212     | 4200C  | 0218           | 7,603      | 16,603    | Vehicle Maintenance - Vehicle maintenance for new
|             | To 1B  | App  | 0100   | 420          | 4213     | 4200C  | 0301           | 1,850      | 2,850     | new inspectors vehicle was left out of the original
|             |        |      |         |              |          |        |                |            | budget      | budget                  |
| Engineering & Transportation | Fr 1C  | Rev  | 0100   | 420          | 4212     | 4200   | 4011           | 70,000     | 80,000    | Office Supplies to set up in new location. |
| Engineering & Transportation | To 2A  | App  | 0100   | 420          | 4212     | 4200C  | 0235           | 3,500      | 10,700    | Revenue for Subdivision Inspections: Additional revenue due to higher subdivision |
|             | Fr 2B  | Rev  | 0100   | 420          | 4212     | 4200A  | 0110           | 667,997    | 660,797   | inspection activity   |
| Engineering & Transportation | To 3A  | App  | 0100   | 420          | 4212     | 4200C  | 0216           | 541        | 1,000     | Temporary Employee - reimbursement from salary savings in 0110. |
|             | Fr 3B  | App  | 0100   | 420          | 4212     | 4200A  | 0110           | 667,997    | 687,538   | (7,200)    |
| Engineering & Transportation | To 4A  | App  | 0100   | 430          | 4301     | 4300C  | 0210           | -          | -         | Pagers: Switched to different pager company with capability to receive e-mail through internet. |
|             | Fr 4B  | App  | 0100   | 430          | 4302     | 4300C  | 0235           | 13,787     | 13,682    | (450)      |
| Engineering & Transportation | To 5A  | App  | 0100   | 430          | 4301     | 4300C  | 0301           | 400        | 850       | Pager for Deputy Director: Deputy Director now |
|             | Fr 5B  | App  | 0100   | 430          | 4302     | 4300C  | 0235           | 13,787     | 13,337    | wears a pager. Funds need to be appropriated to pay for this expense. |

2/15/0012:54 PM
# Quarterly Budget Adjustment Form

**Department:** Finance Budget Division

### Operations & Maintenance/Engineering & Transportation

<table>
<thead>
<tr>
<th>Adjustment # ApplRev</th>
<th>Fund</th>
<th>Agency</th>
<th>Organization</th>
<th>Appr Unit</th>
<th>Object</th>
<th>Current Budget</th>
<th>New Budget</th>
<th>Adjustment</th>
<th>Title and Justification</th>
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<tbody>
<tr>
<td>To 1A App</td>
<td>6210</td>
<td>460</td>
<td>5215</td>
<td></td>
<td>5</td>
<td>-</td>
<td>14,000</td>
<td>14,000</td>
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<tr>
<td>Fr 1B App</td>
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<td>6003</td>
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<td>2,660</td>
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### Engineering & Transportation

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<th>Fund</th>
<th>Agency</th>
<th>Organization</th>
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<th>Object</th>
<th>Current Budget</th>
<th>New Budget</th>
<th>Adjustment</th>
<th>Title and Justification</th>
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</thead>
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<td>070</td>
<td>430</td>
<td>600</td>
<td>6010</td>
<td>206,000</td>
<td>186,000</td>
<td>(20,000)</td>
<td>(20,000)</td>
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<td>900</td>
<td>6040</td>
<td>2,275,000</td>
<td>1,775,000</td>
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<td>(50,000)</td>
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<td>430</td>
<td>900</td>
<td>6050</td>
<td>113,000</td>
<td>88,000</td>
<td>(25,000)</td>
<td>(25,000)</td>
<td>”</td>
</tr>
<tr>
<td>To 2B App</td>
<td>0700</td>
<td>430</td>
<td>L</td>
<td>6010</td>
<td>202,000</td>
<td>152,000</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>”</td>
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<tr>
<td>To 2B App</td>
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<td>430</td>
<td>L</td>
<td>6040</td>
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<td>500,000</td>
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<td>To 2B App</td>
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<td>L</td>
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<td>25,000</td>
<td>25,000</td>
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<td>To 2B App</td>
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<td>50,000</td>
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### Community Development/Finance

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<th>Agency</th>
<th>Organization</th>
<th>Appr Unit</th>
<th>Object</th>
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<th>New Budget</th>
<th>Adjustment</th>
<th>Title and Justification</th>
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<td>623</td>
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<td>529,000</td>
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<td>(31,000)</td>
<td>Airport runway sweeper. Change text from Design Gen Aviation to new Runway Sweeper and perhaps Adj. Dollars for $31k</td>
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### Engineering & Transportation/Finance

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<th>Object</th>
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<th>New Budget</th>
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<th>Title and Justification</th>
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</thead>
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<td>020</td>
<td>F789</td>
<td>789</td>
<td>640,165</td>
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<td>(30,712)</td>
<td>HBR-ADA Compliance reappropriate Miscellaneous Services</td>
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<td>(30,712)</td>
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### Community Development/Engineering & Transportation/Finance

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<th>Organization</th>
<th>Appr Unit</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>(16,912)</td>
<td>Downtown Modesto Bicycle Parking Grant</td>
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<td>??</td>
<td>79,000</td>
<td>60,088</td>
<td>(16,912)</td>
<td>(16,912)</td>
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</tbody>
</table>

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2/15/0012:54 PM
A RESOLUTION APPROVING THE COFFEE-CLARATINA PUBLIC FACILITY FINANCING STRATEGY PLAN.

WHEREAS, City staff has recommended to the City Council the adoption of a proposed Coffee-Claratina Public Facility Financing Strategy plan, which provides for reduced public facility costs, a copy of said proposed plan is on file in the office of the city Clerk, and

WHEREAS, the proposed Coffee-Claratina Public Facility Financing Strategy plan is intended to assign public facility costs to development in an equitable manner, and

WHEREAS, said proposed plan was considered at a duly noticed public meeting of the City Council, which was held at 7:00 p.m., on Tuesday, February 15, 2000, in the Council Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Coffee-Claratina Public Facility Financing Strategy plan, dated January, 2000, which provides for reduced public facility costs, subject to the following condition:

That any plans for installation of traffic signals at either end of the east-west collector street return to Council for consideration prior to their approval. Specifically, these traffic signals are located in Area 1 (the intersection of east-west collector street and McHenry Avenue), and Area 5 (the intersection of east-west collector street and Coffee Road), as shown on Exhibit “A” of the Coffee-Claratina Area Map within the Coffee-Claratina Public Facility Financing Strategy plan, a copy of which is dated January, 2000, and which is on file in the office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-68

A RESOLUTION AUTHORIZING STAFF TO PROCEED
WITH A REQUEST FOR QUALIFICATIONS AND
PROPOSALS FOR MAINTENANCE ACTIVITIES AT JOHN
THURMAN BASEBALL STADIUM.

WHEREAS, in the January 26, 1999, agreement between the Modesto A's and
the City of Modesto, the City agreed to initiate a Request For Proposals (RFP) for game-
related maintenance activities at the stadium, and

WHEREAS, the RFP will seek proposals for pre-game and post-game field
maintenance; clubhouse, press box, and box suites janitorial service; and grandstand,
concourse, parking lots, and public restroom cleaning, and

WHEREAS, interested contractors will be provided information regarding the
City's cost to provide said activities, and

WHEREAS, staff anticipates returning to the City Council to award a contract
or to continue with City services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals
for game-related maintenance activities at John Thurman Baseball Stadium.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-69

A RESOLUTION SUPPORTING THE NOMINATION OF THE STATE ROUTE 99 CORRIDOR ENHANCEMENT PROJECT FOR CALTRANS TRANSPORTATION ENHANCEMENTS ACTIVITY FUNDING.

WHEREAS, in 1997, Congress approved the Transportation Equity Act for the 21st Century (TEA-21), which includes the transportation Enhancement Activities (TEA) program that provides funds for financial transportation enhancements such as landscaping, beautification, bikeways and historical preservation in transportation corridors, and

WHEREAS, the program includes $60 million per year to the State of California for six successive years, and the State has chosen to divide its TEA allocations into four TEA pots: One of these pots is distributed via the regional transportation authority (StanCOG), a second is slated for conservation lands, a third goes toward statewide environmental enhancement, and the final TEA pot is allocated to Caltrans, and

WHEREAS, in September, 1999, Caltrans District 10 nominated the State Route 99 Modesto Corridor Enhancement Project for funding from the Caltrans portion of the State’s FY 99-00 Transportation Enhancement Activities (TEA) funds, and

WHEREAS, the State Route 99 Enhancement Project totals $16 million and includes landscaping enhancements for key interchanges along State Route 99, landscaping improvements along the State Route 99 corridor, and median enhancements, and

WHEREAS, Caltrans District 10 requested that the City participate in meeting the local match required for the project. If the total $16 million project is funded, the local match
could be $1.5 million, assuming no assistance from Caltrans District; however, since this project is on a State highway and involves enhancements to a corridor that is controlled by Caltrans, City staff is of the opinion that the match is Caltrans’ responsibility and should be paid for by Caltrans, and

WHEREAS, depending on the nature of the specific landscape improvements, District 10 may request that the City enter into a maintenance agreement for enhancements, however, City staff’s position is that the corridor is under Caltrans’ control and landscaping maintenance should be performed by Caltrans, and

WHEREAS, State Route 99 Corridor serves as the “window” through which visitors to the Central Valley view our City, and at present, much of the corridor is unattractive, containing few landscaping improvements or other enhancements, and

WHEREAS, the Transportation Policy Committee supports the project and recommended to the Council approval of a resolution supporting the increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports the nomination of the State Route 99 Corridor Enhancement Project for Caltrans Transportation Enhancements Activity funding.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-70

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR CONGESTION MITIGATION AND AIR QUALITY FUNDS TO PARTIALLY OFFSET OPERATING AND CAPITAL EXPENSES OF THE CITY’S PUBLIC TRANSPORTATION PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS.

WHEREAS, the Federal Transportation Administration (FTA) has been delegated authority to award Federal financial assistance for transportation related projects, and

WHEREAS, each year the City of Modesto (City) submits a grant application for funds from the formula apportionment made available to the Modesto Urbanized Area by the FTA, and

WHEREAS, by a report to the Council dated February 11, 2000, from the Engineering & Transportation Department, City staff recommended submitting a grant application to the FTA for $1,942,262 in formula apportioned funds and $387,075 in Congestion Mitigation and Air Quality (CMAQ) funds to partially offset the operation and capital expenses of the City’s public transit program, a copy of said report is attached hereto and incorporated herein by reference, and

WHEREAS, at its meeting held on February 22, 2000, the City Council considered said recommendations,

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

1. That it hereby approves the submittal of a grant application to the FTA for $1,942,262 in formula apportioned funds and $387,075 in Congestion Mitigation and Air Quality (CMAQ) funds to partially offset the operation and capital expenses of the City's public transit program, as recommended in the report attached hereto and incorporated herein by reference.

3. That the City Manager, or his authorized designee, is authorized to execute all grant application and cooperative agreements with the Federal Transit Administration on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of February, 2000, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Fisher, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
TO:  City Council
FROM:  Engineering & Transportation
SUBJECT:  Federal Transit Administration (FTA) Grant Application

RECOMMENDED COUNCIL ACTION:

Approve a resolution authorizing the City Manager to submit the City's FY 1999/2000 grant application for Federal Transit Administration (FTA) grant funds and execute grant agreements.

BACKGROUND:

Each year, the City submits a grant application for funds from the formula apportionment (Section 5307 funds) made available to the Modesto Urbanized Area by the FTA. Our FY 1999/2000 apportionment for Section 5307 is $2,737,937. The 5307 funds requested in this grant application total $1,942,262. Section 5307 funds that are not used in the year of apportionment may be carried forward for use in future years.

Through the StanCOG process, the City successfully competed for Congestion Mitigation and Air Quality (CMAQ) funds in the amount of $393,517. Both the 5307 and CMAQ funds will be used to reimburse the City for projects undertaken and/or approved in the City's Capital Improvement Program and operating budget for FY 1999/2000. Unlike many grant programs, the FTA will reimburse grantees for projects accomplished prior to approval of the grant.

Local matching funds of $1,311,632 will come from three sources. Most of these funds ($1,240,832) will come from the City's Local Transportation Funds, which is ½ cent of the 7 3/8 cent sales tax that is returned to the local community by the state to pay for local transit and transportation needs. Other matching funds were obtained through successful competitive grants from the San Joaquin Valley Air Pollution Control District ($10,800) and Caltrans' Transit Capital Improvement program ($60,000). City of Modesto general funds will not be used for the local match or for any transit operating costs.

Attached is a list of projects for which funds are being requested. The list includes capital projects and many projects that would be considered operating costs. Although operating assistance has been eliminated by the FTA as an eligible category, many projects once considered "operating" are now classified by the FTA as "capital" and thereby eligible for funding. These projects include:

- Preventative Maintenance, which includes all cost of maintaining our fleet of MAX buses. The FTA will cover 80% of this cost.

- Capital Cost of Contracting, which includes a portion of the cost of the City's contract with its Dial-A-Ride (DAR) contractor. FTA covers 40% of this cost.
- Paratransit System Operating Costs, which include the cost of operating the ADA segment of our DAR operation that is not covered in the "Capital Cost of Contracting" item. FTA covers 80% of eligible expenses.

- Transit Center Operating costs (up to $27,379 for FY 1999/2000).

- Training Expenses – FTA covers 80% of these expenses.

Major capital projects include repowering and refurbishing our 1983 and 1985 Gillig buses to extend their service life and to significantly reduce air emissions.

**REASON FOR RECOMMENDED ACTION:**

Approval of the grant application is needed for it to move on to the Stanislaus Area Association of Governments (StanCOG) and then to the FTA for approval.

**STEPS FOLLOWING APPROVAL:**

<table>
<thead>
<tr>
<th>Step</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>StanCOG approval</td>
<td>March 2000</td>
</tr>
<tr>
<td>FTA approval</td>
<td>June 2000</td>
</tr>
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</table>

Prepared by: 

Fred Cavanah
Transit Manager

Recommended by: 

Glen K. Lewis
Engineering & Transportation Director

Submitted by: 

Paul Baxter
Acting City Manager
## 2000 Program of Projects for Federal Transit Administration Funding

### Projects Funded with Formula Funds

<table>
<thead>
<tr>
<th>Projects Description</th>
<th>Local Cost</th>
<th>FTA Amount</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital Projects</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus Stop Improvements</td>
<td>$1,800</td>
<td>$7,200</td>
<td>$9,000</td>
</tr>
<tr>
<td>Transportation Center Video Surveillance System</td>
<td>$8,000</td>
<td>$32,000</td>
<td>$40,000</td>
</tr>
<tr>
<td>Refurbish 1983 &amp; 1985 Gillig Buses</td>
<td>$28,000</td>
<td>$111,999</td>
<td>$139,999</td>
</tr>
<tr>
<td>Wrought iron security enclosure for transit center</td>
<td>$8,200</td>
<td>$32,800</td>
<td>$41,000</td>
</tr>
<tr>
<td>Computers</td>
<td>$2,000</td>
<td>$8,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Coin counter</td>
<td>$600</td>
<td>$2,400</td>
<td>$3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,254,206</td>
<td>$1,942,262</td>
<td>$3,196,468</td>
</tr>
</tbody>
</table>

| **Operating Assistance Projects**                         |            |            |            |
| Capital Cost of Contracting Dial-a-Ride (FY 1999/2000)    | $750,000   | $500,000   | $1,250,000 |
| Paratransit Operating cost not covered in previous item   | $13,114    | $52,456    | $65,570    |
| Operate Transit Center (FY 1999/2000)                     | $150,485   | $27,379    | $177,864   |
| Training Expenses (FY 1999/2000)                         | $1,000     | $4,000     | $5,000     |
| Preventative Maintenance (FY 1999/2000)                  | $291,007   | $1,164,028 | $1,455,035 |
| **Total**                                                 | $1,254,206 | $1,942,262 | $3,196,468 |

### Projects Funded with CMAQ Funds

<table>
<thead>
<tr>
<th>Projects Description</th>
<th>Local Cost</th>
<th>CMAQ Amount</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bike Racks for MAX buses</td>
<td>$10,600</td>
<td>$27,200</td>
<td>$38,000</td>
</tr>
<tr>
<td>Repower 1983 &amp; 1985 Gillig Buses</td>
<td>$42,439</td>
<td>$327,562</td>
<td>$370,001</td>
</tr>
<tr>
<td>Upgrade Computerized Dispatch System for Dial-a-Ride</td>
<td>$4,187</td>
<td>$32,313</td>
<td>$36,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$57,426</td>
<td>$387,075</td>
<td>$444,501</td>
</tr>
</tbody>
</table>

**Grand Total** $1,311,632 $2,329,337 $3,640,969
CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Modesto, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the City Council of the City of Modesto held on the 22nd day of February, 2000.

Dated: 3/2/00

JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “STANDARD AVENUE: ROSE CONSTRUCTION AND DRAINAGE IMPROVEMENTS”

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Standiford Avenue: Road Construction and Drainage Improvements, has been completed by George Reed Inc., in accordance with the contract agreement dated September 22, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Standiford Avenue: Road Construction and Drainage Improvements be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,222,590.91 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “NEW POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 1” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled New Police Headquarters Building – Bid Package No. 1, has been completed by Acme Construction Company Inc., in accordance with the contract agreement dated October 20, 1998.

NOW, THEREFORE, BE IT RESOLVED that the New Police Headquarters Building – Bid Package No. 1 be accepted from said contractor, Acme Construction Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,154,978.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR
City Clerk
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ROCKWELL REJUVENATION

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Rockwell Rejuvenation, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 14, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:    Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHR  City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS TO FULLY FUND THE ROCKWELL REJUVENATION PROJECT

WHEREAS, rockwells need ongoing maintenance to function properly; and
WHEREAS, additional funds are needed to fully fund the rockwell rejuvenation project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

#6280-480-L094 $30,000
#6280-800-8003 ($30,000)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF DRILLING SERVICE FOR 13 MONITORING WELLS AND RELATED INSTALLATION AT THE SECONDARY WASTEWATER TREATMENT PLANT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Drilling Service for 13 Monitoring Wells and Related Installation at the Secondary Wastewater Treatment Plant are hereby waived.

BE IT FURTHER RESOLVED that purchase of Drilling Service for 13 Monitoring Wells and Related Installation at the Secondary Wastewater Treatment Plant for a not to exceed price of $75,958.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-76

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

WHEREAS, McROY-WILBUR COMMUNITIES, INC., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 6.91 acres, known as THE CAROLINAS SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of November, 1997, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said THE CAROLINAS SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the
obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-77

A RESOLUTION VACATING AND ABANDONING A 30.00-FOOT-WIDE ACCESS EASEMENT LOCATED IN A PORTION OF P-D(148) ON PROPERTY AT THE SOUTHWEST CORNER OF CARPENTER ROAD AND CUMMINS DRIVE.

WHEREAS, the Community Development Department has requested the abandonment of a 30.00-foot-wide access easement located in a portion of P-D(148) on property at the southwest corner of Carpenter Road and Cummins Drive, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, said easement referred to above is more particularly described in Exhibit “A” attached hereto, and

WHEREAS, said easement is obsolete and required to be abandoned to allow the development plan approved by the Planning Commission on November 15, 1999, by Planning commission Resolution No. 99-71, amending a portion of P-D(148), to move forward, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The 30.00-foot-wide access easement located in a portion of P-D(148) on property at the southwest corner of Carpenter Road and Cummins Drive in the City of
Modesto, as more particularly described in Exhibit "A" attached hereto, is not required for easement purposes.

3. That from and after the date this resolution is recorded, the 30.00-foot-wide access easement vacated will no longer constitute an easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 30.00-foot-wide access easement located in a portion of P-D(148) on property at the southwest corner of Carpenter Road and Cummins Drive in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of February, 2000, by
Councilmember Fisher, who moved its adoption, which motion being duly seconded
by Councilmember Friedman, was upon roll call carried and the resolution adopted by
the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By ________________

Community Development Department
EXHIBIT "A"
CAMPUS MARKETPLACE
LEGAL DESCRIPTION TO ABANDON 30.00 FOOT WIDE
ACCESS EASEMENT

All that certain real property being a portion of the Carmichael Colony, filed in Volume 7 of Maps, at Page 20, Stanislaus County Records and lying in a portion of the northeast quarter of the southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

A 30.00 foot wide strip of land affecting Parcels 2, 3, & 4 as shown on the map filed for record in Volume 45 of Parcel Maps at Page 82, Stanislaus County Records. The purpose of this description is to abandon all of said 30.00 foot wide access easement.

Roy A. Galli, R.C.E. 16024
RESOLUTION VACATING EASEMENT

File 16.2-4

2 Clerk
2 Attorney
1 E&T
1 E&T - Engineering Services
1 County Recorder
1 MID
1 PG&E
1 Pacific Bell
1 Water Department - Jim Molampy
1

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
1116 M Street
Modesto, CA 95354

* Temporary Closings do not Record
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-78

A RESOLUTION APPROVING THE FINAL MAP OF ROSE LAND NO. 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, FLORSHEIM BROS., a California general partnership by FLORSHEIM PROPERTIES, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 18.61 acres, known as ROSE LANE NO. 5 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of November, 1997, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said ROSE LANE NO. 5 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-79

A RESOLUTION AUTHORIZING COMMUNITY
DEVELOPMENT FUNDS TO BE EXPENDED FOR NON-CITY
EMPLOYEES TO ATTEND THE WORKFORCE
DEVELOPMENT FOR POVERTY REDUCTION PROJECT IN
DENVER, COLORADO.

WHEREAS, the City of Modesto was selected by the National League of Cities,
along with four other cities, to participate in a three-year project, “Workforce Development for
Poverty Reduction”, and

WHEREAS, during the first year, the City invited community agencies and
members working directly with or in workforce development programs to participate as member
of the City’s Workforce Development Team, and members of the team attended the first
convening session held in St. Louis, Missouri, and

WHEREAS, the second convening session will be held in Denver, Colorado, and
will provide an opportunity for each team to share their programs, and the estimated cost for each
member is $1,028, and

WHEREAS, by an Agenda report dated February 8, 2000, from the Community
Development Department, Business Development Office, City staff recommended to the Council
authorizing the use of Community Development funds to cover the cost of non-City employees
to attend the second convening of the Workforce Development for Poverty Reduction Project on
April 6-8, 2000, in Denver, Colorado, and
WHEREAS, the City Council considered this matter at its meeting of February 22, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the use of Community Development funds to cover the cost of non-City employees to attend the Workforce Development for Poverty Reduction Project in Denver, Colorado, to allow team members to obtain additional information and insight regarding their participation in the Workforce Development Project.

BE IT FURTHER RESOLVED that the total estimated cost is $4,112, and funds are available in Account 010-140-1400-0260 to cover the costs of the participating members.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

1/5/00
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-80

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1998 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

WHEREAS, the Office of Criminal Justice Planning (OCJP) administers the Juvenile Accountability Incentive Block Grant Program, and

WHEREAS, program funds are noncompetitive, with acceptance by the State of a program plan that meets stipulated purpose areas, and

WHEREAS, monies are available to the City of Modesto for equipment purchases that enhance juvenile accountability programs, and

WHEREAS, pursuant to an Agenda Report dated February 10, 2000, from the Police Department, City staff recommended an application under the 1998 Juvenile Accountability Incentive Block Grant Program for approximately $54,000 in Federal funds, with total project expenditures at approximately $60,000, as there is a ten percent funding match required of the City, and the funding match is available from the State Supplemental Law Enforcement Services Fund, and

WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1998 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal
funds.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

3/13/00
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-80

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1998 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

WHEREAS, the Office of Criminal Justice Planning administers the Juvenile Accountability Incentive Block Grant Program, and

WHEREAS, program funds are noncompetitive, with acceptance by the State of a program plan that meets stipulated purpose areas, and

WHEREAS, monies are available to the City of Modesto for equipment purchases that enhance juvenile accountability programs, and

WHEREAS, pursuant to an Agenda Report dated February 10, 2000, from the Police Department, City staff recommended an application under the 1998 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal funds, with total project expenditures at approximately $60,000, as there is a ten percent funding match required of the City, and the funding match is available from the State Supplemental Law Enforcement Services Fund, and

WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1998 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal funds.
funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-81

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1999 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

WHEREAS, the Office of Criminal Justice Planning (OCIP) administers the Juvenile Accountability Incentive Block Grant Program, and

WHEREAS, program funds are noncompetitive, with acceptance by the State of a program plan that meets stipulated purpose areas, and

WHEREAS, monies are available to the City of Modesto for expansion of services to juveniles in the community, and

WHEREAS, pursuant to an Agenda Report dated February 10, 2000, from the Police Department, City staff recommended an application under the 1999 Juvenile Accountability Incentive Block Grant Program for approximately $54,000 in Federal funds, with total project expenditures at approximately $60,000, as there is a ten percent funding match required of the City, and the funding match is available from the State Supplemental Law Enforcement Services Fund, and

WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1999 Juvenile Accountability Incentive Block Grant Program for approximately $54,000 in Federal
funds.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCIP and that the cash match will be appropriated as requested.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: CounciImembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-81

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1999 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

WHEREAS, the Office of Criminal Justice Planning administers the Juvenile Accountability Incentive Block Grant Program, and

WHEREAS, program funds are noncompetitive, with acceptance by the State of a program plan that meets stipulated purpose areas, and

WHEREAS, monies are available to the City of Modesto for expansion of services to juveniles in the community, and

WHEREAS, pursuant to an Agenda Report dated February 10, 2000, from the Police Department, City staff recommended an application under the 1999 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal funds, with total project expenditures at approximately $60,000, as there is a ten percent funding match required of the City, and the funding match is available from the State Supplemental Law Enforcement Services Fund, and

WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1999 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal...
funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
DISTRIBUTION LIST
FOR
RESOLUTION AUTHORIZING FUNDING

2 - Clerk
1 - Attorney
1 - Finance
1 - MPD - Judy Tognolini

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools to provide after-school enrichment programs at Bret Harte, Burbank, Franklin, Kirschen, Marshall, Pearson, Robertson Road, Shackelford, Tuolumne and Orville Wright school sites for the remainder of the current school year and the 2000-2001 school year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES

WHEREAS, Modesto City Schools has received a three-year grant targeting parents participating in the StanWorks program; and

WHEREAS, Modesto City Schools wants to sub-contract with the City’s Recreation and Neighborhoods Department to provide this program three hours per day after school at a variety of elementary school sites; and

WHEREAS, Modesto City Schools will reimburse the City for all expenses, including program administration, overhead, program supervision and direct staff, supplies and materials.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

Revenue:
#0100-370-3715-4074 $75,563

Expenses:
#0100-370-3715-0140 $61,067
#0100-370-3715-0235 $ 9,000
#0100-370-3715-0189 $ 5,496

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-84

A RESOLUTION ACCEPTING THE STAFF REPORT ON
PROPOSITION 12 - SAFE NEIGHBORHOOD PARKS, CLEAN
WATER, CLEAN AIR, AND COASTAL PROTECTION BOND
ACT OF 2000.

WHEREAS, on Tuesday, September 21, 1999, Governor Gray Davis signed AB
18, now known as Proposition 12, and

WHEREAS, Proposition 12 will place the Safe Neighborhood Parks, Clean
Water, Clean Air, and Coastal Protection Bond Act of 2000 on the March 7, 2000, ballot, and

WHEREAS, said Bond Act requires a simple majority vote to pass, and

WHEREAS, said Bond Act will make available approximately $2.4 million in
non-competitive funding to the City, and the City will also be eligible to compete for funds in the
areas of riparian/river/aquatics habitat; low income/at risk youth; regional youth soccer facilities;
playground replacement; urban forestation projects, and non-motorized trails, and

WHEREAS, many projects and programs in Modesto’s park system and
recreation program need additional funding, and

WHEREAS, said Bond Act will provide Modesto with the opportunity to
accomplish many of these needed projects, and

WHEREAS, the Human Services Committee met on November 15, 1999, and
accepted the staff report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts the staff report on Proposition 12, the Safe Neighborhood Parks, Clean
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-85

A RESOLUTION APPOINTING MAYOR CARMEN SABATINO AS A MEMBER AND COUNCILMEMBER MIKE SERPA AS AN ALTERNATE TO THE CITY/COUNTY JOINT POWERS AGENCY FOR TENTH STREET PLACE

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

SECTION 1. Mayor Carmen Sabatino is hereby appointed as a member and Councilmember Mike Serpa is hereby appointed as an alternate to the City/County Joint Powers Agency for Tenth Street Place.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the City/County Joint Powers Agency for Tenth Street Place, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-86

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 75-314 ENTITLED “A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(125) AND PREZONED PLANNED-DEVELOPMENT ZONE, P-PD(125). (SANTA ANITA DEVELOPMENT CORPORATION)” (DAYTON HUDSON CORP.)

WHEREAS, the Modesto City Council, by Ordinance No. 1431-C.S., which was introduced on February 24, 1975, finally adopted on March 3, 1975, and which became effective on April 2, 1975, granted Planned Development Zone, P-D(125), to allow construction of a community shopping center and adjacent residential dwellings, property located on the west side of McHenry Avenue south of Standiford Avenue and north of Woodrow Avenue, and

WHEREAS, City Council Resolution No. 75-314 adopted by the City Council on February 24, 1975, approved the development plan for Planned Development Zone, P-D(125), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 1716-C.S., which was introduced March 6, 1978, finally adopted on March 13, 1978, and which became effective on April 12, 1978, approved an amendment to P-D(125) to allow a revised plot plan indicating a proposed expansion of the community shopping center portion beyond the 135,000 square foot of buildable space for commercial use, and
WHEREAS, City Council Resolution No. 78-252 adopted by the City Council on March 6, 1978, approved a revised plot plan for an increase in buildable space for commercial use, and

WHEREAS, City Council Resolution No. 79-3, adopted January 2, 1979, approved the relocation of a vehicular accessway located in P-D(125), and

WHEREAS, the Modesto City Council, by Ordinance No. 2099-C.S., which was introduced on December 1, 1981, finally adopted on December 8, 1981, and which became effective on January 7, 1982, approved an amendment to P-D(125) to allow a Family Amusement Machine Center in the commercial establishment, property located on the south side of Standiford Avenue, west of McHenry Avenue, and

WHEREAS, City Council Resolution No. 81-1049 adopted by the City Council on December 1, 1981, added Section 1A to Resolution No. 75-314 to approve a development plan for the commercial office portion of Planned Development Zone, P-D(125), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(125), was filed by Dayton Hudson Corp. on November 9, 1999, to allow the expansion of the Target Store, property located on the west side of McHenry Avenue south of Standiford Avenue, and

WHEREAS, after a public hearing held on January 24, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-06, that rezoning of the
property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. Expansion of the retail commercial floor area within the approved commercial portion of P-D(125) will allow the continued orderly development of this commercial center subject to conditions of approval.

2. The proposed commercial expansion is in accordance with community objectives as set forth in the General Plan, which provides for (C), Commercial Development along this portion of McHenry Avenue.

and

WHEREAS, said matter was set for a public hearing of the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at 7:00 p.m. on February 22, 2000, and

WHEREAS, after said public hearing the Council found and determined that the application of Dayton Hudson Corp. for an amendment to Planned Development Zone, P-D(125), should be granted as consonant with public necessity, convenience and general welfare for the reason set forth above, and

WHEREAS, the Council has introduced Ordinance No. 3172 -C.S. on the 22nd day of February, 2000, amending Section 2 of Ordinance No. 2099-C.S., to allow the expansion of the Target Store,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 75-314 entitled "A Resolution Approving a Development Plan for Planned-Development Zone, P-D(125) and
Prezoned Planned-Development Zone P-PD(125). (Santa Anita Development Corporation)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(125), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan, Target, T-273" as amended in red, stamped approved by the City Council on February 22, 2000.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan pertaining to those changes in the parking areas shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

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

5. Prior to occupancy of the Target Store expansion, the following dedications and/or improvements to Standiford Avenue and McHenry Avenue shall be made:
   a. A five-foot right-of-way dedication/reservation on Standiford Avenue for future widening.
   b. A 12-foot right-of-way dedication/reservation for a short stretch of McHenry Avenue shall be made to accommodate a right-turn-in lane next to the outside southbound lane and for a future bus turnout, respectively. The turn-in lane shall be constructed prior to occupancy of the Target Store expansion.
   c. Two drop-curb approaches including one at the south end of the turn-in lane shall replace existing curb cuts.
d. The current main entrance curb cut onto McHenry Avenue shall be closed. The current main entrance driveway may be retrofitted with additional off-street parking, pursuant to revised plan approval by the CDD Director.

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

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

8. Any activity in the loading dock area, including the parking of truck-tractors, may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily.

9. All signs shall comply with the sign requirements of the C-3 Zone. No signs shall be permitted above eight feet in height on the south and west faces of the Target Store building.

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

11. All conditions of City Council Resolution Nos. 75-314, 78-252, 79-3 and 81-1049 not in conflict with this resolution shall remain in full force and effect.”

“SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(125):

That the entire construction program be accomplished in one phase, construction to begin on or before January 24, 2002, and be completed by not later than January 24, 2003.”
SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

2/22/00
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-87

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE, P-D(125), PROPERTY LOCATED ON THE WEST SIDE OF MCHENRY AVENUE SOUTH OF STANDIFORD AVENUE TO ALLOW EXPANSION OF THE TARGET STORE. (DAYTON HUDSON CORP.)

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

WHEREAS, Dayton Hudson Corp. has proposed an amendment to Planned Development Zone, P-D(125), to allow the expansion of the Target Store, property located on the west side of McHenry Avenue south of Standiford Avenue, in the City of Modesto ("the project"), and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-05 reviewed the proposed amendment to Planned Development Zone, P-D(125), project to determine whether the project is within the scope of
the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development Zone, P-D(125), project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember __Friedman__, who moved its adoption, which motion being duly seconded by Councilmember __Fisher__, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
INITIAL STUDY CDD 2000-05

EXHIBIT "A"
I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to amend the development plan for a portion of P-D(125). The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Dayton Hudson Corporation to Amend P-D(125) to Allow The Expansion of The Target Store, Located on the West Side of McHenry Avenue South of Standiford Avenue

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

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

D. Project Location:
West side of McHenry Avenue South of Standiford Avenue, Modesto, CA

E. Project Sponsor:
Dayton Hudson Corp., James Tucker
1000 Nicollet Mall
P.O. Box 577793
Minneapolis, MN. 55403
(612) 761-1557

F. General Plan Designation:
Commercial (C)

G. Zoning:
P-D(125), Planned Development

H. Description of Proposed Project:
D. **Loss of Productive Agricultural Land**
The proposed plot plan amendment for P-D(125) and resulting commercial uses are located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for commercial and office uses. The proposed plot plan amendment will allow commercial uses subject to conditions of approval. This property is also within a Commercial area (C) as designated by the Modesto General Plan. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed plot plan amendment for P-D(125) and resulting commercial uses will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

D. **Increased Demand for Sanitary Sewer Services**
The proposed plot plan amendment for P-D(125) and resulting commercial uses will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed plot plan amendment for P-D(125) and resulting commercial uses are in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
The proposed plot plan amendment for P-D(125) and resulting commercial uses will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.
N. **Increased Demand for Fire Services**

The proposed plot plan amendment for P-D(125) and resulting commercial uses will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately one and one-half miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. **Generation of Solid Waste**

The proposed plot plan amendment for P-D(125) and resulting commercial uses will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10), are therefore still valid.

P. **Generation of Hazardous Materials**

The proposed plot plan amendment for P-D(125) and resulting commercial uses will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**

The proposed plot plan amendment for P-D(125) and resulting commercial uses will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**

The proposed plot plan amendment for P-D(125) and resulting commercial uses will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-88

A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 1999/2000 HOME FUNDS FOR AFFORDABLE HOUSING PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS PERTAINING TO ALLOCATION OF SAID HOME FUNDS.

WHEREAS, on October 27, 1999, a Request For Proposals (RFP) for the development of affordable housing was distributed to all previous affordable housing applicants and interested parties, and

WHEREAS, the CITY has received eight applications for financial assistance in connection with affordable housing proposals which were submitted in response to the City and Redevelopment Agency’s Joint RFP, one of which was subsequently withdrawn, and

WHEREAS, there is a total of $1,260,000 in HOME funds available for allocating, $157,500 of which is set-aside for Community Housing Development Organizations (CHDOs), and

WHEREAS, a total of $515,000 in Redevelopment Agency Housing set-aside funds are also available for allocating, and

WHEREAS, together the HOME and Agency Housing Set-aside funds total $1,775,000, and

WHEREAS, said HOME program funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2000, and
WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on February 11, 2000, and recommended that the City Council allocate HOME funds as recommended by City staff, and

WHEREAS, a copy of the report to the CHCDC, including staff recommendations subject to certain conditions, is attached as Exhibit “A”, and incorporated herein by reference, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $1,260,000 in HOME funds for affordable housing projects to include Woodstone Apartments, HOME CHDO funds for the Airport District project, and the remaining HOME CHDO funds for the 5th Street project, is hereby approved, subject to the conditions set forth in the staff report to the CHCDC, attached as Exhibit “A”, and incorporated herein by reference.

BE IT FURTHER RESOLVED that staff will return to Council at the end of March to address the housing rehabilitation dollars for the 5th Street project, and the Annual Action Plan will be revised and returned to Council in April for consideration.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of the allocation of said HOME funds.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
TO: Citizen's Housing and Community Development Committee (CH&CDC)
FROM: Miguel Galvez, Associate Planner
SUBJECT: Affordable Housing Proposals Funding Recommendations

RECOMMENDED COMMITTEE ACTION:
It is recommended that the Citizens Housing and Community Development Committee (CH&CDC) recommend that the City Council adopt a resolution allocating $1,260,000 in HOME Funds as shown on Table 1, along with associated conditions of approval, as contained herein.

Background:
At the City Council’s meeting of July 13, 1999, the Council denied allocating any of the HOME funds to the affordable housing projects that participated in the last Request for Proposals. The Redevelopment Agency did the same for the Agency’s Housing Set-aside funds.

The City Council received substantial opposition to the three affordable housing projects proposed in Village One and directed that the proposals be referred back to staff for further study and recommendation. Residents desired that the proposals complete all of the zoning processes before the Council and Agency considers allocating the HOME and Agency funds.

The three affected proposals consisted of a 48-unit apartment complex proposed by the Housing Authority, an 80-unit apartment complex proposed by Sunrise Partners & Nova Housing (Bill Zoslocki), and a 24-unit all handicapped accessible apartment complex proposed by STANCO. These projects were withdrawn and no funds were ever allocated.

In addition, in November of 1999, the City Council and Redevelopment Agency de-allocated the funding allocated to the 620 Paradise Road property. The HOME allocation of $506,000 was reallocated with $306,000 returning back to the funding pool, and $300,000 allocated to the Briggs Road Self-Help Enterprises project. All of $215,000 in Agency housing set-aside funds were also returned to the funding pool.

On October 27, a new Request for Proposals (RFP) was distributed to all previous applicants and interested parties. The RFP combined the 1999/00 HOME and Agency funds with the funds that were de-allocated from the 620 Paradise Road project. As a result, a total of $1,775,000 was advertised in the RFP. The funding sources are as follows:

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EXHIBIT "A"
Approximately 30 RFP application packets were distributed. On December 17, 1999, the application deadline, 8 proposals were received of which one was subsequently withdrawn. On January 14, 2000, CRAC Housing Committee, along with the Citizen's Housing and Community Development Committee (CH&CDC), met to hear applicants make presentations on each of their proposals. No action was taken at that time. Since the meeting of January 14, 2000, staff has continued to analyze the proposals and discuss various aspects of the projects with the applicants.

Project Assessment Criteria
Staff assessed the merits of each application as to how well the project meets the City's affordable housing goals. Development proposals containing affordable units for large families and projects that include support services and amenities were given priority consideration. Development proposals exhibiting extensive developer capacity and a readiness to proceed immediately were also given priority.

Table 2 lists the affordable housing goals for both the City as contained in its Consolidated Plan and the Redevelopment Agency as contained in its Implementation Plan. In addition, each of the proposals were evaluated in terms of the following specific criteria:

- Funding leveraging ratio (extent to which funds are leveraged on a per unit basis)
- Unit/cost ratio
- Development Schedule
- Project location
- Developer experience
- Owner equity contribution
- Management experience
- Number of housing units that will be made available to low and moderate income households
- Site control
- Availability of permanent and construction financing
- Utilization of innovative, cost effective design techniques and building materials that reduce construction, rehabilitation, or operating costs
- Plans for preventing the permanent displacement of low and moderate income tenants (if applicable)

Analysis and Issues:
All of the seven proposals are briefly described below, followed by staff's recommended funding allocation and conditions of approval. A summary table of staff recommendations follows the report.

1. Coolidge Plaza: Application by Akhzar-Johnson Partnership for a total of $1,184,280 to develop an apartment complex consisting of 18-2 bedroom units on the north side of Coolidge Avenue, west of Sunrise Avenue. The project is targeted at low-income tenants. This project would be the first of a two phase development for a total 34-unit complex.

The developer is requesting 100% of the development costs from the City at a cost of $65,793 per unit. The proposed development is not within the redevelopment project or a neighborhood target area. The developer has not demonstrated experience in operating affordable housing projects. Owner equity contribution would be limited to the value of the land which is already
owned. An innovative design concept was utilized in floor plan layout to encourage shared housing by two households, presumably seniors.

**Staff Recommendation:** $0

2. **Standiford Gardens Apartments:** Application by Central Valley Coalition for Affordable Housing for a total of $927,414 to acquire and rehabilitate a 250-unit apartment complex, consisting of 128-1-bedroom units, 104-2-bedroom units, and 18-3-bedroom units. The complex is located on the north-side of Standiford Avenue, west of McHenry Avenue. The project is targeted at servicing low income tenants. The developer is requesting $655,305 in HOME funds and $272,109 in Agency funds. These monies will leverage an additional $13,965,888 in funding from bond and tax credit financing, along with project income from operations while rehabilitation of the complex is going on.

The amount of assistance requested equates to $3,701 per unit. The development does not fall within either a redevelopment project or neighborhood target area. The developer has extensive experience and a good history in operating quality affordable housing. Because of the tax credit financing the entire complex would be restricted to affordable housing, although the applicant is requesting that the City-Agency assistance be limited to eleven units. By doing so the project would not be subject to paying Federal prevailing wages for the construction work. There is no innovative use of design concepts. However, the rehabilitation work is scheduled in such a way to avoid or minimize displacement of residents. The developer has already acquired the site and commenced with the rehabilitation. That occurrence is problematic for the use of HOME funds. The only costs eligible for assistance would be those to occur after the environmental review process is complete and contract agreements were executed. The use of redevelopment funds are not effected by the prior acquisition.

Since all other funding is in place and the project has commenced, serious concerns arise over the actual need for additional assistance from the City or Agency.

**Staff Recommendation:** $0

3. **Property Acquisition in Airport District.** Application by Desarrollo-Latino-Americano (DLA) for a total of $429,262 to acquire five lots in the Airport neighborhood and develop a single family home on each lot. The project would serve low-income buyers.

This development proposal will require 100% of project financing from the City-Agency. The developer has indicated that permanent take-out financing for the homes will be provided by a private lender. The proposed location for at least 3 of the homes will be in the Airport Neighborhood Target Area. The other sites are yet to be determined. The applicant has minimal experience in a similar project in which DLA is working with Self-Help Enterprises. If funded, all houses constructed would be restricted to low-income buyers. The applicant is requesting funds from both the City ($25,000 in CHDO operating costs) and the Agency ($404,262 in acquisition and development costs). It is worthy of mention that the $404,262 in acquisition development costs is intended to be repaid to the Agency at the completion of construction. Once recaptured, the Agency could reallocate these monies to other projects.

This proposal is consistent with the housing goals of both the City and Agency. However, due to the limited experience of the applicant, staff is recommending that DLA proceed along a smaller scale.
Staff Recommendation: Allocate $100,000 in HOME (CHDO) funds to be used to acquire, rehab or construct one (1) home in a City neighborhood target area. This funding allocation to be subject to the following conditions:

1. No more than $25,000 in funding to be used for CHDO operating costs.
2. CHDO operating funds to be awarded as a grant.
3. Remaining HOME funds to be loaned as short term construction funds secured by first deed of trust at 3% interest.
4. Submit copy of appraisal for site purchased.
5. Site to obtain the appropriate development entitlements.
6. Applicant may submit separate proposal for use of City owned lots in Airport Neighborhood as part of an RFP process.

4. Prescott Estates: Application by HOMES 2000 for a total of $49,000 to rehabilitate three (3) condominium units in Prescott Estates. The units, already owned by HOMES 2000 would be used for transitional housing, serving very-low income tenants.

The applicant is requesting 100% of project costs from the City-Agency. The units proposed for rehab are within a complex that is a Council priority. The applicant has experience in programs involving lower income residents and is actively involved in improving conditions at Prescott Estates.

If funded all rehabilitation work would be performed by licensed contractors at the direction of HOMES 2000. Of the $49,000 requested $13,000 is needed for operational soft costs related to rehab. Originally the applicant requested these soft costs come from the HOME program. However, due to regulatory problems any funding awarded should come from the Agency’s housing fund. In the short term it is proposed that the three (3) housing units be used as transitional rentals. The long-term strategy is to empower these renters through related social services to eventually acquire the condominium units as owner-occupied housing. This strategy is consistent with the overall goal for Prescott Estates.

HOMES 2000 has requested that the assistance be provided as long term (50 year) deferred loans. The reason is that with the clientele served it is difficult to accurately estimate the project revenues available to repay monies borrowed. Each of the households occupying the three (3) units in question can only pay 30% of their income towards housing expenses. Therefore, rather than setting the rents from each unit at a fixed amount, they will fluctuate with the income of the occupant.

Staff Recommendation: Allocate $49,000 in Agency housing funds to cover hard and soft costs related to rehabilitating three (3) units in Prescott Estates. This funding allocation is subject to the following conditions:

1. No more than $13,000 to be used for soft costs.
2. 15% of project hard costs reserved for contingency or relocation expenses.
3. All work performed by licensed contractors.
4. Loan to carry a 3% interest rate deferred for five years and then amortized for an additional fifteen years.
5. Loan to be secured by a separate Deed of Trust for each housing unit. Loans will be assumable at the time the units convert from rentals to homeownership.
5. **Woodstone Apartments**: Application by the Housing Authority of the County of Stanislaus for a total of $1,600,000 to develop a new 56-unit townhouse complex, located at the west-side of Tully Road, south of Bangs Road. The project is targeted at serving very-low income tenants.

The total development cost for this proposal is $6,608,000. In addition to the funds requested from the City-Agency, the Housing Authority is loaning the project $1,600,000 from their own reserves. The Authority will also issue tax-exempt bonds in the amount of $2,297,970 and expects to receive tax credit proceeds in the amount of $1,910,030.

This financial plan will equate to a City-Agency request of $28,571 per unit, or 24% of total project costs per unit. The applicant has site control and if funded intends to proceed with construction in the Spring of 2000. The proposed development is not located in a neighborhood target area or redevelopment project area. The development does respond to the general goal of dispersing affordable housing throughout the community. The developer is highly experienced in owning and operating projects of this type. As designed, the complex will result in a unit density of 10 units per acre. In addition to the housing, the complex will offer social services, day care, after school programs and the like. The complex features townhouse units, generous open space, and a community facility. Lastly, the complex will address the need for large family rental housing by offering 38, 3 and 4 bedroom units. All units will be restricted as affordable.

**Staff Recommendation**: Allocate $1,102,500 in HOME funds and $466,000 in Redevelopment housing funds. This funding allocation is subject to the following conditions:

1. Acquisition cost to be confirmed by property appraisal.
2. The subject site to obtain the appropriate development entitlements.
3. Costs to be established by certified cost audit.
4. Loans to be Residual Receipts Note with annual payments of no less than 50% of excess cash flow as determined by certified cost audit.
5. Submit copies of development and operating pro-formas submitted to CTCAC and other lenders.

6. **Fifth Street Project**: Application by STANCO for a total of $350,000 to acquire and rehabilitate a 16-unit apartment complex, located at the corner of 5th and F Streets. The site contains 5-studio units, 5-1 bedroom units, and 6-2 bedroom units. The project would be used as a short-term shelter as well as providing for transitional housing. The project would serve the special needs of the homeless-mentally ill in the community. The site is currently zoned C-2, general commercial. Residential uses are permitted subject to approval of a Conditional Use Permit. The applicant indicates that Stanislaus County Department of Mental Health will provide onsite counseling and management of the units.

The total cost estimate for this project is $450,000. The remaining $100,000 in funding would come from a loan from a private lender. The amount of funds requested from City-Agency equates to $21,875 per unit. The proposed project is located within the redevelopment project area. Due to non-profit status of the owner, this development would not add to the tax base. In terms of experience, STANCO has been serving the needs of the community for some time. There is also a wealth of experience amongst the Board of Directors. The project will certainly serve the special needs of the homeless-mentally ill in the community. The site is currently zoned C-2, general commercial. Residential uses are permitted subject to approval of a Conditional Use Permit. The applicant indicates that Stanislaus County Department of Mental Health will provide onsite counseling and management of the units.

A major concern of staff is the condition of the structure and the extent of needed repairs. Since the applicant has not submitted a detailed cost estimate for extent of repairs, it is difficult to undertake a detailed analysis. Given the uncertainty of costs, sources of the remaining
funds, zoning and neighborhood compatibility, staff is not supporting this application at this time.

**Staff Recommendation:** Allocate $57,500 in HOME CHDO funds for predevelopment and operating expenses for the purpose of refining and improving either or both of the proposals submitted. This allocation is subject to the following conditions:

1. No more than $25,000 shall be used for CHDO operating costs.
2. STANCO to submit specific predevelopment budget to be approved by City.
3. Funds allocated to be in the form of a forgivable loan.

7. Tully Road Service Enriched Housing: Application by STANCO for a total of $250,000 to acquire an existing 16-unit apartment complex consisting of 8-1 bedroom units and 8-2 bedroom units located on the west-side of Tully Road, north of Coldwell Avenue. The project is targeted at serving very-low and low-income households with transitional housing services.

The applicant has indicated the total cost of the development is $550,000. The remaining $300,000 in funding is expected from a private bank loan. There is no loan commitment for these monies at this time. The City assistance equates to a request of $15,625 per unit.

This proposed project does not fall within a redevelopment project or neighborhood target area. The proposal does address the special need for transitional housing of the homeless. As stated earlier, the applicant is experienced in providing affordable housing. The applicant has indicated that the units are currently in standard condition and no rehabilitation is necessary. This has not been verified by an inspection of the units by City staff. It is proposed that the $250,000 in requested funds, along with $300,000 in private funds, be used to acquire the complex. Any future repairs would be funded from future revenues. The applicant does not anticipate nor is there a budget for relocation costs. At this time it is unknown whether any of the existing tenants are considered overcrowded households, and as such eligible for relocation benefits.

Much like the previous proposal, there is no project budget breaking down costs by acquisition, rehabilitation, relocation, etc. Without a specific cost breakdown it is difficult to evaluate the reasonableness of the requested funding or the overall viability of the project. Again, for the reasons stated in the previous analysis, staff is not recommending this project for funding as presently proposed.

**Staff Recommendation:** Applicant to conduct further due diligence and provide a more accurate and complete financial plan that demonstrates this proposal is ready to proceed. Applicant may draw upon predevelopment funding as proposed above.
### TABLE 1

**STAFF RECOMMENDED FUNDING ALLOCATIONS**

<table>
<thead>
<tr>
<th>PROJECT/APPLICANT</th>
<th>FUNDS REQUESTED</th>
<th>FUNDS RECOMMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HOME</td>
<td>HOME-CHDO</td>
</tr>
<tr>
<td>COOLIDGE PLAZA/AKHZAR-JOHNSON</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>STANDIFORD GARDENS/CENTRAL VALLEY COALITION FOR AFFORDABLE HOUSING</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>AIRPORT DISTRICT ACQUISITION /DLA DESARROLLO-LATINO-AMERICANA, INC.</td>
<td>0</td>
<td>$100,000</td>
</tr>
<tr>
<td>PRESCOTT ESTATES/HOMES 2000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>WOODSTONE APARTMENTS</td>
<td>$1,102,500</td>
<td>0</td>
</tr>
<tr>
<td>STANISLAUS CO. HOUSING AUTHORITY</td>
<td>$1,102,500</td>
<td>0</td>
</tr>
<tr>
<td>FIFTH STREET PROJECT/STANCO</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TULLY ROAD SERVICE ENRICHED HOUSING/STANCO</td>
<td>0</td>
<td>$57,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,102,500</td>
<td>$157,500</td>
</tr>
</tbody>
</table>
TABLE 2

Affordable housing goals for
The City of Modesto
and the
Modesto Redevelopment Agency

City of Modesto

1. Increase the amount of safe, decent, and affordable housing through rehabilitation, primarily in selected Target Areas.
2. Increase the supply of affordable rental housing available to senior citizens, low-income large families, and very-low income households.
3. Increase the availability of housing for families and individuals with special needs.

Source: 1995-2000 Consolidated Plan

Modesto Redevelopment Agency

1. Increase and preserve the supply of transitional housing.
2. Increase and preserve the supply of rental housing.
3. Increase and preserve the supply of owner-occupied housing.

Source: 2000-2005 Implementation Plan
DEKLARATION OF PUBLICATION  
(C.C.P. S2015.5)

COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of THE MODESTO BEE, printed and published in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, under the date of February 24, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in issue thereof and not in any supplement thereof on the following dates, which are:

JANUARY 26, 2000

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at, MODESTO, California, on

JANUARY 26, 2000

(Date)

(City)

(Signature)

PUBLIC NOTICE

Informational Meeting on Affordable Housing Proposals
February 10, 2000, at 7:00 p.m., Tenth Street Place Chambers

The City of Modesto’s Recreation and Neighbourhoods Department has scheduled a meeting to discuss seven affordable housing proposals. The meeting will be held on February 10, 2000, at 7:00 p.m. in the Tenth Street Place Chambers, 1010 Tenth Street. All members of the public are invited to attend.

The purpose of the meeting is to present an overview of the seven affordable housing proposals recently received by the City and to solicit comments from affected neighborhood residents. Each of the seven applicants is requesting financial assistance from the City in varying amounts. The City and its Redevelopment Agency have $1,775,000 in funding available to allocate to one or more of the proposals.

Listed below is a summary of each of the proposals and the amount of funds requested. Representatives from each of the applicants will be available to answer questions.

<table>
<thead>
<tr>
<th>Project Description</th>
<th>HOME</th>
<th>CHOQ</th>
<th>RDA</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage Place: Application by Alain Johnson Partnership for a total of $1,164,280 to develop an 8-unit apartment complex on the north side of Cottage Avenue, west of Sunrise Avenue. The project is targeted at low-income tenants. The project would be the first of a twophase development for a total 16-unit complex.</td>
<td>$1,164,280</td>
<td></td>
<td></td>
<td>$1,164,280</td>
</tr>
<tr>
<td>Stanford Gardens: Application by Central Valley Coalition for Affordable Housing for a total of $422,132 to acquire and rehabilitate a 7-unit apartment complex located on the north side of Stanford Avenue, west of McKinley Avenue. The project is targeted at serving very-low-income tenants.</td>
<td>$422,132</td>
<td></td>
<td>$272,109</td>
<td>$694,241</td>
</tr>
<tr>
<td>Present Acquisition in Airport District: Application by Development Corporation of America (DCA) for a total of $412,352 to acquire five lots in the Airport neighborhood and develop a single family home on each lot. The project would serve low-income home buyers.</td>
<td></td>
<td>$25,000</td>
<td>$404,252</td>
<td>$429,252</td>
</tr>
<tr>
<td>Walnut Street: Application by HOME 2000 for a total of $13,000 to rehabilitate a 2-unit apartment complex located at the west side of Walnut Avenue, north of 10th Street. The project would serve low-income tenants.</td>
<td>$13,000</td>
<td></td>
<td></td>
<td>$13,000</td>
</tr>
<tr>
<td>Fieldstone Apartments: Application by Fieldstone for a total of $1,700,000 to develop a 44-unit apartment complex located at the west side of Fieldstone Drive, south of 10th Street. The project would serve very-low-income tenants.</td>
<td></td>
<td>$500,000</td>
<td>$1,500,000</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>10 Tenth Street Place: Application by STANVAC for a total of $650,000 to acquire and rehabilitate a 17-unit apartment complex located at the north side of 10th Street, north of Tenth Street. The project would be used as a short-term shelter as well as for providing transitional housing for formerly homeless individuals.</td>
<td>$650,000</td>
<td></td>
<td></td>
<td>$650,000</td>
</tr>
<tr>
<td>7th Street Place: Application by STANVAC for a total of $925,000 to acquire and rehabilitate a 21-unit apartment complex located on the west side of 7th Street, south of 10th Street. The project is targeted at serving very-low- and low-income tenants.</td>
<td></td>
<td>$250,000</td>
<td></td>
<td>$250,000</td>
</tr>
</tbody>
</table>

Total | $3,552,585 | $25,000 | $1,952,371 | $4,789,956

The City Council and the Redevelopment Agency will consider allocating funds to one or more of these proposed projects at their meeting of February 22, 2000.

JEAN ZAHR
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-89

A RESOLUTION SUBMITTING THE FARMLAND
STABILIZATION INITIATIVE TO THE QUALIFIED
ELECTORS OF THE CITY OF MODESTO AT THE NEXT
REGULAR MUNICIPAL ELECTION, PROVIDED THE
VOTERS APPROVE AT THE NOVEMBER, 2000, ELECTION
A SIMILAR INITIATIVE THAT IS APPLICABLE TO THE
UNINCORPORATED AREAS OF STANISLAUS COUNTY.

WHEREAS, a citizens group (Future Options on Development or “FOOD”) drafted an Initiative for the City of Modesto, entitled “Farmland Stabilization Initiative, and requested the City Council to place the initiative on the ballot, and

WHEREAS, a copy of the proposed Initiative is attached hereto and incorporated herein by reference on Exhibit “A”, and

WHEREAS, the proponents of the Initiative have stated that the fundamental purpose of the FOOD Initiative is to promote contiguous, cost-effective communities to ensure that agriculture remains viable, and to ensure that agriculture, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or open-space uses, and

WHEREAS, the Initiative proposes to accomplish that goal by requiring a public vote before such land is brought into the City’s General Plan Area and converted to urban uses, and

WHEREAS, the Initiative requires a simple majority vote of Modesto voters before the Modesto City Council can approve any urban development outside the General Plan (not Sphere of City Limits) boundaries, and a majority vote could also be required prior to
expanding the General Plan boundaries with or without approval of urban development plans, and

WHEREAS, the Council first considered this matter at the February 9, 1999, Council meeting, and

WHEREAS, at its January 11, 2000, meeting, the Council directed City staff to prepare whatever CEQA review was necessary in order to allow the Council to determine whether or not to place the Farmland Stabilization Initiative on the ballot as requested, and

WHEREAS, a copy of the Agenda Report and attachments from the City Attorney dated February 10, 2000, relating to the proposed Initiative are on file in the Office of the City Clerk, and

WHEREAS, on February 22, 2000, this proposed Initiative was considered by the Council at 7:00 p.m., in the City Council Chambers, located at 1010 Tenth Street Place, Modesto, California, at which date and time the Council received public comment,

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

SECTION 1. MEASURE AUTHORIZED. That the Council hereby authorizes submitting the Ordinance entitled “Farmland Stabilization Initiative” to the qualified electors of the City of Modesto at the next Regular Municipal election, provided the voters approve at the November, 2000, election a similar Initiative that is applicable to the unincorporated areas of Stanislaus County.
SECTION 2. BALLOT MEASURE. That pursuant to Section 9222 of the
Elections Code, the Council of the city of Modesto proposes to, and hereby does, on its own
motion, at the request of a citizens group (Future Options on Development or "FOOD"), and
subject to the provision contained in Section 1 above, submit to the qualified electors of the
City of Modesto at the next regular municipal election to be held on November 6, 2001, the
question of whether or not to enact an Ordinance entitled "Farmland Stabilization Initiative", a
copy of which is attached hereto on Exhibit "A" and incorporated herein by reference.

SECTION 3. MEASURE TO BE SUBMITTED TO VOTERS. That the
Council hereby orders the City Clerk to submit said Ordinance to the voters at a regular
election on November 6, 2001, subject to the condition set forth in Section 1 of this resolution.

SECTION 4. FORM OF BALLOT. On the ballots to be used at said election,
in addition to any other matter required by law to be printed thereon, shall be printed the
following questions relating to the Farmland Stabilization Initiative:
MEASURE ______ City of Modesto Farmland Stabilization Initiative.

Shall the Ordinance entitled “Farmland Stabilization Initiative” be adopted so that a majority vote of Modesto voters would be required before the Modesto City Council could approve any urban development beyond Modesto’s General Plan boundaries as they existed on April 2, 1997?

Yes ☐
No ☐

SECTION 5. NOTICE AND SYNOPSIS OF MEASURE. Pursuant to Section 12111 of the California Elections Code, the City Clerk of the City of Modesto is hereby ordered and directed to prepare and sign a Notice and synopsis of said Measure in the form required by law, and said City Clerk is hereby ordered and directed to publish said Notice in the time and manner required by law in The Modesto Bee, the official newspaper of the City of Modesto, and a newspaper of general circulation printed and published in said City.

SECTION 6. CONDUCT OF ELECTION. The election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the election shall be held as provided for in the City Charter, and in all particulars not provided for therein the election shall be held as provided by law for the holding of regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.
SECTION 7. VOTER QUALIFICATION. All persons qualified to vote at municipal elections in the City of Modesto on the date of the election herein provided for shall be qualified to vote upon the measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at the regular municipal election.

SECTION 8. CANVASS THE RETURNS. That the County Election Department is authorized to canvass the returns of the regular municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 9. COSTS INCURRED. That the City of Modesto recognizes that additional costs will be incurred by the County by reason of the election and agrees to reimburse the County for any costs.

SECTION 10. CITY CLERK CERTIFICATION. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
CITY OF MODESTO, MEASURE 
FARM LAND STABILIZATION INITIATIVE.

The people of the City of Modesto do hereby ordain as follows:

Section 1. Purpose and Findings

A. The purpose of this initiative is to promote contiguous, cost-effective communities, to ensure that agriculture remains viable, and to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses.

B. With this initiative, the people of the City of Modesto assure direct voter oversight in achieving and maintaining a balance between the needs for housing and non-farm economic development versus the economic, social, and environmental costs of unchecked, endless, urban sprawl.

C. The stabilization of existing agricultural, wildlife habitat, and other open space resources is critically important to Modesto residents and the region as a whole. Agriculture creates employment for many people, directly and indirectly, generates substantial tax revenues, and provides a major source of farm products to the world.

Section 2. General Plan Amendment

The following new paragraph “7” shall be added to Chapter I, part C, of the Modesto General Plan.

7. All urban development shall be confined to areas entirely within the City’s General Plan Boundaries, as required by the Farmland Stabilization Initiative, passed by the voters on November 2, 1999, as set out in part “D” of Chapter II, entitled “Farmland Stabilization -- Voter Oversight.”

B. The following new language shall be added to the end of Chapter III, part A, of the Modesto General Plan:

Pursuant to the Farmland Stabilization Initiative, as approved by Modesto voters on November 2, 1999, the City’s Land Use Diagram cannot be amended to expand the areas designated for urban development, except in conformity with the provisions of the initiative, as described in part “D” of Chapter II, entitled “Farmland Stabilization -- Voter Oversight.”

C. The following new part “D” shall be added to Chapter II of Modesto General Plan:

D. FARMLAND STABILIZATION -- VOTER OVERSIGHT

Pursuant to the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999, all urban development shall be limited to areas designated for development within the General Plan Boundaries, as set in the General Plan Growth Strategy and Land Use Diagrams on April 1, 1997. As required by the Farmland Stabilization Initiative, the approval of a majority of Modesto voters shall be required to approve any urban development located entirely or partially outside these boundaries or to enlarge these boundaries.

Exhibit "A"
Pursuant to the "Farmland Stabilization Initiative":

1. The City shall restrict urban development to land located entirely within the areas designated for urban development; and

2. The City shall not approve or authorize urban development on land located entirely or partly outside the areas designated for urban development; and

3. Authorized or permitted uses on land located outside of the areas designated for urban development shall be restricted to those uses consistent with agricultural or open space general plan designations and zoning districts; and

4. Any application or proposal to approve or authorize urban development on land located entirely or partly outside the areas designated for urban development shall be submitted to a vote of the people of the City of Modesto at a city-wide election; and the City may approve or authorize such urban development only if the application or proposal was previously approved by the voters.

5. Definitions:
   a) "Areas designated for development" are those areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997.
   b) "Urban development" is any non-agricultural or non-open-space use of land, including, but not limited to: residential (i.e., at a density equal to or greater than 0.1 units per gross acre), commercial, industrial, mixed, and public/institutional uses. "Urban development" does not, however, include wastewater treatment facilities.
   c) "Agricultural or open space uses" are agricultural, wildlife habitat, and parks uses on any size parcel, and residential uses on parcels of at least 40 acres.
   d) "Entitlement" means a discretionary or ministerial permit or other approval allowing or authorizing the development of land, including but not limited to general plan amendments, zoning or prezoning, use permits, subdivision maps, development agreements, variances, design review, certificates of occupancy, and grading, demolition and building permits.

6. Implementation: If the City receives an application for an entitlement that would authorize or allow urban development on land located wholly or in part outside the areas designated for urban development, as defined below, then the City shall either disapprove the application, or submit the application to a vote of the people. The City shall not approve the application unless or until the application is approved by a majority of City voters voting in a city-wide election. Each such application shall be submitted to the voters as separate matter, and shall not be aggregated on the ballot with other such applications.

7. Exceptions:
   a) The City Council may, without a vote of the people, amend the areas designated for urban development to relocate or adjust the boundaries of the areas designated for urban development, provided (a) the relocation or adjustment of the boundaries results in no net increase in the gross acreage of the areas designated for urban development, and (b) the City Council finds, based on substantial evidence in the record, that the land newly designated for urban development has less value for agricultural or open space purposes than the land formerly designated for urban development.
   b) The City Council may, without a vote of the people, amend the areas designated for urban development to designate not more than five acres per year for residential purposes, provided
the City Council finds, based on substantial evidence in the record, that (a) the residential project is necessary to meet the City's obligation under State law to provide housing for low-income and very-low-income households, and (b) no other land is available for such purposes within those areas designated for urban development. The exception set forth in this paragraph shall apply only to that portion of the application that is specifically designated to provide housing for low-income and very-low income households. This exception cannot be aggregated to allow for more than five acres per year in any one calendar year, without voter approval.

c) This initiative shall not apply to any development project that has obtained as of the effective date of this initiative a vested right pursuant to State law.

d) This initiative shall not preclude or prohibit approval of density bonuses required by State law.

D. The following new paragraph shall be added to Chapter IV, part D.2.a “Governmental Constraints” of Modesto General Plan:

The need to balance the demands for housing and other non-farm urban development against the need to protect agricultural productivity, habitat and other open space resources, also acts as a constraint. For these reasons, as set out in greater detail in Part D of Chapter 2 “Community Growth Strategy,” all urban development is also limited by the terms of the Farmland Stabilization Initiative, passed by Modesto voters on November 2, 1999. The Farmland Stabilization Initiative requires voter approval for any development outside the boundaries of the areas designated for urban development within the City’s General Plan Boundaries, as delineated on the “Growth Strategy Diagram,” and the “Adopted Land Use Diagram,” as of April 1, 1997. There is an exception, however, that allows for the development of up to five acres of low and very low income housing per year outside those boundaries, if necessary to fulfill housing requirements under State law. All of the policies, programs, and quantified objectives in this chapter are, to extent permissible under law, subject to the terms of the Farmland Stabilization Initiative.

E. The following amendment to sub-part “a” and addition of new sub-part “e” shall be made to Chapter II, Part C, of the Modesto General Plan (new text is underlined):

a. In general, maintenance of a five-year supply of available vacant and agricultural land served with urban infrastructure will be desirable, subject to the requirements of the “Farmland Stabilization Initiative,” approved by voters on November 2, 1999.

e. All proposals to amend the General Plan must be in compliance with the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999.”
Section 3. Implementation

Effective Date and Renewal Date.

1. The "Effective Date" of this initiative shall be January 1, 2000. Upon the Effective Date of this initiative, the provisions of Section 2 of this initiative are hereby inserted into the City's General Plan as an amendment thereof. At such time as this general plan amendment is inserted in the City's General Plan, the City shall not enforce any provisions of the City's Zoning Ordinance, as reflected in the ordinance itself or the City's Zoning Map, inconsistent with this general plan amendment.

2. "Renewal Date:" This initiative, unless earlier amended or repealed by a majority of Modesto voters, shall remain in force until December 31, 2030, at which time the City Council shall re-submit the terms of this initiative to the voters for renewal or repeal, at a regularly scheduled election. If the City Council fails to timely submit this initiative to the voters for renewal or repeal, the terms of the initiative shall remain in force until the voters are presented with the opportunity to renew or repeal it.

B. Interim Amendments.

The City's General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk on _______ and the General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of the policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law, any provision of the City's General Plan that is adopted between the submittal date and the Effective Date shall, to the extent that such interim-enacted provision is inconsistent or incompatible with the General Plan provisions enacted by Section 2 of this initiative measure, be of no force or effect so long as the General Plan amendments enacted by this initiative remain in effect.

C. Project Approvals.

1. Upon the Effective Date of this initiative, the City and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

2. Development project applications submitted to the City are, and shall continue to be, subject to the requirements of the California Environmental Quality Act ("CEQA"), and this initiative shall not preclude or affect the application of CEQA by the City to approvals or entitlements.

D. Implementation by City.

All other City ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the provisions of this initiative. The City is hereby authorized and directed to amend other General Plan policies and programs, subregional plans, community plans, zoning ordinance provisions, and other ordinances and policies affected by this initiative as soon as practicable and to the extent required to assure consistency with this initiative.

Section 4. Severability and Interpretation
This initiative shall be interpreted as to be consistent with all Federal and State laws, rules, and regulations.

Nothing in this initiative shall be construed to interfere with municipal annexation processes. With this initiative, Modesto voters intend to obtain more direct voter oversight over General Plan amendments and land use entitlement decisions affecting the conversion of agricultural and open space lands to urban uses.

The voters intend that the requirements of the Farmland Stabilization Initiative and all prior City growth control measures are implemented to complement one another. Nothing in the Farmland Stabilization Initiative is intended to weaken or void prior growth control measures.

If any portion of this initiative is held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. Modesto voters hereby declare that this initiative, and each portion thereof would have been adopted or passed even if one or more portions are declared invalid. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application.

This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. Amendment or Repeal

Except as specifically provided herein, the terms of this initiative and the General Plan provisions adopted by this initiative may be amended or repealed only by a majority of the voters of the City of Modesto.

Section 6. Competing Initiatives

If there are competing initiatives on the same ballot as this initiative that purport to address the same subject matter of this initiative, and if both initiatives receive a popular vote of more than 50%, then the initiative with the larger number of votes shall prevail as to those terms which conflict directly with terms of the competing initiative, and all terms in both initiatives which do not conflict shall become law.

Section 7. Request for Submission of Initiative to the Voters; Timing of Election

The voters of the City of Modesto hereby request that this initiative be submitted to a vote of the people at the November 2, 1999 election.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-90

A RESOLUTION TRANSMITTING A COPY OF THE PROPOSED FARMLAND STABILIZATION INITIATIVE TO THE CITY ATTORNEY FOR AN IMPARTIAL ANALYSIS.

WHEREAS, Section 9280 of the State Elections Code provides that whenever any Charter amendment or City measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the proposed amendment or measure to the City Attorney for preparation of an Impartial Analysis, and

WHEREAS, a copy of the proposed Farmland Stabilization Initiative, which was considered by the City Council at its meeting of February 22, 2000, is attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of the Farmland Stabilization Initiative to the City Attorney for preparation of an Impartial Analysis explaining the effect of the proposed measure, a copy of said Initiative is attached hereto.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the Impartial Analysis.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare the Impartial Analysis explaining the effect of the proposed Farmland Stabilization Initiative.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
The people of the City of Modesto do hereby ordain as follows:

Section 1. Purpose and Findings

A. The purpose of this initiative is to promote contiguous, cost-effective communities, to ensure that agriculture remains viable, and to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses.

B. With this initiative, the people of the City of Modesto assure direct voter oversight in achieving and maintaining a balance between the needs for housing and non-farm economic development versus the economic, social, and environmental costs of unchecked, endless, urban sprawl.

C. The stabilization of existing agricultural, wildlife habitat, and other open space resources is critically important to Modesto residents and the region as a whole. Agriculture creates employment for many people, directly and indirectly, generates substantial tax revenues, and provides a major source of farm products to the world.

Section 2. General Plan Amendment

A. The following new paragraph “7” shall be added to Chapter I, part C, of the Modesto General Plan.

7. All urban development shall be confined to areas entirely within the City’s General Plan Boundaries, as required by the Farmland Stabilization Initiative, passed by the voters on November 2, 1999, as set out in part “D” of Chapter II, entitled “Farmland Stabilization -- Voter Oversight.”

B. The following new language shall be added to the end of Chapter III, part A, of the Modesto General Plan:

Pursuant to the Farmland Stabilization Initiative, as approved by Modesto voters on November 2, 1999, the City’s Land Use Diagram cannot be amended to expand the areas designated for urban development, except in conformity with the provisions of the initiative, as described in part “D” of Chapter II, entitled “Farmland Stabilization -- Voter Oversight.”

C. The following new part “D” shall be added to Chapter II of Modesto General Plan:

D. FARMLAND STABILIZATION -- VOTER OVERSIGHT

Pursuant to the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999, all urban development shall be limited to areas designated for development within the General Plan Boundaries, as set out in the General Plan Growth Strategy and Land Use Diagrams on April 1, 1997. As required by the Farmland Stabilization Initiative, the approval of a majority of Modesto voters shall be required to approve any urban development located entirely or partially outside these boundaries or to enlarge these boundaries.
Pursuant to the "Farmland Stabilization Initiative":

1. The City shall restrict urban development to land located entirely within the areas designated for urban development; and

2. The City shall not approve or authorize urban development on land located entirely or partly outside the areas designated for urban development; and

3. Authorized or permitted uses on land located outside of the areas designated for urban development shall be restricted to those uses consistent with agricultural or open space general plan designations and zoning districts; and

4. Any application or proposal to approve or authorize urban development on land located entirely or partly outside the areas designated for urban development shall be submitted to a vote of the people of the City of Modesto at a city-wide election; and the City may approve or authorize such urban development only if the application or proposal was previously approved by the voters.

5. Definitions:
   a) "Areas designated for development" are those areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997.
   b) "Urban development" is any non-agricultural or non-open-space use of land, including, but not limited to: residential (i.e. at a density equal to or greater than 0.1 units per gross acre), commercial, industrial, mixed, and public/institutional uses. "Urban development" does not, however, include wastewater treatment facilities.
   c) "Agricultural or open space uses" are agricultural, wildlife habitat, and parks uses on any size parcel, and residential uses on parcels of at least 40 acres.
   d) "Entitlement" means a discretionary or ministerial permit or other approval allowing or authorizing the development of land, including but not limited to general plan amendments, zoning or prezoning, use permits, subdivision maps, development agreements, variances, design review, certificates of occupancy, and grading, demolition and building permits.

6. Implementation: If the City receives an application for an entitlement that would authorize or allow urban development on land located wholly or in part outside the areas designated for urban development, as defined below, then the City shall either disapprove the application, or submit the application to a vote of the people. The City shall not approve the application unless or until the application is approved by a majority of City voters voting in a city-wide election. Each such application shall be submitted to the voters as separate matter, and shall not be aggregated on the ballot with other such applications.

7. Exceptions:
   a) The City Council may, without a vote of the people, amend the areas designated for urban development to relocate or adjust the boundaries of the areas designated for urban development, provided (a) the relocation or adjustment of the boundaries results in no net increase in the gross acreage of the areas designated for urban development, and (b) the City Council finds, based on substantial evidence in the record, that the land newly designated for urban development has less value for agricultural or open space purposes than the land formerly designated for urban development.
   b) The City Council may, without a vote of the people, amend the areas designated for urban development to designate not more than five acres per year for residential purposes, provided
the City Council finds, based on substantial evidence in the record, that (a) the residential project is necessary to meet the City's obligation under State law to provide housing for low-income and very-low-income households, and (b) no other land is available for such purposes within those areas designated for urban development. The exception set forth in this paragraph shall apply only to that portion of the application that is specifically designated to provide housing for low-income and very-low income households. This exception cannot be aggregated to allow for more than five acres per year in any one calendar year, without voter approval.

c) This initiative shall not apply to any development project that has obtained as of the effective date of this initiative a vested right pursuant to State law.

d) This initiative shall not preclude or prohibit approval of density bonuses required by State law.

D. The following new paragraph shall be added to Chapter IV, part D.2.a “Governmental Constraints” of Modesto General Plan:

The need to balance the demands for housing and other non-farm urban development against the need to protect agricultural productivity, habitat and other open space resources, also acts as a constraint. For these reasons, as set out in greater detail in Part D of Chapter 2 “Community Growth Strategy,” all urban development is also limited by the terms of the Farmland Stabilization Initiative, passed by Modesto voters on November 2, 1999. The Farmland Stabilization Initiative requires voter approval for any development outside the boundaries of the areas designated for urban development within the City’s General Plan Boundaries, as delineated on the “Growth Strategy Diagram,” and the “Adopted Land Use Diagram,” as of April 1, 1997. There is an exception, however, that allows for the development of up to five acres of low and very low income housing per year outside those boundaries, if necessary to fulfill housing requirements under State law. All of the policies, programs, and quantified objectives in this chapter are, to extent permissible under law, subject to the terms of the Farmland Stabilization Initiative.

E. The following amendment to sub-part “a” and addition of new sub-part “e” shall be made to Chapter II, Part C, of the Modesto General Plan (new text is underlined):

a. In general, maintenance of a five-year supply of available vacant and agricultural land served with urban infrastructure will be desirable, subject to the requirements of the “Farmland Stabilization Initiative,” approved by voters on November 2, 1999.

e. All proposals to amend the General Plan must be in compliance with the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999.”
Section 3. Implementation

A. Effective Date and Renewal Date.

1. The "Effective Date" of this initiative shall be January 1, 2000. Upon the Effective Date of this initiative, the provisions of Section 2 of this initiative are hereby inserted into the City's General Plan as an amendment thereof. At such time as this general plan amendment is inserted in the City's General Plan, the City shall not enforce any provisions of the City's Zoning Ordinance, as reflected in the ordinance itself or the City's Zoning Map, inconsistent with this general plan amendment.

2. "Renewal Date:" This initiative, unless earlier amended or repealed by a majority of Modesto voters, shall remain in force until December 31, 2030, at which time the City Council shall re-submit the terms of this initiative to the voters for renewal or repeal, at a regularly scheduled election. If the City Council fails to timely submit this initiative to the voters for renewal or repeal, the terms of the initiative shall remain in force until the voters are presented with the opportunity to renew or repeal it.

B. Interim Amendments.

The City's General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk on _______, and the General Plan as amended by this initiative measure, constitute an integrated, internally consistent and compatible statement of the policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law, any provision of the City's General Plan that is adopted between the submittal date and the Effective Date shall, to the extent that such interim-enacted provision is inconsistent or incompatible with the General Plan provisions enacted by Section 2 of this initiative measure, be of no force or effect so long as the General Plan amendments enacted by this initiative remain in effect.

C. Project Approvals.

1. Upon the Effective Date of this initiative, the City and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

2. Development project applications submitted to the City are, and shall continue to be, subject to the requirements of the California Environmental Quality Act ("CEQA"), and this initiative shall not preclude or affect the application of CEQA by the City to approvals or entitlements.

D. Implementation by City.

All other City ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the provisions of this initiative. The City is hereby authorized and directed to amend other General Plan policies and programs, subregional plans, community plans, zoning ordinance provisions, and other ordinances and policies affected by this initiative as soon as practicable and to the extent required to assure consistency with this initiative.

Section 4. Severability and Interpretation
This initiative shall be interpreted as to be consistent with all Federal and State laws, rules, and regulations. Nothing in this initiative shall be construed to interfere with municipal annexation processes. With this initiative, Modesto voters intend to obtain more direct voter oversight over General Plan amendments and land use entitlement decisions affecting the conversion of agricultural and open space lands to urban uses.

The voters intend that the requirements of the Farmland Stabilization Initiative and all prior City growth control measures are implemented to complement one another. Nothing in the Farmland Stabilization Initiative is intended to weaken or void prior growth control measures.

If any portion of this initiative is held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. Modesto voters hereby declare that this initiative, and each portion thereof would have been adopted or passed even if one or more portions are declared invalid. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application.

This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. Amendment or Repeal

Except as specifically provided herein, the terms of this initiative and the General Plan provisions adopted by this initiative may be amended or repealed only by a majority of the voters of the City of Modesto.

Section 6. Competing Initiatives

If there are competing initiatives on the same ballot as this initiative that purport to address the same subject matter of this initiative, and if both initiatives receive a popular vote of more than 50%, then the initiative with the larger number of votes shall prevail as to those terms which conflict directly with terms of the competing initiative, and all terms in both initiatives which do not conflict shall become law.

Section 7. Request for Submission of Initiative to the Voters: Timing of Election

The voters of the City of Modesto hereby request that this initiative be submitted to a vote of the people at the November 2, 1999 election.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-91


WHEREAS, at its January 11, 2000, meeting, the City Council directed City staff to prepare whatever California Environmental Quality Act (CEQA) review was necessary in order to allow the Council to determine whether or not to place the Farmland Stabilization Initiative on the ballot, and

WHEREAS, a copy of the proposed Farmland Stabilization Initiative is attached hereto, and

WHEREAS, the Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan provides the basis for environmental review of the proposed Farmland Stabilization Initiative, and said MEIR, [State Clearing House (SCH) No. 92052017], was certified by the Modesto City Council on August 15, 1995, and

WHEREAS, although the Initiative appears to be exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines, which states that the “submital of proposals to a vote of the people” is not to be considered a “project”, as defined by CEQA, City staff prepared an Initial Study, as the availability of this exemption has been called into question by a case decided on December 8, 1999, entitled Friends of Sierra Madre, et al. V City of Sierra Madre,
and

WHEREAS, as a cautionary measure prior to placing the Initiative on the ballot, an Initial Study was prepared, and

WHEREAS, the Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether placing said Initiative on the ballot may cause any significant effect on the environment that was not examined in the Final MEIR for the General Plan, and

WHEREAS, the Initial Study, EA No. CDD 2000-09, made the determination that the proposed ballot Initiative will have no additional significant effect on the environment that was not identified in the MEIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed ballot Initiative is within the scope of the project (the General Plan) covered by the MEIR, and

WHEREAS, copy of said Initial Study is attached hereto and incorporated herein by reference, and

WHEREAS, City staff recommended that the Council adopt a resolution determining that the action of placing the Farmland Stabilization Initiative on the ballot is exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines, and, in the alternative, make findings set forth in the attached Initial Study, and

WHEREAS, the CEQA review process has been completed and the matter was considered by the City Council at its meeting held on February 22, 2000,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the action of placing the Farmland Stabilization Initiative on the ballot is exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA guidelines. Alternatively, after having reviewed and considered the Initial Study prepared for the proposal to place the Farmland Stabilization Initiative on the ballot, and based on the substantial evidence included in said Initial Study, the City Council makes the following findings:

1. That the proposed Farmland Stabilization Initiative ballot measure is within the scope of the General Plan covered by a Master Environmental Impact Report (MEIR) (SCH No. 92052017).

2. That the proposed Farmland Stabilization Initiative ballot measure will have no new additional significant effects on the environment not identified in the MEIR, and no new or additional mitigation measures are required.

3. That no new environmental document nor findings are required by Section 21081 of the California Environmental Quality Act (CEQA), pursuant to Section 21157.1 of the Public Resources Code.

4. There are no specific features which are unique to the proposed Farmland Stabilization Initiative that require project specific mitigation measures. Accordingly, all certified mitigation measures identified in the MEIR will apply citywide and be sufficient for this Initiative.

5. The Initial Study provides substantial evidence to support findings 1, 2, 3, and 4 above.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Department 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 22nd day of February, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
The people of the City of Modesto do hereby ordain as follows:

Section 1. Purpose and Findings

A. The purpose of this initiative is to promote contiguous, cost-effective communities, to ensure that agriculture remains viable, and to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses.

B. With this initiative, the people of the City of Modesto assure direct voter oversight in achieving and maintaining a balance between the needs for housing and non-farm economic development versus the economic, social, and environmental costs of unchecked, endless, urban sprawl.

C. The stabilization of existing agricultural, wildlife habitat, and other open space resources is critically important to Modesto residents and the region as a whole. Agriculture creates employment for many people, directly and indirectly, generates substantial tax revenues, and provides a major source of farm products to the world.

Section 2. General Plan Amendment

A. The following new paragraph "7" shall be added to Chapter I, part C, of the Modesto General Plan.

7. All urban development shall be confined to areas entirely within the City's General Plan Boundaries, as required by the Farmland Stabilization Initiative, passed by the voters on November 2, 1999, as set out in part "D" of Chapter II, entitled "Farmland Stabilization - Voter Oversight."

B. The following new language shall be added to the end of Chapter III, part A, of the Modesto General Plan:

Pursuant to the Farmland Stabilization Initiative, as approved by Modesto voters on November 2, 1999, the City's Land Use Diagram cannot be amended to expand the areas designated for urban development, except in conformity with the provisions of the initiative, as described in part "D" of Chapter II, entitled "Farmland Stabilization - Voter Oversight."

C. The following new part "D" shall be added to Chapter II of Modesto General Plan:

D. FARMLAND STABILIZATION - VOTER OVERSIGHT

Pursuant to the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999, all urban development shall be limited to areas designated for development within the General Plan Boundaries, as set out in the General Plan Growth Strategy and Land Use Diagrams on April 1, 1997. As required by the Farmland Stabilization Initiative, the approval of a majority of Modesto voters shall be required to approve any urban development located entirely or partially outside these boundaries or to enlarge these boundaries.
1. The City shall restrict urban development to land located entirely within the areas designated for urban development; and

2. The City shall not approve or authorize urban development on land located entirely or partly outside the areas designated for urban development; and

3. Authorized or permitted uses on land located outside of the areas designated for urban development shall be restricted to those uses consistent with agricultural or open space general plan designations and zoning districts; and

4. Any application or proposal to approve or authorize urban development on land located entirely or partly outside the areas designated for urban development shall be submitted to a vote of the people of the City of Modesto at a city-wide election; and the City may approve or authorize such urban development only if the application or proposal was previously approved by the voters.

5. Definitions:
   a) "Areas designated for development" are those areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997.
   b) "Urban development" is any non-agricultural or non-open-space use of land, including, but not limited to: residential (i.e. at a density equal to or greater than 0.1 units per gross acre), commercial, industrial, mixed, and public/institutional uses. "Urban development" does not, however, include wastewater treatment facilities.
   c) "Agricultural or open space uses" are agricultural, wildlife habitat, and parks uses on any size parcel, and residential uses on parcels of at least 40 acres.
   d) "Entitlement" means a discretionary or ministerial permit or other approval allowing or authorizing the development of land, including but not limited to general plan amendments, zoning or prezoning, use permits, subdivision maps, development agreements, variances, design review, certificates of occupancy, and grading, demolition and building permits.

6. Implementation: If the City receives an application for an entitlement that would authorize or allow urban development on land located wholly or in part outside the areas designated for urban development, as defined below, then the City shall either disapprove the application, or submit the application to a vote of the people. The City shall not approve the application unless or until the application is approved by a majority of City voters voting in a city-wide election. Each such application shall be submitted to the voters as separate matter, and shall not be aggregated on the ballot with other such applications.

7. Exceptions:
   a) The City Council may, without a vote of the people, amend the areas designated for urban development to relocate or adjust the boundaries of the areas designated for urban development, provided (a) the relocation or adjustment of the boundaries results in no net increase in the gross acreage of the areas designated for urban development, and (b) the City Council finds, based on substantial evidence in the record, that the land newly designated for urban development has less value for agricultural or open space purposes than the land formerly designated for urban development.
   b) The City Council may, without a vote of the people, amend the areas designated for urban development to designate not more than five acres per year for residential purposes, provided
the City Council finds, based on substantial evidence in the record, that (a) the residential project is necessary to meet the City's obligation under State law to provide housing for low-income and very-low-income households, and (b) no other land is available for such purposes within those areas designated for urban development. The exception set forth in this paragraph shall apply only to that portion of the application that is specifically designated to provide housing for low-income and very-low income households. This exception cannot be aggregated to allow for more than five acres per year in any one calendar year, without voter approval.

c) This initiative shall not apply to any development project that has obtained as of the effective date of this initiative a vested right pursuant to State law.

d) This initiative shall not preclude or prohibit approval of density bonuses required by State law.

D. The following new paragraph shall be added to Chapter IV, part D.2.a “Governmental Constraints” of Modesto General Plan:

The need to balance the demands for housing and other non-farm urban development against the need to protect agricultural productivity, habitat and other open space resources, also acts as a constraint. For these reasons, as set out in greater detail in Part D of Chapter 2 “Community Growth Strategy,” all urban development is also limited by the terms of the Farmland Stabilization Initiative, passed by Modesto voters on November 2, 1999. The Farmland Stabilization Initiative requires voter approval for any development outside the boundaries of the areas designated for urban development within the City’s General Plan Boundaries, as delineated on the “Growth Strategy Diagram,” and the “Adopted Land Use Diagram,” as of April 1, 1997. There is an exception, however, that allows for the development of up to five acres of low and very low income housing per year outside those boundaries, if necessary to fulfill housing requirements under State law. All of the policies, programs, and quantified objectives in this chapter are, to extent permissible under law, subject to the terms of the Farmland Stabilization Initiative.

E. The following amendment to sub-part “a” and addition of new sub-part “e” shall be made to Chapter II, Part C, of the Modesto General Plan (new text is underlined):

a. In general, maintenance of a five-year supply of available vacant and agricultural land served with urban infrastructure will be desirable, subject to the requirements of the “Farmland Stabilization Initiative,” approved by voters on November 2, 1999.

e. All proposals to amend the General Plan must be in compliance with the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999.”
Section 3. Implementation

A. Effective Date and Renewal Date.

1. The "Effective Date" of this initiative shall be January 1, 2000. Upon the Effective Date of this initiative, the provisions of Section 2 of this initiative are hereby inserted into the City's General Plan as an amendment thereof. At such time as this general plan amendment is inserted in the City's General Plan, the City shall not enforce any provisions of the City's Zoning Ordinance, as reflected in the ordinance itself or the City's Zoning Map, inconsistent with this general plan amendment.

2. "Renewal Date:" This initiative, unless earlier amended or repealed by a majority of Modesto voters, shall remain in force until December 31, 2030, at which time the City Council shall resubmit the terms of this initiative to the voters for renewal or repeal, at a regularly scheduled election. If the City Council fails to timely submit this initiative to the voters for renewal or repeal, the terms of the initiative shall remain in force until the voters are presented with the opportunity to renew or repeal it.

B. Interim Amendments.

The City's General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk on _____, and the General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of the policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law, any provision of the City's General Plan that is adopted between the submittal date and the Effective Date shall, to the extent that such interim-enacted provision is inconsistent or incompatible with the General Plan provisions enacted by Section 2 of this initiative measure, be of no force or effect so long as the General Plan amendments enacted by this initiative remain in effect.

C. Project Approvals.

1. Upon the Effective Date of this initiative, the City and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

2. Development project applications submitted to the City are, and shall continue to be, subject to the requirements of the California Environmental Quality Act ("CEQA"), and this initiative shall not preclude or affect the application of CEQA by the City to approvals or entitlements.

D. Implementation by City.

All other City ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the provisions of this initiative. The City is hereby authorized and directed to amend other General Plan policies and programs, subregional plans, community plans, zoning ordinance provisions, and other ordinances and policies affected by this initiative as soon as practicable and to the extent required to assure consistency with this initiative.

Section 4. Severability and Interpretation
This initiative shall be interpreted as to be consistent with all Federal and State laws, rules, and regulations. Nothing in this initiative shall be construed to interfere with municipal annexation processes. With this initiative, Modesto voters intend to obtain more direct voter oversight over General Plan amendments and land use entitlement decisions affecting the conversion of agricultural and open space lands to urban uses.

The voters intend that the requirements of the Farmland Stabilization Initiative and all prior City growth control measures are implemented to complement one another. Nothing in the Farmland Stabilization Initiative is intended to weaken or void prior growth control measures.

If any portion of this initiative is held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. Modesto voters hereby declare that this initiative, and each portion thereof would have been adopted or passed even if one or more portions are declared invalid. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application.

This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. Amendment or Repeal

Except as specifically provided herein, the terms of this initiative and the General Plan provisions adopted by this initiative may be amended or repealed only by a majority of the voters of the City of Modesto.

Section 6. Competing Initiatives

If there are competing initiatives on the same ballot as this initiative that purport to address the same subject matter of this initiative, and if both initiatives receive a popular vote of more than 50%, then the initiative with the larger number of votes shall prevail as to those terms which conflict directly with terms of the competing initiative, and all terms in both initiatives which do not conflict shall become law.

Section 7. Request for Submission of Initiative to the Voters; Timing of Election

The voters of the City of Modesto hereby request that this initiative be submitted to a vote of the people at the November 2, 1999 election.
City of Modesto

Initial Study

PROPOSAL TO PLACE THE
FARMLAND STABILIZATION INITIATIVE
ON THE 2001 BALLOT

EA NO. CDD 2000-09

I. PURPOSE:

The Master Environmental Impact Report for the Modesto Urban Area General Plan provides the basis for environmental review of this proposed Farmland Stabilization Initiative. The Final Master EIR (SCH # 92052017) was certified by the Modesto City Council on August 15, 1995.

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

CEQA Guidelines Section 15378 (b) (4) states that submittal of proposals to a vote of the people is not a project. However, because of the recent Friends of Sierra Madre, et al. V. City of Sierra Madre court ruling, the City Attorney has determined that the Farmland Stabilization Initiative requires CEQA review because the initiative has not yet obtained the required signatures to qualify to be placed on the ballot. Thus, the City Council action could be construed as discretionary rather than ministerial.

II. PROJECT DESCRIPTION:

A. Project Title:
   Farmland Stabilization Initiative

B. Lead Agency Name and Address:
   City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
   Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA, (209) 577-5280
D. Project Location:
The Modesto General Plan area

E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. Modesto General Plan Designation:
Modesto General Plan

G. Zoning: Modesto General Plan

H. Description of Proposed Project:
The Modesto City Council proposes to place a citizen’s Initiative, Farmland Stabilization Initiative (Hereinafter referred to as “Initiative”), on the November 2001 ballot. The “Initiative” (see attached Exhibit “A”) seeks to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other uses. Essentially, the General Plan could not be expanded without voter approval. The “Initiative” seeks to “stabilize” agricultural, wildlife habitat, and open space resources by adding a voter-approval process to the Modesto General Plan that would not permit an increase in gross acreage of the General Plan without voter approval via a city-wide election. This process attempts to restrict urban development to within the boundary of the General Plan as of April 1, 1997. Proposals for urban development outside the General Plan boundary would require voter approval before the City could approve such a proposal. It is possible such proposals could be approved by the voters.

I. Surrounding Land Uses:
North: Unincorporated County agricultural lands, the Stanislaus River, community of Del Rio and City of Riverbank.
South: Unincorporated County agricultural lands and the City of Ceres.
East: Unincorporated County agricultural lands and City of Hughson.
West: Unincorporated County agricultural lands.

J. Other Public agencies whose approval is required:
none
II. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:
There are eighteen subject areas in the Master EIR for the General Plan (MEIR). Following is an analysis of how this project conforms with the analysis contained within the Master EIR. Compared to the Master EIR certified for the Modesto Urban Area General Plan the proposal will not result in increased impacts to any of the following subject areas:

A. **Traffic and Circulation**
The Initiative proposes no revisions to the adopted land use designations, infrastructure, or transportation and circulation system in the General Plan. Thus, the proposed Initiative would result in no significant increase in demand for circulation facilities that are not anticipated by the traffic model that analyzed the General Plan. Therefore, the proposed Initiative is consistent with the Traffic and Circulation needs section of the General Plan MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. **Degradation of Air Quality**
The Initiative proposes no revisions to the adopted General Plan land use designations, infrastructure, or transportation and circulation system. Thus, the proposed Initiative would result in no significant increase in generation of traffic that is not anticipated by the traffic model that analyzed the adopted General Plan. Therefore, the proposed initiative will not cause additional traffic-related impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

C. **Generation of Noise**
The Initiative proposes no changes to the land use designations, infrastructure, or traffic and circulation system contained in the General Plan. Because there would not be a significant increase in traffic generated, and roadway level of service would be consistent with the General Plan, the proposed Initiative will not cause an increase in the projected generation of traffic-related noise in the MEIR. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.
D. **Loss of Productive Agricultural Land**  
The Initiative, if approved by the voters, could restrict urban development to within the adopted General Plan boundary. The Initiative would not permit an increase in gross acreage of the General Plan without voter approval via a city-wide ballot. The purpose of the Initiative is to ensure that agriculture land is not prematurely or unnecessarily converted to other uses. The proposed initiative, with subsequent voter support, could thus, limit loss of productive agricultural land to within the adopted General Plan boundary. Permitted revisions of the General Plan boundary would be to lands of "lesser" agricultural value. The Initiative does not effect conversion of productive agricultural lands within the adopted General Plan area. Therefore, the proposal is not an increased impact to loss of productive agricultural land as analyzed by the MEIR. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. **Increased Demand for Water Supplies**  
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus the Initiative would not require additional water supplies beyond that identified for the General Plan in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**  
The Initiative does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus, it will not create a significant increase in demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**  
The Initiative, if approved by the voters, could limit urban development to within the adopted General Plan boundary. No increase in gross acreage would be permitted. Thus, the proposed Initiative would have no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in
this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Therefore, the proposal would have no significant effect on the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Therefore, the Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The project area is approximately two miles north of the designated flood plain area of the Tuolumne River. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. Increased Demand for Storm Drainage
The Initiative does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus, the Initiative would cause no significant increase in demand for storm drainage that was not already addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.

K. Increased Demand for Parks and Open Space
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Therefore it would not generate any new population that would increase demand for use of parks or open space facilities. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.
L. **Increased Demand for Schools**  
The Initiative does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

M. **Increased Demand for Police Services**  
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus, it would not result in a significant increase in service demand for the City of Modesto Police Department. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

N. **Increased Demand for Fire Services**  
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

O. **Generation of Solid Waste**  
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

P. **Generation of Hazardous Materials**  
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Because this proposed voter Initiative will not result in additional industrial development not already identified in the adopted General Plan, there will be no additional hazardous material generated beyond those identified in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.
Q. Landslides and Seismic Activity
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. The MEIR analysis shows that because the land is essentially flat, Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, there will be no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. Energy
The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus, the proposed Initiative is consistent with the analysis in the General Plan MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.
IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Farmland Stabilization Initiative ballot measure is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed Farmland Stabilization Initiative ballot measure will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

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

D. There are no specific features unique to this proposed Farmland Stabilization Initiative that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-92

A RESOLUTION APPROVING SENDING TO THE ECONOMIC DEVELOPMENT, COMMUNITY AND INTERGOVERNMENTAL RELATIONS COMMITTEE FOR FURTHER STUDY OF CHARTER AMENDMENTS PROVIDING FOR A CHANGE IN THE REGULAR MUNICIPAL ELECTION DATE, DISTRICT ELECTIONS, AND TERM LIMITS, AND CONSIDER SUBMISSION OF CHARTER AMENDMENTS TO VOTERS IN NOVEMBER 2000; AUTHORIZING EXPENDING NO MORE THAN $10,000 ON STUDY AND FACILITATOR, AND RETURNING TO COUNCIL AT A FUTURE MEETING TO CONTINUE DIALOG

BE IT HEREBY RESOLVED by the Council of the City of Modesto to send to the Economic Development, Community and Intergovernmental Relations Committee for further study of charter amendments providing for a change in the regular municipal election date, district elections, and term limits, and consider submission of charter amendments to voters in November 2000; authorizing expending no more than $10,000 on study and facilitator, and return to Council at a future meeting to continue dialog be, and is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman, Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPOINTING MAYOR CARMEN SABATINO AND COUNCILMEMBER BILL CONRAD TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Mayor Carmen Sabatino and Councilmember Bill Conrad are hereby appointed as the Council representatives to the Citizens Housing & Community Development Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:  
JEAN ZAHR, City Clerk
RESOLUTION NO. 2000-94

A RESOLUTION RE-APPOINTING ALFRED KAUFMAN AND KEN WILLIAMS TO THE BOARD OF BUILDING APPEALS, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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

SECTION 1. Alfred Kaufman and Ken Williams are hereby re-appointed to the Board of Building Appeals, each with a term expiration of January 1, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:签约
JEAN ZAHR, City Clerk
A RESOLUTION RE-APPOINTING DANIEL HOPKINS TO THE BOARD OF ZONING ADJUSTMENT, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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

SECTION 1. Daniel Hopkins is hereby re-appointed to the Board of Zoning Adjustment, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: __________________________
JEAN ZAHR City Clerk
A RESOLUTION RE-APPOINTING CHARLES HARDING AND WILLIAM WETMORE TO
THE COMMUNITY QUALITIES FORUM, EACH WITH A TERM EXPIRATION OF
JANUARY 1, 2004

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

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

SECTION 1. Charles Harding and William Wetmore are hereby re-appointed to the

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

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved
its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:  

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-97

A RESOLUTION RE-APPOINTING TAMMY VANDEN BOSCH TO THE DISABLED ACCESS APPEALS BOARD, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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

SECTION 1. Tammy Vanden Bosch is hereby re-appointed to the Disabled Access Appeals Board, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Disabled Access Appeals Board, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION RE-APPOINTING NORMA REED TO THE DOWNTOWN IMPROVEMENT DISTRICT, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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

SECTION 1. Norma Reed is hereby re-appointed to the Downtown Improvement District, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: ________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-99

A RESOLUTION RE-APPOINTING RICHARD ALMANZA TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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


SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Economic Development Loan Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION RE-APPOINTING JOSEPH MARTINEZ TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION, WITH AN EXPIRATION OF JANUARY 1, 2004

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

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


SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Equal Opportunity/Disability Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-101

A RESOLUTION RE-APPOINTING ROBERT MAULDIN AND CAROLE SILVERIA TO THE GOLF COURSE ADVISORY COMMITTEE, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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

SECTION 1. Robert Mauldin and Carole Silveria are hereby re-appointed to the Golf Course Advisory Committee, each with a term expiration of January 1, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk
A RESOLUTION RE-APPOINTING CAROLYN FRASER TO THE HUMAN RELATIONS COMMISSION, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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

SECTION 1. Carolyn Fraser is hereby re-appointed to the Human Relations Commission, with a term expiration of January 1, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk
A RESOLUTION RE-APPOINTING JAMES DANIEL, LEE HEDGEPETH AND NORMA REED TO THE REDEVELOPMENT ADVISORY COMMISSION, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2004

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

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


SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed members of the Redevelopment Advisory Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:  
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF TENNYSON ELECTRIC INC. FOR THE
PROJECT TITLED “TRAFFIC SIGNAL INSTALLATION AT HATCH ROAD AND
DALLAS STREET”

WHEREAS, the bids received for Traffic Signal Installation at Hatch Road and Dallas
Street were opened at 11:00 a.m. on February 15, 2000, and later tabulated by the Engineering
and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid
of $134,120 received from Tennyson Electric Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 7th day of March, 2000, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-106

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION TO THE STANISLAUS COUNCIL OF GOVERNMENTS (StanCOG) OF A REVISED ANNUAL TRANSPORTATION CLAIM TO INCLUDE A SUPPLEMENTAL CLAIM APPORTIONMENT OF 1999/00 LOCAL TRANSPORTATION FUNDS AND REQUEST FOR REALLOCATION OF 1998/99 TRANSPORTATION DEVELOPMENT ACT FUNDS FROM MODESTO AREA EXPRESS (MAX) TO DIAL-A-RIDE (DAR).

WHEREAS, on May 25, 1999, the City Council approved submission of its annual claim to the Stanislaus Council of Governments (StanCOG) for apportionment of Transportation Development Act (TDA) funds for FY 99/00, and

WHEREAS, on December 30, 1999, the Council approved submission of the annual claim to StanCOG for Local Transportation Funds for Non-Transit purposes, and

WHEREAS, StanCOG has informed the City that additional Local Transportation funding is available upon the Council authorizing a supplemental claim and request for reallocation of previously approved funding prior to additional funds being released, and

WHEREAS, by an Agenda Report dated February 22, 2000, to the City Council from the Finance Director, City staff recommended that the City Council approve a revised Annual Claim for Local Transportation Funds to include a supplemental apportionment for the 1999/2000 claim and reapportion MAX and DAR funding from the 1998/1999 claim, as set forth in said Agenda Report, a copy of which is on file in the office of the City Clerk, and

WHEREAS, Council action authorizing the claim is required by StanCOG prior to the funds being released,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the submission of a Claim for Supplemental Apportionment of 1999/00 Local Transportation funds and request for reallocation of 1998/99 TDA monies from Modesto Area Express (MAX) to Dial-A-Ride (DAR).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(Approved as to form)

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-107

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET
TO APPROPRIATE FUNDS FOR A NEW SENIOR CIVIL ENGINEERING ASSISTANT POSITION

WHEREAS, currently the City utilizes part-time students to map utility locations which has been only moderately successful; and

WHEREAS, staff recommends that a new position be added in the Water Fund which would be dedicated solely to utility mapping; updating existing maps and creating new ones. This position would be shared between the three utility funds through service credits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
## ATTACHMENT A

**To:**
- #0100-420-4213-0188 \(\$75,000\)
- #0100-420-4213-0209 \(\$10,000\)
- #0100-420-4213-5387 \(\$5,600\)

**Reserves:**
- #6100-800-8000-8003 \(\$ (36,240)\)
- #6210-800-8000-8003 \((36,240)\)
- #6280-800-8000-8003 \((18,120)\)

**Service Credits:**
- #0100-420-4213-9990 \(\$ (36,240)\) Water 40%
- #0100-420-4213-9990 \((36,240)\) Sewer 40%
- #0100-420-4213-9990 \((18,120)\) Storm Drain 20%

- #6100-440-5015-0255-5015C \$36,240
- #6210-440-5201-0255-5201C \$36,240
- #6280-440-5319-0255-5319C \$18,120
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $4,664 FROM NON-MOTORIZED FUND TO A RIDESHARE ACCOUNT TO COVER THE LOCAL MATCH OF 11%

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

FROM: 052-800-8000 8003; $4,664

TO: 0520-700-7000 7070; $4,664

Initial local match for the rideshare CMAQ Grant was REMOVE grant funding. The REMOVE grant wasn’t received and a transfer is necessary to meet local match funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO.2000-109

A RESOLUTION AUTHORIZING THE FORMATION OF AN ECONOMIC DEVELOPMENT ADVISORY GROUP ON AN AD HOC BASIS TO ASSIST IN POLICY REVIEW AND IMPLEMENTATION FOR ISSUES RELATING TO ECONOMIC DEVELOPMENT IN MODESTO.

WHEREAS, the Charter Review Committee proposed that a formal economic development advisory commission with appointed members be established, and

WHEREAS, said proposal was considered by the City Council during the charter review process, and

WHEREAS, the Council elected not to include a formal economic development advisory commission as a formal commission within the Charter, and

WHEREAS, the Council directed City staff to review possible implementation of a committee functioning as an advisory group to the Council on various issues related to economic development, and

WHEREAS, the City staff gathered data from several sources in order to determine the most workable format for this type of advisory group, and

WHEREAS, by an Agenda Report dated February 22, 2000, from the Community Development Director, City staff, after reviewing the Charter Review Committee’s recommendations and discussing the purpose of the suggested advisory group, as outlined by the Council, SCEDCO and the Chamber of Commerce, recommended that an ad hoc group be convened on a case-by-case basis to address issues relating to economic development, and
WHEREAS, the Council considered this matter at its meeting of March 6, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council has identified several issues relating to economic development where public input would be a valuable resource in reaching the most beneficial solutions for the entire community; and in order to provide public input, the Council hereby authorizes the formation of an economic development advisory group on an ad hoc basis to assist in policy review and implementation for issues relating to economic development in Modesto, as follows:

- The mission of this advisory group would be to provide public input to the Council on existing economic development projects and programs within the City’s Sphere of Influence.

- This advisory group would be convened on an ad hoc basis, as needed, to address specific issues that pertain to the Council’s economic development policies and future proposed projects.

- The advisory group would provide public input to the Council on various economic development issues, including redevelopment, workforce development programs, infrastructure needs, fees, and incentives.

BE IT FURTHER RESOLVED that the ad hoc advisory group would be comprised of representatives from the private and public sector, as follows:

- The ad hoc group would be convened based on recommendations for the Council and/or the Business Development Office of the Community Development Department.

- The size of each ad hoc group would be determined by the specific issue under review. The size may vary depending on the extent of the public input needed.
• Members can be recommended by Councilmembers and/or staff to ensure full representation on each issue.

• At a minimum, each ad hoc group meeting should include a representative from City staff, County staff, SCEDCO and the Chamber of Commerce.

• Depending upon the issue to be reviewed, the Council and/or City staff may elect to include a number of public and private sector organizations and individuals. Examples of group membership could include a representative from the State Economic Development Department, local utility companies, MJC, the real estate sector or specific business groups such as manufacturers or retailers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-110  

A RESOLUTION APPROVING THE FINAL MAP OF THE  
BELLA TUSCANY UNIT NO. 2 SUBDIVISION OF THE CITY  
OF MODESTO.  

WHEREAS, RODNEY K. LOWE, INC., a California Corporation, is possessed  
of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 8.13 acres,  
known as BELLA TUSCANY UNIT NO. 2 (and formerly known as Autumn Faire)  
(“Subdivision”), and  

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

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final  
map of said BELLA TUSCANY UNIT NO. 2 SUBDIVISION meets all of the provisions of the  
California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that said final map be approved; that the dedications for streets, alleys and easements as shown  
thereon within the boundaries of said tract be accepted on behalf of the public for public use; and  
that the City Clerk be authorized to certify the map of said tract on behalf of the City of  
Modesto after the fees and deposits required by the Modesto Municipal Code in amounts  
determined by the City Engineer have been paid; and after subdivider has furnished securities,
as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Skrpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-111

A RESOLUTION APPROVING A NINE (9%) INCREASE IN SALARY FOR THE CITY CLERK/AUDITOR.

WHEREAS, by Resolution No. 99-175, effective June 22, 1999, the City Council approved and established a “City Of Modesto Schedule Of Salary Ranges In City Service For FY 99-00 Effective 6/22/99”, for Executive Management (Exhibit “J”), and

WHEREAS, the City Council desires to approve a nine (9%) percent increase in salary to $5,434.09 per month for City Clerk/Auditor, Jean Zahr, effective March 7, 2000, which is within the range established in Exhibit “J” of Resolution No. 99-175,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a nine (9%) percent increase in salary to $5,434.09 per month for City Clerk/Auditor, Jean Zahr, effective March 7, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A 35% DESIGN FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT.

WHEREAS, a 35% design for the Ninth Street Bridge Replacement Project includes decisions about the bridge replacement that will become the basis for the final design, which includes the proposed bridge alignment, general plan, aesthetics features, structure type, right of way requirements, roadway geometrics, and preliminary cost estimates, and

WHEREAS, by an Agenda Report to the Council dated February 22, 2000, from the Engineering and Transportation Director, a copy of which is on file in the office of the City Clerk, City staff recommended approving a 35% design for the Ninth Street Bridge Replacement Project, and

WHEREAS, the Council considered this matter at its meeting held on March 7, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 35% design for the Ninth Street Bridge Replacement Project and directs City staff to proceed with the project, including initiation of right-of-way acquisitions, permitting, final design, and advertising for construction bids.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:  Councilmembers: None

ABSENT:  Councilmembers: None

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney

ATTEST:  

JEAN ZAHR, City Clerk

3/14/00
RESOLUTION

2 Clerk
1 Attorney
1 Initiating Department - Attention: Rich Ulm
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-113

A RESOLUTION APPROVING THE INITIAL STUDY
RELATING TO THE NINTH STREET BRIDGE SEISMIC
SAFETY REPLACEMENT PROJECT, AND FINDING THAT
THE PROJECT IS WITHIN THE SCOPE OF THE URBAN
AREA GENERAL PLAN COVERED BY A MASTER
ENVIRONMENTAL IMPACT REPORT (EIR).
(SCH 92052017).

WHEREAS, on August 15, 1995, the City Council of the City of Modesto
certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for
the Modesto Urban Area General Plan, and

WHEREAS, the 35% design for the Ninth Street Bridge Replacement Project
includes decisions about the bridge replacement that will become the basis for the final design,
which includes the proposed bridge alignment, general plan, aesthetics features, structure type,
right-of-way requirements, roadway geometries, and preliminary cost estimates, and

WHEREAS, LSA Associates, Inc., prepared an Initial Study on the Ninth
Street Bridge Seismic Safety Replacement Project (the "project") for the City of Modesto in
accordance with Section 21157.1 of the California Environmental Quality Act (CEQA), and

WHEREAS, the Initial Study made the determination that the proposed project
will have no additional significant effect on the environment that was not identified in the
Master EIR prepared for the City of Modesto Urban Area General Plan (SCH 92052017); and,
further, that no new or additional mitigation measures or alternatives may be required; and
that, therefore, the proposed project is within the scope of the project covered by the Master
EIR, and
WHEREAS, by an Agenda Report to the Council dated February 22, 2000, from the Engineering and Transportation Director, a copy of which is on file in the office of the City Clerk, City staff reported that the State of California has concurred with the studies performed and the level of the environmental document for this project, and

WHEREAS, by said Agenda Report mentioned above, City staff recommended approving a 35% design for the Ninth Street Bridge Replacement Project, and

WHEREAS, at its meeting held on March 7, 2000 the City Council considered approving the 35% design for the Ninth Street Bridge Replacement Project and reviewed the Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study on the Ninth Street Bridge Seismic Safety Replacement Project prepared by LSA Associates, Inc., and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, makes the following findings:

1. That the proposed bridge replacement project is within the scope of the General Plan covered by a Master EIR (SCH No. 92052017).

2. That the proposed bridge replacement project will have no new additional significant effect on the environment not identified in the Master EIR and no new additional mitigation measures are required.

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

4. There are no specific features unique to the bridge replacement project that require project specific mitigation measures different from those contained in the Master EIR document. All certified mitigation
measures identified in the Master EIR will apply citywide including this project as appropriate. See attached relevant Mitigation Measures.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Initial Study for the Ninth Street Bridge Seismic Safety Replacement Project is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study
INITIAL STUDY

NINTH STREET BRIDGE SEISMIC SAFETY REPLACEMENT PROJECT

January 13, 2000

Prepared for:

City of Modesto
1010 10th Street
P.O. Box 642
Modesto, CA 95353
Contact: Hector Barron
(209) 571-5181

Prepared by:

LSA Associates, Inc.
4200 Rocklin Road, Suite 11B
Rocklin, California 95677
(916) 630-4600
INITIAL STUDY & PRELIMINARY ENVIRONMENTAL STUDIES FORM
NINTH STREET BRIDGE SEISMIC SAFETY REPLACEMENT

Introduction: The following information characterizes the environmental issue areas associated with replacing the 9th Street Bridge in the City of Modesto. As a result of multiple agency participation in the environmental review and approval process, the information has been formatted to satisfy the Caltrans/FHWA requirements for preliminary environmental review, and to comply with the City of Modesto’s Initial Study assessment and finding of conformance to the General Plan Master Environmental Impact Report (EIR).

Initial Study: The City adopted a Master EIR on the comprehensive Urban Area General Plan in 1995. The CEQA provisions1 are as follows:

• (b) The lead agency shall prepare an initial study on any proposed subsequent project. This initial study shall analyze 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.

• (c) If the lead agency, based on the initial study, determines that a proposed subsequent project will have no additional significant effect on the environment as defined in subdivision (d) of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings shall be required by this division. Prior to approving or carrying out the proposed subsequent project, the lead agency shall provide notice of this fact pursuant to Section 21092 and incorporate all feasible mitigation measures or feasible alternatives set forth in the master environmental impact report which are appropriate to the project. Whenever a lead agency approves or determines to carry out any subsequent project, it shall file a notice pursuant to Section 21108 or 21152.

The Master EIR for the Modesto Urban Area General Plan allows for limited environmental review of the bridge replacement project. The Final Master EIR

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1Section 21157.1 of CEQA
(SCH#92052017) was certified by the City of Modesto City Council on August 15, 1995. This Initial Study, in accordance with Section 21157.1 (b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within the scope of the General Plan.

**Preliminary Environmental Studies (PES) form:** The purpose of the PES form is to determine the potential presence of sensitive environmental resources within the project area. The PES process consists of (a) the development of a complete project description and project map, (b) a review of relevant literature, maps and inventories, (c) coordination with resource and regulatory agencies for information gathering purposes, and (d) verification of research findings in the field (field visit). Preliminary research should be sufficient to confirm the presence, or potential presence of a sensitive environmental resource within the project area.

**Purpose/Background:** The proposed project involves the replacement of the 9th Street Bridge in the City of Modesto. Replacement of this bridge is a result of California Senate Bill 36X that was enacted in response to the 1989 Loma Prieta Earthquake. This Bill authorized a statewide seismic retrofit program as a top priority safety concern. Caltrans, through a screening process, found that the 9th Street Bridge was a candidate for the Local Seismic Retrofit Program. In 1996, the State hired Dokken to provide seismic analysis, strategy determination and any needed structural retrofit design for this bridge. Dokken Engineering performed this work and based on AGRA Earth and Environmental field borings, it was found that the liquefaction potential at the bridge site would require extensive foundation retrofit work. Dokken Engineering worked with the City of Modesto, Stanislaus County and Caltrans to develop a Preliminary Advance Planning Study, to determine the cost of replacing the bridge. When the cost of the seismic retrofit was compared against the cost of replacement it was agreed between Caltrans and the City of Modesto that replacement would be the most effective seismic retrofit solution. Funds for the 9th Street Bridge Replacement were approved and will come from a combination of State and Federal funds. 11.47% of the funds will come out of the State Highway account and 88.53% will come out of the Federal HBRR funds. The City of Modesto will be reimbursed 100% of all eligible project expenditures as they occur.

The majority of the bridge improvements occur within the City’s of Modesto’s jurisdictional limits. From the mid-point of the Stanislaus River to the south, the jurisdiction changes to Stanislaus County. Caltrans District 10 is responsible for processing the NEPA environmental documents and for coordinating the bridge replacement tasks with the Federal Highway Administration (FHWA). The City
of Modesto is the lead agency for processing CEQA environmental review documents and for approving the project. Stanislaus County is a Responsible Agency for CEQA purposes. The bridge will have independent utility and is not associated with any future planning programs that require increased bridge capacity or service. The new bridge will have the same vehicular lane characteristics as the existing bridge. Replacement is needed to address seismic safety concerns; capacity enhancements are not proposed.

The existing bridge was built in 1933 and later widened in 1955. It measures approximately 2,030 feet in length and 60'-4" in width. It currently accommodates four lanes of traffic (two in each direction) with pedestrian access. At the north end of the existing bridge structure, a UPRR spur joins into 9th Street and extends in a southerly direction angling away from the existing elevated roadway. The UPRR spur is elevated on a wooden trestle and currently provides intermittent service to the industrial section of Modesto. Removal and elimination of the UPRR trestle are planned and are expected to occur prior to initiating construction for the proposed 9th Street bridge project.

Project Description:

Project Characteristics: The new bridge structure will provide similar vehicular capacity and travel as the existing bridge. Four travel lanes (two in each direction) are proposed, as well as a combination bikeway and pedestrian walkway on each side of the bridge. The new bridge will be constructed upstream (east) of and roughly parallel with the existing bridge and will be 23.41 m/76.8 feet wide. In order to maintain uninterrupted vehicular service during construction, both construction and demolition activities will be staged. A portion of the existing bridge will remain in place until stage one of the new bridge is complete. At that time, some or all 9th Street traffic will be diverted to the new bridge, thus facilitating the dismantling and removal of the existing bridge and completion of the new bridge. A temporary construction bridge may also be required for contractor access (See Figure 1, Conceptual Geometrics).

The new bridge (attached Conceptual Geometrics) will require the use of pilings to support the main span (66 meters/216 feet) over the river channel. On the north side of the river (City of Modesto side), the new bridge structure will connect with an elevated roadway section (approach structures) that extends across the proposed Tuolumne River Regional Park site. A series of columns will be used to support the elevated roadway for a distance of approximately 465 meters/1,525 feet (Modesto side) and 88 meters/289 feet (Stanislaus County side). The new bridge will join the at-grade section of 9th Street at the edge of the bluff on the north side of the park site. At this location, other local roadway
Proposed Temporary Construction Bridge

Figure 1

Conceptual Geometrics
improvements will be implemented to improve the general circulation of the area. These improvements include Morton Street which will be modified to meet the new bridge geometrics.

Total construction time is estimated at 24 months in duration.

Temporary minor diversions for local traffic will be required during construction. Traffic will be diverted around construction activities, but access and routing will generally remain unaffected during the entire construction period. Morton Street (north side of river bank) will be closed during bridge construction.

The temporary construction bridge will (attached Typical Section, and Elevation and Plan) will be constructed for use by the bridge contractor. With a temporary bridge, access across the Tuolumne River will be improved for the contractor, reducing the travel time and distance, and minimizing the influence of construction traffic on public street traffic. The temporary construction bridge will directly span the Tuolumne River (bank to bank) for a distance of approximately 240 feet with a 30 foot wide footprint. The bottom of the bridge soffit will be approximately 6-10 feet above the river surface, depending on the rate of upstream releases. In total, 12 temporary steel pilings are proposed to be driven into the riverbed. The 14-inch square pilings will be placed across the river at 60-foot intervals, with four pilings supporting the width of the temporary bridge structure See Figure 2, Temporary Construction Bridge).

The proposed bridge replacement will involve the following discretionary actions: bridge general plan, final engineering design, right-of-way acquisition, bid and award, project construction, Stanislaus County encroachment permit, State Lands Commission permitting (new general lease), 1601 Streambed Alteration Agreement, 401 Water Quality certification/waiver, and various financial arrangements. This Initial Study document evaluates the environmental consequences associated with those actions.

Figures 3 and 4 present the regional and vicinity location of the bridge project.

Project Issues:

Aesthetics. Bridge replacement provides an opportunity to construct a new structure that complements the features proposed in the Tuolumne River Regional Park project, and acknowledges the historic architecture retained in the nearby 7th Street bridge structure.

Traffic. During construction, maintaining traffic flow is a key function of staged bridged construction. As a result of existing congestion during peak
Figure 2
No Scale
Temporary Construction Bridge
Figure 4

Project Site

Project Vicinity

5/13/99 (DEC931)
conditions, complete closure of the existing bridge crossing to facilitate bridge replacement was determined infeasible. Traffic flow should not be significantly affected during construction periods. No new capacity will be created and levels of service should remain unchanged from existing bridge levels of service.

**Biological.** The potential for impacting special status species from bridge replacement activities must be investigated. Chinook salmon utilize the Tuolumne River for spawning and migration purposes. Actual spawning occurs in spawning areas located well upstream of the project site. Project construction must recognize the biological value of the project area.

**Park Interface.** Bridge features extend through the site proposed for the Tuolumne River Regional Park. Integrating the new bridge feature with the proposed Park Master Plan is required to maintain future recreational function and value.

**Existing Land Uses:**

**North of Tuolumne River:** The Union Pacific Railroad (UPRR) extends to the south along the west side of 9th Street from B Street and across the Tuolumne River flood plain. This section of the flood plain was used for citrus production, however, all the citrus groves have been removed. Vacant, undeveloped flood plain occurs in the flood plain area in the vicinity of the bridge project. The flood plain area is the focus of a recent effort to prepare a new master plan for the Tuolumne River Regional Park. Beard Brook Park (north and east of the project area) has been developed along Dry Creek a tributary to the Tuolumne River. Above the flood plain on the north side of the park site, mostly industrial type land uses, including warehousing and open storage, have been developed along the bluff edge.

**South of Tuolumne River:** Adjacent to the river and east of the existing bridge is a trailer park facility (Terrace and Riverside Driftwood Trailer Parks) that provides space for approximately 50 or more mobile homes. This facility rents space to mobile home owners for both interim (i.e., temporary) and permanent time frames. Many of the mobile home sites have been subject to previous inundation during peak river flooding conditions, and have remained in a vacant condition. To the west of the existing bridge structure is outdoor storage for an industrial use. A loop road extends under the existing bridge structure connecting at both ends to River Road. River Road extends along the top of the south river bank. At the intersection of 9th Street and River Road is a vacant parcel and retail commercial (southeast corner) and retail commercial (southwest corner).
Hazardous materials usage and/or storage were noted in the area as being limited to industrial and retail commercial uses immediately adjacent to the existing bridge. Past agricultural production on the flood plain would have employed the use of herbicides, pesticides and fertilizers for citrus production, and residual amounts of those contaminants may still be detected in surface soils. The existing rail line may have been a source of contamination, although there is no evidence to support accidental spills. In general, there is no evidence of hazardous wastes contamination detected in the area. The potential for hazardous waste discharge is low due to the largely small retail, light industrial and other operations occurring in the vicinity.

Construction staging and equipment storage will occur on the vacant parcel at the southeast intersection of River Road and 9th Street, and on a small portion of the land proposed for park development.

Public Participation. Two public workshops will be conducted for the Modesto and Stanislaus County residents on the proposed bridge replacement project. The purpose of the workshops is to provide opportunities for the general public to express their ideas on the bridge project and construction activities, and to inform the public of the potential physical, economic and social issues associated with project implementation. Controversy is not anticipated as the project is intended to replace a bridge that does not meet seismic safety standards. It is expected that any community concerns that may surface will be minimized through the public forum process.

Noise Effects. With bridge replacement, vehicular traffic will remain in the current vertical alignments. An adjustment to horizontal alignment will be required to accommodate the new bridge and to maintain continuous traffic flow during construction. No new travel lanes will be added, and traffic volumes are not expected to change. Traffic speed will not increase over the current posted limits. Since the new bridge structure is planned upstream (east) of the existing bridge, vehicular traffic will extend closer (up to 18 meters/60 feet) to existing mobile homes in the trailer park on the south bank of the river. However, the bridge deck elevation is approximately 8 meters/26 feet above the mobile home park elevation which effectively attenuates vehicular noise from the bridge. Similarly, the bridge soffits and guard rail features will assist in containing the traffic noise to the bridge corridor, rather than allowing traffic noise to extend outwards and down to the mobile home receivers. Therefore, proposed roadway improvements will not cause an increase in traffic related noise conditions.

The greatest source of noise from replacing the bridge involves bridge construction and demolition. Of these activities, bridge construction will create temporary construction noise, including noise from pile driving. It is anticipated
that pile driving for the proposed bridge and the temporary construction bridge will require approximately 1-2 months to complete, and will have the greatest impact on the mobile homes adjacent to the south side of the river. Other residential uses to the east of 9th Street and south of River Road in Stanislaus County, the park users of Beard Brook Park, and even the retail and industrial uses in the area may be affected by pile driving activities. Agricultural Production. The City of Modesto General Plan EIR indicates that the Tuolumne River Regional Park flood plain area is Prime Farmland. These are lands with the best combination of physical and chemical features to sustain long term production of crops. The Stanislaus County General Plan Support Documentation (1987) notes that the project area is urban land, and is not designated as Prime or Potential Prime Agricultural Lands. The lands are no longer utilized for agricultural production and project implementation will not result in removal of soils that have potential agricultural productivity. There will be a no net loss of land area once the existing 9th Street bridge structure is dismantled and removed.

Right-of-Way. Most of the bridge replacement footprint will occur within the existing publicly owned Tuolumne River Regional Park site (City of Modesto, City of Ceres and County of Stanislaus held in undivided interest). However, minor right-of-way takes and/or easements will be required at both ends of the new bridge to accommodate the connecting roadways and circulation adjustments. None of the takes require full parcel acquisition, and residential/business displacements will not be necessary. The new bridge structure will encroach into 1 or 2 existing bill boards and will also require the relocation of a gaging station. Compensation for right-of-way takes, easements and bill board modifications will be awarded in conjunction with State and federal guidelines. These minor encroachments will not affect any existing lands in agricultural production (see above). The project will not involve any State or federal lands. A lease agreement is required between the City of Modesto and the California State Lands Commission as a result of the bridge (e.g., 9th Street) being subject to Public Agency Use.

Wild and Scenic Rivers. The project does not involve a designated Wild and Scenic River, and is not within a 0.25 mile of a protected wild and scenic river corridor. Portions of the Tuolumne River are designated as Wild and Scenic River status, however, these locations are not within the urban areas of Modesto or Ceres.

Scenic Resources. The prominent scenic areas and resources involve the Tuolumne River resource. Natural aesthetic characteristics associated with riparian vegetation and river flow within the river corridor establish high scenic value for the project area. On the flood plain, vacant and undeveloped lands have
little aesthetic value at the present time. Upon implementation of the Tuolumne River Regional Park plan, the combination of natural aesthetic value from river resources, combined with developed park features, will significantly enhance the aesthetic value of the area. The project extends through this area with high future aesthetic potential.

Replacing the existing bridge structure with a new bridge will not require large cuts or fills. With construction complete, and the existing bridge removed, the project area will experience a no net gain in bridge and highway structures. The new bridge will simply replace the old bridge with no noticeable difference in structural bulk, or development footprint.

No new sources of light and glare will be produced by the proposed bridge replacement improvements. The existing bridge lighting and associated glare, will be replaced with similar light features and glare. No new shade or shadows will be created with the proposed improvements, although the shade footprint will shift slightly to the east. Approximately six small trees that extend into the new bridge footprint will be removed. These trees are commonly found throughout the area. Their loss will not alter the visual quality of the site.

Plan Consistency. The project is consistent with the long-range plans envisioned by the City of Modesto, and Stanislaus County for this region. The City General Plan designates 9th Street as a minor arterial with four travel lanes. Bridge replacement will facilitate the retention of the minor arterial status.

Utilities and Services. Several utilities extend through the project area. Sewer, storm drain and water facilities extend along the north bank of the 100-year flood plain. Gas and storm drain facilities also extend along the south bank of the 100-year flood plain.

The proposed Tuolumne River Regional Park site will be affected by construction of the replacement bridge structure. However, the new bridge will be constructed and the existing bridge removed prior to development of the park site. Recent plans to update the park master plan will consider the minor shift in 9th Street to accommodate the new bridge structure. As a result of this awareness, combined with the “no net perceivable difference in bridge structure” once the existing bridge is removed, the effects will not be adverse. Conversely, with the ability to include the bridge replacement footprint in the updated park master plan, the new plan design should avoid potential adverse conditions that may occur with a developed park site. In addition, the bridge design will acknowledge the need to create a bridge design that compliments the potential future park features as well as the historic bridge theme that occurs with the 7th Street bridge structure.
Through the project area, two-way emergency services access over the Tuolumne River from the City of Modesto to Stanislaus County will be retained. There should be no loss in emergency service response capabilities either during bridge replacement construction, or in the long term. Other public services (schools, etc.) will not be affected.

Parking. Through the project area, 9th Street does not permit on-street parking. Likewise, the replacement bridge will not include on-street parking. Other existing parking opportunities on adjacent roadways and uses, will remain unaffected both pre- and post-construction periods.

Wetland Resources. The project does involve modifications to a non-wetland water resource. Construction of bridge piers or piles (permanent piles for the new bridge and temporary piles for the temporary construction bridge) must occur in the river resource. Similarly, piers currently located in the river must be removed from the existing bridge. Minor discharge of fill may occur from constructing the bridge foundations and abutments. Conformance with Section 404 (U.S. Army Corps of Engineers) and Section 1600 (Streambed Alteration Agreement) processes will be required. In addition, coordination with the U.S. Coast Guard will likely be required for the new bridge if the Tuolumne River has been designated by the Corps of Engineers as a navigable waterway.

100-Year Flooding. The project area is subject to 100-year flooding conditions. A hydrologic and hydraulic analysis will be prepared by the project engineers to ensure that the new bridge structures will not adversely impact the flood plain, and that the bridge structures will be adequately designed to withstand the forces associated with flooding pressure.

The following discussion addresses the questions presented in the attached Preliminary Environmental Study (PES) Form, as well as environmental issue areas for the City of Modesto's Initial Study (City) process.

Noise (PES 1)

See Project Description, Noise Effects regarding changes to existing vertical and horizontal alignment and capacity increases, and temporary construction noise effects.

(City)

No significant impacts will be generated as a result of the bridge replacement project, nor will the neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation measures listed in the MEIR for Generation of

2See attached PES form for numeric references.
Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

**Water Quality**
(PES 2) The project involves both construction and demolition in the Tuolumne River. Construction activities will increase sediment production in the river during the short-term. Some bank erosion may also occur during construction. A qualitative water quality study will be conducted. The project’s status within the RWQCB Basin Plan (Central Valley) will be characterized with respect to the beneficial uses of the basin.

A field reconnaissance will be conducted to document the potential presence of special aquatic sites or wetlands, as well as the limits of non-wetland resources. See *Project Description* regarding potential modification to jurisdictional waters and wetland resources.

The project will require adherence to the Nationwide Permit process. The following will be required:

A 401 Water Quality Certification or Waiver will be requested from the RWQCB.

The bridge replacement project is not likely to conform to the size/impact criteria requiring the issuance of an individual 404 permit from the Corps of Engineers. A Wetlands Delineation must be conducted that identifies the jurisdictional area prior to determining the appropriate 404 process. A Section 1601 Streambed Alteration Agreement from the California Department of Fish and Game may also be required. See discussion above regarding navigable river status.

(City) The proposed project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts associated with water quality to a less than significant level. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

**Groundwater/Aquifer; Increased Demand for Water Supplies**
(PES 3) The project is not located within an EPA designated or proposed sole-source aquifer (See also *Project Description* for County
The proposed bridge replacement will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. No new water supply demand is generated by the project. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Increased Demand on Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

**Coastal Zone**

(PES 4) The project is not located within a Coastal Zone boundary (see Vicinity Map).

(City) Neither the proposed project nor the City of Modesto are located within a coastal area.

**Flood Hazards**

(PES 5) According to the City of Modesto’s 1995 General Plan Master EIR, the project site is in a flood potential study area. See discussion in Project Description regarding 100-year flooding.

(City) The proposed bridge replacement project will be subject to hazards associated with flooding due to the project’s location within the 100-year flood plain as identified in the Drainage Section of the MEIR. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Drainage (pages IV-9-1 through IV-9-32) are, therefore, still valid.

**Increased Demand for Storm Drainage**

(PES) Refer to Project Description, Utilities and Services. Also, refer to discussion for PES 5, above.

(City) The proposed bridge replacement project will not present any new impacts that have not already been addressed in the MEIR. The Mitigation Measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.
Wild and Scenic River

The segment of the Tuolumne River that extends through Modesto and includes the project area is not designated as Wild and Scenic River, nor is this segment within a 0.25 mile of a protected wild and scenic river corridor.

The State Lands Commission holds a fee ownership in the bed of the Tuolumne River to ensure that the use of these lands is consistent with Public Trust needs. Accordingly, the City’s General Plan includes policies directed toward public trust resource protection values and, specifically, a greenway concept. These policies apply to the Tuolumne River Comprehensive Planning District and are as follows:

A. Visual corridors of the river will be protected and enhanced.

B. Visual corridors and access points on the river front will be recreated through redevelopment.

C. Public access points and linear foot and bike paths will be incorporated into residential redevelopment.

D. Riverfront vegetation will be consistent with riparian habitat zones.

E. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas (e.g., nature education and research, fishing and habitat protection).

F. The scenic resources of Public Trust lands and resources shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect scenic views associated with Public Trust lands and resources.

Where applicable, the bridge replacement project is either consistent with these policies or the policies do not apply (e.g., policy c).
Biological Resources/Loss of Sensitive Wildlife and Plant Habitat

(PES 7) A general biological reconnaissance will be conducted to determine the impact on habitat and special status species adjacent to the bridge replacement improvements. A CNDDDB records search will be conducted for documented presence of federal or State special status species and special status habitat. Field surveys will be conducted by a qualified biologist to further determine potential presence of special status species. Construction of the new bridge and temporary construction bridge, and demolition of existing bridge piers could adversely impact Chinook salmon. Construction timing restrictions should adequately avoid these impacts. Coordination efforts with the National Marine Fisheries Service (NMFS) and CDFG will occur to ensure that their concerns will be addressed.

(City) The proposed project may have an effect on biological resources that utilize the river and adjacent habitat resources. However, the project area is fairly disturbed, and it is unlikely that special status species will be impacted beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Technical biological studies will be required, together with conformance with the various regulatory agency permit processes. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

Wetlands/Non-Wetlands

(PES 8) The bridge replacement project will involve impacts to non-wetland waters of the United States, and possibly special aquatic sites (wetlands). A wetland delineation will be conducted to determine wetland and non-wetland areas, and to assess project impacts for permitting purposes. Also see (2) above.

(City) The City supports the permitting processes implemented by the regulatory agencies.

Loss of Productive Agricultural Land

(PES 9) No agricultural production is present in the project area, and therefore, bridge replacement will not affect any agricultural wetland resources. (Also see (2) above regarding wetland and non-wetland studies).

(City) See above regarding Agricultural Production. The Existing
Conditions, Impact Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore, still valid.

Air Quality Conformity
(PES 10) The City of Modesto has applied for State Highway and federal HBRR funds to complete the seismic retrofit bridge replacement project. The project does not propose changes to the City of Modesto Circulation Plan which is consistent with the RTP. Consequently, the project conforms with the TIP. The project is exempt from conformity requirements (complies with reconstruction of bridges/no additional travel lanes; safety improvement program).

(City) The City of Modesto requires technical air quality assessments where proposed projects may significantly degrade air quality. The proposed bridge replacement project will not have a significant effect on air quality conditions.

Degradation of Air Quality
(PES 11) Stanislaus County air quality status for 1998 is summarized as follows:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>State</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone</td>
<td>Non-Attainment</td>
<td>--</td>
</tr>
<tr>
<td>Ozone 1-hour</td>
<td>--</td>
<td>Non-Attainment</td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>Attainment</td>
<td>Unclassified/Attainment</td>
</tr>
<tr>
<td>Particulates (PM(_{10}))</td>
<td>Non-Attainment</td>
<td>--</td>
</tr>
<tr>
<td>Sulfates</td>
<td>Attainment</td>
<td>--</td>
</tr>
<tr>
<td>Hydrogen Sulfide</td>
<td>Unclassified</td>
<td>--</td>
</tr>
</tbody>
</table>

The proposed bridge replacement improvements should not further aggravate the non-attainment State or federal status. The project will not generate additional vehicles, nor will there be an increase in vehicular capacity.

(City) The proposed project is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.
Prime or Unique Farmlands

(PES 12) A minor amount of farmland designated as prime or unique farmlands will be converted by project implementation (see Existing Land Uses above). However, the existing bridge right-of-way will be available in the event that the flood plain reverts to agricultural production. Consequently, there will be no net loss of prime agricultural farmlands. The project site is retained in public ownership (jointly owned by the Cities of Modesto and Ceres, and Stanislaus County) and therefore does not have Williamson Act status.

(City) The City’s General Plan acknowledges the lands traversed by the proposed bridge as open space, designated for regional park use. These lands are no longer used for agricultural production, and are held in trust for public park and open space purposes.

Hazardous Wastes/Generation of Hazardous Materials

(PES 13) An Initial Site Assessment will be conducted for the project area. A government records search will be conducted for the project area. The search will provide documentation for sites within or proximate to the project area that involve the use of hazardous materials or wastes, spills, releases, accidents, etc. either currently or in the past. Also included are permitted underground and above ground storage tanks, treatment facilities, generators and other elements that are marked for inclusion in the data base search.

A general site reconnaissance will also be conducted of the project area for presence of hazardous materials and toxic substances. Preliminary indication reveals that there is no evidence of any issues or concerns with regard to the use or storage of hazardous waste materials, etc. While several businesses and uses require the use of these materials (e.g., gas stations), none of the uses in the project area are known to be problematic. Also see discussion regarding “Existing Land Use”.

(City) The proposed bridge replacement project will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.
Section 4(f) and 6(f) Properties/Increased Demand for Parks and Open Space (PES 14)

The proposed bridge replacement project extends through a 4(f) property (see discussion above on “Utilities and Services”). As a result of this park/project interface, issues involving a Section 4(f) property must be addressed. To the extent that the park is undeveloped, and a Master Plan effort has been initiated to establish park uses, design, development standards, etc., short- and long-term operations involving bridge replacement should not be a significant issue. FHWA will determine the analysis required to address the 4(f) property.

Section 6(f) approval may be required from the U. S. Department of Interior as a result of parklands acquired from with federal funds. The sources of these funds include Transportation Enhancement Activities (TEA) and Wildlife conservation Board (WCB). These funds are constrained by property liens which require public access be provided consistent with the resource values of the site and without creating negative impacts to the in-site and surrounding habitat. Any property acquired from WCB funds that involve a real estate transaction are required in conjunction with the bridge replacement require approval of the WCB. Similarly, any properties acquired by TEA funds that involve a real estate transaction are required to comply with the reimbursement or reconveyance terms of the TEA agreement. Real estate transactions involving properties acquired with either WCB or TEA funds may initiate the Section 6(f) approval process.

Aesthetics (PES 15)

See “Scenic Resources” above regarding visual impact, and surrounding uses/conditions.

The City is pursuing a conceptual design that compliments the 7th Street Bridge over the Tuolumne River. The City acknowledges that bridge aesthetics are essential to the integrity of the future Tuolumne River Regional Park design.
Right-of-Way

(PES 16) See "Right-of-Way" above regarding minor takes and/or easements. Displacements or relocations will not be required. Adjacent uses will not be impacted by project improvements.

(City) Right-of-way takes, easements, etc., will be managed in accordance with standard City policies and practices.

Plan Consistency

(PES 17) See "Plan Consistency" above regarding consistency the City of Modesto and Stanislaus County General Plans.

(City) The proposed bridge replacement is consistent with the City’s General Plan and zoning code, and with other City endorsed plans and plans in which the City is a participant.

Utilities and Services

(PES 18) The new bridge will not increase the demand for services and utilities over the present need. See "Utilities and Services" above regarding coordination of utilities and infrastructure.

(City) Utilities and services will be provided in accordance with City needs in accordance with City standards.

Increased Demand for Water Supplies

(PES) See PES 18, above.

(City) The proposed bridge replacement project will require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

Increased Demand for Sanitary Sewer Services

(PES) See PES 18, above.

(City) The proposed bridge replacement project will require no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.
Increased Demand for Schools
(PES) See PES 18, above.

(City) The proposed bridge replacement project will not impact the Modesto school system, as this facility will not increase enrollment in the public schools. The MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a “less than significant level”. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

Increased Demand for Police Services
(PES) See PES 18, above.

(City) The proposed bridge replacement project will have a less than significant impact upon the need for additional police services to the project area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

Increased Demand for Fire Services
(PES) See PES 18, above.

(City) The proposed bridge replacement project will have a less than significant impact upon the need for additional fire services to the project area. The proposed bridge project is not an occupied land use. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

Generation of Solid Waste
(PES) See PES 18, above.

(City) The proposed bridge replacement project will not cause the generation of solid waste beyond that which is identified in the MEIR. Demolition of the existing bridge structure will require a one time generation of solid waste bridge construction materials that will require disposal in the County landfill. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Generation of Solid Waste (pages IV-15-1...
through IV-15-10) are, therefore, still valid.

**Access Control**

*(PES 19)* See "*Project Characteristics*" regarding access control. The new bridge will connect to 9th Street at either end of the bridge structure near the existing connections. Minor adjustments to these connections are needed to accommodate the new bridge geometrics in light of the existing bridge remaining in place until the new bridge becomes functional.

*(City)* Access connections and controls will be reviewed and approved by the City’s Public Works Department.

**Local Traffic Patterns/Traffic and Circulation**

*(PES 20)* During construction, temporary detours or lane adjustments (i.e., cone placement) may be required while the new bridge is constructed. A primary objective of this project is to retain complete through access on 9th Street throughout the construction process. When the new bridge is complete, vehicles will be immediately diverted to the new bridge, allowing demolition of the existing bridge. Refer to Project Description regarding circulation rerouting.

*(City)* The proposed bridge replacement project will not generate an increase in traffic in the area. However, in light of the staged construction and minor detours potentially necessary during construction, a traffic analysis will be conducted. Nonetheless, bridge replacement is consistent with the Traffic and Circulation Needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

**Parking**

*(PES 21)* Refer to "Parking" above regarding parking facilities.

*(City)* It is expected that the bridge replacement project will not have an effect on parking. No new parking demand will be generated by the project. The City will not require additional parking supplies as a result of the bridge replacement project.

**Future Construction**

*(PES 22)* The new bridge is proposed for the fundamental purpose of
providing a safe bridge design that is structurally sound during the design seismic event. Bridge construction does not rely upon other development activities, and additional phases are not planned to accommodate future traffic. There are no plans to widen the bridge.

Replacement of the 9th Street bridge will not be growth inducing, nor create opportunities for future indirect impacts. Therefore, the project will not have an impact on future construction activities.

Public Controversy

(PES 23) Refer to “Public Participation” above regarding public controversy. Public workshops will be held within the community. Public controversy is not anticipated.

(City) The City will actively participate in the public involvement processes for the bridge replacement project. The City's participation will incorporate features into the project and will administer and organize the project with the object of minimizing public controversy.

Construction Encroachment

(PES 24) Refer to “Right-of-Way” regarding State and federal properties.

(City) The City will participate in a new General Lease - Public Agency Use to the City of Modesto, with the State Lands Commission serving as the lessor. Construction staging is planned on a portion of the lands proposed for the Tuolumne County Regional Park. This portion of the proposed park is currently vacant and undeveloped and will not have an effect on the future park use.

Historic Properties/Disturbance of Archaeological and Historic Sites

(PES 25) The original bridge structure was built in 1933 and exceeds the 50 year threshold for considering historic significance. Historic and pre-historic surveys and analyses are proposed to determine the potential adverse effect on the resources and the potential eligibility listing on the National Register of Historic Places. The 9th Street bridge is not listed in the Historic Highway Bridges of California (1990) prepared by Caltrans. Caltrans has determined that the 9th Street Bridge is ineligible for the National Register of Historic Places, and additional bridge evaluations for historic
review are not required.

(City) The proposed bridge replacement project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Historic and pre-historic surveys will be conducted. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

Landslides and Seismic Activity
PES Refer to City discussion below.

(City) The proposed bridge replacement project will not expose additional people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The purpose of the bridge replacement project is to replace the existing seismically unsafe bridge with a bridge that meets current seismic safety standards. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

Energy
PES Refer to City discussion below.

(City) The proposed bridge replacement project will result in less than significant demands on energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for energy (pages IV-18-1 through IV-18-6) are, therefore, still valid.
**Additional Initial Study Sections**

*Project Title:* Ninth Street Bridge Replacement - STPLZ 5059(054) Seismic Safety Project

*CEQA Lead Agency Name and Address:*  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

*CEQA Contact, Person, Address and Phone Number:*  
Brian Smith, AICP, Principal Planner  
City of Modesto  
801 11th Street  
Modesto, CA 95353  
phone (209) 577-5276

*Project Location:*  
9th Street/Tuolumne River at the City of Modesto/Stanislaus County boundary

*Project Sponsor:*  
Hector Barron, Associate Civil Engineer  
Engineering and Transportation Department  
Engineering Services Division  
City Hall 801 11th Street  
P.O. Box 642  
Modesto, CA 95353  
(209) 571-5181

**Discretionary Actions Covered by CEQA Document**

- Bridge Replacement project approval (bridge general plan, final design, right-of-way acquisition, bid and award, project construction, Stanislaus County encroachment permit)
- Section 1601 Streambed Alteration Agreement (authorizes the California Department of Fish and Game to issue agreement based on the City’s CEQA documentation)
- Section 401 Water Quality certification or waiver (authorizes the California Regional Water Quality Control Board to issue water quality certification or waiver based on the City’s CEQA documentation)
• New General Lease - Public Agency Use for realignment of the 9th Street Bridge (No. 38C-61-997) (authorizes the California State Lands Commission to issue a new General Lease - Public Agency Use to the City of Modesto)

• Various financial arrangements, grant applications and funding sources.

**CEQA Conclusions / Determinations of Findings**

A. The proposed bridge replacement project is within the scope of the General Plan covered by a Master EIR (SCH #92052017).

B. The proposed bridge replacement project will have no new additional significant effect on the environment not identified in the Master EIR and no new additional mitigation measures are required.

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

D. There are no specific features unique to the bridge replacement project that require project specific mitigation measures different that those contained in the Master EIR document. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate. See attached relevant Mitigation Measures.

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

Signature: ________________ 2-16-00

**Mitigation Measures**

The following mitigation measures have been reproduced from the City of Modesto’s General Plan Master EIR and apply to the proposed bridge replacement project.

**Noise**

• 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.

Water Quality

Applicable Best Management Practices

• Provide berms along the tops of slopes to prevent water from running uncontrolled down the slopes.

• Collect the water in these berms and take it down the slopes in an erosion-proof drainage system.

• Provide energy dissipators and erosion control pads at the bottom of downdrains.

• Install permanent landscaping, as soon as practical, after the completion of grading.

Requirements for Drainage Plans

• The drainage plan shall include water quality control measures to ensure minimized contaminants in waters discharged to surface streams or percolated into the ground.

• The water quality control measures shall address both construction and operation periods.

• Fluvial erosion related to construction is controlled by a construction erosion control program which shall be filed with the City Department of Public Works office and kept current throughout any site development phase.

• The erosion control program shall include best management practices as appropriate, given the specific circumstances of the site and/or project.

Flood Control

Requirements for Drainage Plans

• The plan shall be based on a drainage study prepared by a qualified engineer and shall be implemented in all construction projects where the drainage study indicates a need.
• The drainage study shall identify 100-year flood elevations before and after development, location and available capacity of any existing drainage systems, and the volume and rate of water flows created by the proposed project during the 100-year storm.

**Storm Drainage**

• The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system will involve collecting storm water runoff from the bridge deck surface and conveying into an enclosed drainage system, then discharging onto the ground surface area below the bridge structure.

**Biological Resources**

**General Plan Measures**

• For lands that contain or potentially contain valley foothill riparian, riverine, wetland, grassland and pasture habitats, site specific surveys shall be conducted by a qualified biologist to determine whether a sensitive natural communities or species are present within the proposed development area.

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

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

• Where formally listed species are determined present, consultation shall be carried out with the CDFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or
other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated.

Other project-specific measures to protect sensitive habitats shall be implemented.

A. Avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas would include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation should consist of similar native species to those removed.

B. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat should be substantially equivalent to the nature of the habitat lost and should be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value.

C. Confine work in or near streams, wetlands and vernal pools to the dry season between May 1 and October 1.

D. Preserve existing and mature native trees to the extent feasible, except when such trees are diseased or otherwise constrains a hazard to persons or property. During construction, all activities and storage of equipment should occur outside the driplines of any trees to be preserved.

E. All areas within identified riparian corridors shall be maintained in a natural state, or limited to recreation and open space uses. Recreation should be limited to passive forms of recreation, with any facilities ecologically constructed to non-intrusive to wildlife or sensitive species.

F. New landscaping within of immediately adjacent to the identified riparian corridors should employ native species ecologically consistent with natural riparian habitats.

G. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed.
Project-Specific Measures

1. Prior to initiating construction, snow fence shall be installed along the limits of work to prevent encroachment into the riparian areas adjacent to the construction site.

2. The large valley oak west of the existing bridge shall be protected during all construction activities. Prior to initiating construction, snow fence shall be installed around the tree at the dripline.

3. Upon completion of construction, the sandbar on the south bank of the Tuolumne River shall be restored to its pre-construction contours.

4. All graded or disturbed areas in the riparian corridor along the Tuolumne River resulting from project implementation (approximately 1,210 square meters/0.3 acre) shall be revegetated with riparian species in accordance with the plant palettes contained in Appendix D. The revegetated area includes impacted areas resulting from installation and removal of the temporary bridge, the area of the existing bridge that will be vacant following removal, and the area beneath the new bridge.

5. Removal of the existing pilings will be accomplished using an extractor rather than being dug out. The remaining holes will be much narrower than if the pilings were dug out, and as a result, the holes will not need to be backfilled but instead can be left to “silt in” naturally.

6. Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

   • Scheduling. A specific work schedule will be implemented to coordinate the timing of land disturbing activities and the installation of erosion and sedimentation control practices to reduce on-site erosion and off-site sedimentation.

   • Preservation of Existing Vegetation. In addition to measures #1 and #2 above, existing vegetation will be protected in place were feasible to provide an effective form of erosion and sediment control, as well as watershed protection, landscape beautification, dust control, pollution control, noise reduction, and shade.

   • Mulching. Loose bulk materials will be applied to the soil surface as a temporary cover to reduce erosion by protecting bare soil from rainfall impact, increasing infiltration, and reducing
runoff.

- **Soil Stabilizers.** Stabilizing materials will be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities.

- **Slope Roughening/Terracing/Rounding.** Roughening and terracing will be implemented to create unevenness on bare soil through the construction of furrows running across a slope, creation of stair steps, or by utilization of construction equipment to track the soil surface. Surface roughening or terracing reduces erosion potential by decreasing runoff velocities, trapping sediment, and increasing infiltration of water into the soil, aiding in the establishment of vegetative cover from seed.

7. During project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

8. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

**Archaeological and Historic Sites**

- A combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.

- When structures or areas of historical significance over 45 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant (City) shall submit data to the city regarding the structure’s history or locations prepared by a qualified architectural historian. The City shall evaluate the historical significance of the proposal and require measures be implemented to preserve all structures and places it deems historically significant.
**Landslides and Seismic Activity**

- Any construction which occurs as a result of the project must conform with the current Caltrans standards, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to project review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology.
# Preliminary Environmental Study (PES) Form

**Agency (Dist-Co-Rte-Agency):** 10-STA-9TH STREET-MODESTO  
**Project Number (Federal Prog. Prefix-Proj.No. (Agrmnt No.):** STP LE 5059 (054)  
**Project Location:** 9TH STREET AT TUOLUMNE RIVER IN CITY OF MODESTO/STANISLAUS COUNTY  
**Project Description:** REPLACE EXISTING BRIDGE ON 9TH STREET WITH NEW BRIDGE TO RESOLVE SEISMIC SAFETY CONCERNS OR POTENTIAL HAZARDS. BRIDGE IS APPROXIMATELY 814 FEET IN LENGTH.

**Examine for Potential Effects on the Environment, Direct or Indirect, and Answer the Following Questions**

## A. The Physical Environment

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>Determined</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the project a Type I project as defined in 23 CFR 772.5(h);</td>
<td></td>
<td></td>
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<tr>
<td>&quot;construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes.&quot;</td>
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<td></td>
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</tr>
<tr>
<td>2. Are there water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Is project within a designated sole-source aquifer?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4. Is project within the State Coastal Zone?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a water course or lake?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Is the project within or immediately adjacent to a Wild and Scenic River System?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7. Is there a potential for a federally-listed, threatened, or endangered species (including candidate species) or their critical or sensitive habitat within the construction area?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>8. Is there a potential for wetlands within the construction area?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Is there a potential for agricultural wetlands within the construction area?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

## 10. Air Quality

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>Determined</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Is the project included in a currently conforming regional transportation plan (RTP) and transportation improvement program (TIP) and that there have been no substantial changes in the design concept and scope as used in the TIP?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Is the project exempt from the requirement to determine conformity (40 CFR 93.126)?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Is the project in a non-attainment or maintenance area? (National Ambient Air Quality Standards)</td>
<td>X</td>
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</tr>
</tbody>
</table>
### Preliminary Environmental Study (PES) Form

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>To Be Determined</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Is there a potential for prime or unique farmlands within or immediately adjacent to the construction area?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>13. Is there a potential for hazardous materials (including underground tanks) or hazardous material remains within or immediately adjacent to the construction area?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Are there any publicly-owned public parks, recreation areas, or wildlife or waterfowl refuges [Section 4(f)] within construction area?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Are there any aesthetically visual resources within the project area?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**B. The Social and Economic Environment**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>To Be Determined</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Is the project inconsistent with plans and goals adopted by the community?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>18. Will the project result in the need for public services, including utilities other than those presently available or proposed?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>19. Will the project involve changes in access control?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>20. Will project involve the use of a temporary road, detour or ramp closure?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>21. Will the project reduce available parking?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>22. Will the project require future construction to fully utilize the design capabilities included in the proposed project?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>23. Will the project generate public controversy based on potential environmental effects?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>24. Will project construction encroach on State or Federal Lands?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>25. Are there National Register listed or potentially eligible historic properties [Section 106, Section 4(f)] within the construction area?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
DATA AS REQUIRED TO SUPPORT THE CONCLUSIONS OF THIS CHECKLIST SHOULD BE ATTACHED OR AVAILABLE FROM THE LOCAL AGENCY UPON REQUEST
(Check to Indicate Required Technical Studies, Coordination, Permits or Approvals)

<table>
<thead>
<tr>
<th>C. REQUIRED TECHNICAL STUDIES</th>
<th>D. COORDINATION</th>
<th>E. PERMIT/APPROVALS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NOISE STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Related</td>
<td></td>
<td>FHWA</td>
</tr>
<tr>
<td>Construction Related</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WATER QUALITY STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>❌ Discharge Dredged/Fill material (US waters)</td>
<td>U.S. Army Corps of Engineers</td>
<td>Issues Section 404 Permit</td>
</tr>
<tr>
<td>❌ Construction in Navigable Waters</td>
<td>U.S. Army Corps of Engineers</td>
<td>Section 10 Permit</td>
</tr>
<tr>
<td>❌ Construction of Bridges/Causeways Across Navigable Waters</td>
<td>U.S. Coast Guard</td>
<td>Approves Plans</td>
</tr>
<tr>
<td>❌ Construction of Bridge</td>
<td>California Regional Water Quality Control Board</td>
<td>Water Quality Certification</td>
</tr>
<tr>
<td>❌ Stream or Lake Alteration</td>
<td>California Department of Fish &amp; Game FHWA</td>
<td>Section 1601/03 Permit</td>
</tr>
<tr>
<td>NEPA/404 MOU</td>
<td>EPA (S.F. Regional Office)</td>
<td>Contamination Threat</td>
</tr>
<tr>
<td><strong>SOLE SOURCE AQUIFER</strong></td>
<td></td>
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<tr>
<td><strong>COASTAL ZONE</strong></td>
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<tr>
<td></td>
<td>State Coastal Zone Management agency (California Coastal Commission (CCC))</td>
<td>Coastal Zone Consistency</td>
</tr>
<tr>
<td><strong>FLOODPLAIN STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>❌ Federal Emergency Management Agency</td>
<td>FHWA</td>
<td>Floodplain Finding</td>
</tr>
<tr>
<td><strong>WILD &amp; SCENIC RIVERS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>U.S. Department of Interior Heritage Conservation/Recreation Service</td>
<td></td>
</tr>
<tr>
<td><strong>BIOLOGY STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>❌ California Department of Fish &amp; Game</td>
<td>FHWA</td>
<td>Sec 7 Consultation</td>
</tr>
<tr>
<td><strong>WETLANDS STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>❌ FHWA/EPA</td>
<td>Natural Resources Conservation Service</td>
<td>Wetlands Findings</td>
</tr>
<tr>
<td>❌ U.S. Fish &amp; Wildlife</td>
<td>National Marine Fisheries Service</td>
<td>Verifies juris. wetlands</td>
</tr>
<tr>
<td>❌ U.S. Army Corps of Engineers</td>
<td>Agricultural Wetlands</td>
<td>Verifies agri. wetlands</td>
</tr>
<tr>
<td><strong>AIR QUALITY STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>❌ FHWA</td>
<td></td>
<td>Conformity Finding</td>
</tr>
<tr>
<td><strong>FARMLANDS STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>❌ Natural Resources Conservation Service</td>
<td>Natural Resources Conservation Service</td>
<td>Verifies prime/unique</td>
</tr>
<tr>
<td>❌ U.S. Army Corps of Engineers</td>
<td></td>
<td>Approves Conversions</td>
</tr>
</tbody>
</table>

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.
<table>
<thead>
<tr>
<th>REQUIRED TECHNICAL STUDIES</th>
<th>COORDINATION</th>
<th>PERMIT/APPROVALS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HAZARDOUS MATERIAL STUDY</strong> (Cleanup of Hazardous Material Sites)</td>
<td>1. <strong>CALIF. EPA</strong>; Department of Toxic Substances Control, Biennial Reports, Lists of Active Annual Workplan Sites  2. <strong>CALIF. OPR</strong>; Hazardous Wastes &amp; Substances Sites List, List of Contaminated Sites  3. <strong>LOCAL</strong>; Health &amp; Human Services Dept., Hazardous Waste Operations Division</td>
<td></td>
</tr>
<tr>
<td><strong>SECTION 4(f) EVALUATION</strong> *</td>
<td>FHWA Public Official w/Jurisdictional Responsibility.  SHPO/ACHP (as appropriate) DOI/DOA/USD</td>
<td>Makes Determination</td>
</tr>
<tr>
<td><strong>SECTION 6(f) EVALUATION</strong></td>
<td>FHWA</td>
<td></td>
</tr>
<tr>
<td>Not Required</td>
<td>Park Official DOI</td>
<td>Note: Not applicable unless property obtained by grant from Land and Water Conservation Fund.</td>
</tr>
<tr>
<td><strong>VISUAL IMPACT STUDY (AESTHETICS)</strong></td>
<td>FHWA</td>
<td></td>
</tr>
<tr>
<td><strong>RELOCATION IMPACTS STUDY</strong></td>
<td>State &amp; Local Planning Departments</td>
<td></td>
</tr>
<tr>
<td><strong>SOCIO-ECONOMIC STUDY</strong></td>
<td>Airports, Schools, State and Local Planning Departments</td>
<td></td>
</tr>
<tr>
<td><strong>TRAFFIC</strong></td>
<td>FHWA</td>
<td></td>
</tr>
<tr>
<td><strong>SECTION 106 STUDY</strong> *</td>
<td>Caltrans</td>
<td>Determines applicability of Minimal APE  SHPO/ACHP (as appropriate) Local Preservation groups and/or Native American Tribes</td>
</tr>
<tr>
<td>APE Map</td>
<td>FHWA</td>
<td>Concurs or Consults with SHPO/ACHP</td>
</tr>
<tr>
<td>Historic Property Survey Report (HPSR)</td>
<td>FHWA</td>
<td></td>
</tr>
<tr>
<td><strong>CONSTRUCTION/ENCROACH ON STATE LANDS</strong></td>
<td>State Lands Commission</td>
<td>General Permit/Revise General Plans Encroachment Permit</td>
</tr>
<tr>
<td>Under State Lands Commission Jurisdiction</td>
<td>Caltrans</td>
<td></td>
</tr>
<tr>
<td>Under Caltrans Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CONSTRUCTION/ENCROACHMENT ON FEDERAL LANDS</strong></td>
<td>U.S. Bureau of Reclamation</td>
<td>Encroachment Permit</td>
</tr>
<tr>
<td>Private Land Owner</td>
<td>Right of Entry Permit</td>
<td></td>
</tr>
</tbody>
</table>

Additional studies may be required for other Federal Agencies.

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.
F. Public Hearing and Public Availability

- Not Required
- Notices of Availability
- Environmental Document ONLY

Opportunity for a Public Hearing
- Public Hearing Required (CEQA ONLY)

G. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

- Environmental Impact Statement
- Environmental Assessment
- Categorical Exclusion, with required technical studies (involving Federal action)
- Programmatic Categorical Exclusion, without required technical studies
- Programmatic Categorical Exclusion, with required technical studies (not involving Federal action)

Prepared by: Bill Mayer, USA Associates Inc. Date: June 2, 1999 Telephone: 916-420-400

This document was prepared under my supervision, in accordance with the Local Assistance Procedures Manual, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

Signature local agency: [Signature] Date: July 12, 1999 Telephone: 209-571-518

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document (if required).

Signature DLAE: [Signature] Date: July 12, 1999 Telephone: 209-571-518

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, REGULAR CEs, AND (WHEN REQUESTED) FOR PROGRAMMATIC CEs:

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document.

Signature District Environmental: [Signature] Date: July 25, 1999 Telephone: 209-571-7875

FHWA REVIEW of PES RECOMMENDED

YES ☐ NO ☐

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, AND (WHEN REQUESTED) FOR REGULAR CEs:

H. I concur with the studies to be performed and the recommended level of environmental document.

Signature FHWA:

Distributions:
Original: District Local Assistance Engineer
Copy: Local Agency Project Files
A RESOLUTION APPOINTING COUNCILMEMBERS TIM FISHER, ARMOUR SMITH, AND VICE-MAYOR KENNI FRIEDMAN TO THE MAYOR’S AD HOC DISTRICT ELECTIONS AND TERM LIMITS COMMITTEE

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

SECTION 1. Councilmembers Tim Fisher, Armour Smith and Vice-Mayor Kenni Friedman are hereby appointed to the Mayor’s Ad Hoc District Elections and Term Limits Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Mayor’s Ad Hoc District Elections and Term Limits Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHRY, City Clerk
A RESOLUTION APPOINTING ROBERT GAUSMAN TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. Robert Gausman is hereby appointed to the Local Cable Programming Committee, each with a term expiration of January 1, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-116

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

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

WHEREAS, the City possesses twenty-one (21) vehicles, forty (40) unclaimed bicycles, sixty (60) 72" oak laminate tables, and twenty-one (21) classroom desks which have been placed into surplus, and

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

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

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

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the twenty-one (21)
vehicles, forty (40) unclaimed bicycles, sixty (60) 72" oak laminate tables, and twenty-one (21) classroom desks, which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

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

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

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2000, by Councilmember _Friedman______, who moved its adoption, which motion being duly seconded by Councilmember _Serpa______, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: Jean Zahr

JEAN ZAHRS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-117

A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR SHARING COST OF OPERATING AND MAINTAINING TRAFFIC SIGNAL AT THE MCHENRY AVENUE (SR 108)/TOKAY AVENUE INTERSECTION

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Transportation for sharing the cost of operating and maintaining traffic signal at the McHenry Avenue (SR 108)/Tokay Avenue intersection in the City of Modesto, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR SHARING COST OF OPERATING AND MAINTAINING TRAFFIC SIGNAL AT THE INTERSECTION OF THE SOUTHBOUND RAMP OF STATE ROUTE 99 AND KANSAS AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Transportation for sharing the cost of operating and maintaining traffic signal at the intersection of the southbound ramp of State Route 99 and Kansas Avenue in the City of Modesto, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk
A RESOLUTION REVISIONING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to add the following classification:

Secondary Treatment Facilities Supervisor

The specifications for the classification of Secondary Treatment Facilities Supervisor (Range 432), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Secondary Treatment Site Supervisor

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 14, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2000, by Councilmember Friedmann, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
SECONDARY TREATMENT FACILITIES SUPERVISOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize and supervise the work of personnel including contractual forces operating, performing analysis, and maintaining the City secondary treatment site operations; and to perform a variety of technical tasks relative to assigned area of responsibility including the performance of duties required of operator-in-charge.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent.

Exercises direct supervision over maintenance staff in assigned area.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for site operations and maintenance; implement policies and procedures.

Plan, prioritize, assign, supervise, review, and participate in the work of staff involved in the maintenance and operations at the site treatment plant.

Oversee the operation of the ranch acreage used for land application of discharge.

Supervise the use of special equipment involved in maintenance and repair work.

Monitor the operation of wastewater treatment pumps, motors and other equipment.

Supervise compost operations; ensure site meets all regulatory requirements with other City organizations; establish contracts with disposal organizations and compost product suppliers.

EXHIBIT "A"
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on plant, ranch, and compost operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Assist in estimating and scheduling work to be done and in determining type and quantities of materials needed for such work.

Coordinate and direct the irrigation operations and maintenance of the ranch.

Communicate with ranch lessee and other neighbors to encourage positive relationships and to address possible problem areas.

Develop and maintain parts and equipment inventory program.

Troubleshoot compost processes and equipment to determine problems; take corrective actions and measures.

Inspect buildings and equipment for needed maintenance and repair; insure the proper use and care of tools, materials and safety equipment.

Assure adherence to safety, cleanliness, fire prevention rules and standards.

Train and update employees on technical, maintenance and safety procedures at the plant.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater treatment plant maintenance.

Operating principles of wastewater treatment plant engines, pumps, and other equipment.

Principles and methods of ranch management and compost operations.

Equipment, tools, and materials used in maintaining and repairing wastewater treatment plant and related equipment.

Principles of training, supervision and performance evaluation.

Safe work practices and procedures.

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

Ability to:

Coordinate and supervise the personnel and other resources required in the maintenance of the secondary treatment site.

Make estimates of cost and time for all aspects of maintenance, repair and construction work.

Supervise the collection and analysis of compost samples.

Diagnose malfunctions and determine effective course of action for correcting them.

Develop, implement and enforce safety regulations and procedures.

Supervise, train and evaluate assigned staff.

Maintain work records and prepare reports.
QUALIFICATIONS (Continued)

Ability to:

Order supplies and materials necessary for the operation of the site.

Understand and carry out oral and written reports.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative, working relationships with those contacted in the course of work.

Experience and Training Guidelines

Experience:

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

Experience:

Five years of increasingly responsible experience in the maintenance of a public agency wastewater treatment plant, in a manufacturing, ranch, or composting environment including at least one year in a responsible lead or supervisory management capacity.

Training:

Equivalent to the completion of the twelfth grade.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a valid Grade II or higher Wastewater Treatment Plant Operator certificate issued by the California State Water Resources Control Board, is desirable.
WORKING CONDITIONS

Environmental Conditions:

Treatment plant environment; work in or with wastewater.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing or sitting for prolonged periods of time; operating motorized equipment and vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-320

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO CHANGE THE JOB TITLE OF SECONDARY TREATMENT SITE SUPERVISOR (RANGE 434) TO SECONDARY TREATMENT FACILITIES SUPERVISOR (RANGE 432) AND ABOLISH SECONDARY TREATMENT SITE SUPERVISOR FROM THE CLASS RANGE TABLE.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 99-175. Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 14, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to change the job title for Secondary Treatment Site Supervisor (Range 434) to Secondary Treatment Facilities Supervisor (Range 432) and abolish Secondary Treatment Site Supervisor (Range 434) from the Class Range Table.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on
and after March 14, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of March, 2000, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Fisher, was upon roll call carried and the resolution
adopted by the following vote:

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

NOES:   Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  

Effective March 14, 2000

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk (Confidential)</td>
</tr>
<tr>
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<td>405</td>
<td></td>
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<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
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<tr>
<td>409</td>
<td></td>
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<td>410</td>
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<tr>
<td>411</td>
<td></td>
</tr>
<tr>
<td>412</td>
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</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk  
|       | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary |
| 419   | Public Information Technician (Confidential)  
|       | Police Training and Records Technician (Confidential) |

EXHIBIT "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 420   | Accountant I (Confidential)  
Employee Benefits Coordinator  
Legal Services Technician  
Deputy City Clerk  
Executive Secretary  
Systems Technician  
Workers' Compensation Claims Examiner I |
| 421   | |
| 422   | Office Supervisor |
| 423   | Custodian Supervisor  
Police Support Services Supervisor |
| 424   | Assistant Planner  
Assistant City Clerk/Auditor  
Buyer  
Workers' Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
Executive Assistant |
| 426   | Stores Manager |
| 427   | Events Supervisor  
Legal Services Administrator |
| 428   | Parks Maintenance Supervisor  
Trees Maintenance Supervisor  
Senior Buyer  
Accountant II  
Budget Analyst  
Public Works Supervisor  
Building Maintenance Supervisor  
Customer Services Specialist  
Customer Services Supervisor  
Fleet Maintenance Supervisor  
Airport Operations and Maintenance Supervisor |
### Class Range Table – Management and Confidential Non-Sworn Classes

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>429</td>
<td></td>
</tr>
<tr>
<td>430</td>
<td>Associate Planner</td>
</tr>
<tr>
<td></td>
<td>Junior Civil Engineer</td>
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<tr>
<td></td>
<td>Junior Traffic Engineer</td>
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<tr>
<td></td>
<td>Neighborhood Preservation Supervisor</td>
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<tr>
<td></td>
<td>Senior Crime analyst</td>
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<tr>
<td></td>
<td>Social Services Program Supervisor</td>
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<tr>
<td></td>
<td>Neighborhood Organizer</td>
</tr>
<tr>
<td>431</td>
<td>Administrative Analyst II</td>
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<tr>
<td></td>
<td>Personnel Analyst</td>
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<td></td>
<td>Assistant Risk Manager</td>
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<td></td>
<td>Recycling Program Coordinator</td>
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<td></td>
<td>Senior Budget Analyst</td>
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<td></td>
<td>Senior Community Development Program Specialist</td>
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<tr>
<td></td>
<td>Systems Analyst</td>
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<tr>
<td></td>
<td>Equal Opportunity Officer</td>
</tr>
<tr>
<td>432</td>
<td>Plant Maintenance Supervisor</td>
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<tr>
<td></td>
<td>Recreation Supervisor II</td>
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<tr>
<td></td>
<td>Senior Accountant</td>
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<td></td>
<td>Youth Program Supervisor</td>
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<td></td>
<td>Industrial Waste Supervisor</td>
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<tr>
<td></td>
<td>Water Quality Control Operations Supervisor</td>
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<td></td>
<td><strong>Secondary Treatment Facilities Supervisor</strong></td>
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<tr>
<td>433</td>
<td>Organizational Development Specialist</td>
</tr>
<tr>
<td>434</td>
<td>Senior Programmer Analyst</td>
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<tr>
<td></td>
<td>Electrical Supervisor</td>
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<tr>
<td></td>
<td>Senior Housing Rehabilitation Specialist</td>
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<tr>
<td></td>
<td>Operations Supervisor</td>
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<tr>
<td></td>
<td>Arborist</td>
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<tr>
<td></td>
<td>Land Surveyor</td>
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<tr>
<td></td>
<td>Assistant Civil Engineer</td>
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<tr>
<td></td>
<td>Assistant Traffic Engineer</td>
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<tr>
<td></td>
<td>Geographic Information Systems Coordinator</td>
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<tr>
<td>RANGE</td>
<td>TITLE</td>
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</tr>
</tbody>
</table>
| 435   | Management Analyst  
       | Senior Personnel Analyst  
       | Administrative Services Officer  
       | Integrated Waste Specialist  
       | Business Analyst  
       | Cultural Services Manager  
       | Area Manager |
| 436   | Senior Planner |
| 437   | Deputy City Attorney I |
| 438   | Transportation Planner  
       | Housing Program Supervisor  
       | Parks Planning and Development Manager  
       | Communications and Marketing Manager  
       | Property Agent  
       | Budget Officer  
       | Financial/Investment Officer  
       | Systems Engineer  
       | Development and Operations Coordinator |
| 439   | |
| 440   | Purchasing Officer  
       | Associate Civil Engineer  
       | Associate Traffic Engineer |
| 441   | Airport Manager  
       | Solid Waste Program Manager  
       | Transit Manager  
       | Streets Superintendent  
       | Parks Operations Superintendent  
       | Risk Manager  
       | Assistant Personnel Director  
       | Recreation Superintendent  
       | Fleet Manager  
       | Urban Forestry Superintendent  
       | Wastewater Collections Superintendent |

(Range 441 continues on next page)
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
</table>
| 441   | (Continued)  
        | Water Superintendent  
        | Building Maintenance Superintendent  
        | Police Records Manager  
        | Fire Marshal  
        | Golf Services Manager  
        | Deputy City Attorney II  
        | Senior Fire Equipment Mechanic |
| 442   | Supervising Building Inspector  
        | Supervising Construction Inspector  
        | Manager of Budget and Financial Analysis  
        | Information Services Manager  
        | Customer Services Division Manager |
| 443   | Deputy Chief Building Official  
        | Senior Deputy City Attorney I |
| 444   | General Services Manager  
        | Principal Planner |
| 445   | Accounting Division Manager  
        | Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Chief Building Official  
        | Assistant to City Manager  
        | Assistant Parks & Recreation Director – Parks  
        | Business Development Division Manager  
        | Development Services Division Manager  
        | Strategic Planning Division Manager  
        | Senior Civil Engineer  
<pre><code>    | Traffic Engineer |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>448</td>
<td></td>
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<tr>
<td>449</td>
<td>Senior Deputy City Attorney II</td>
</tr>
<tr>
<td>450</td>
<td></td>
</tr>
</tbody>
</table>
| 452   | Deputy Director – Engineering Services  
|       | Deputy Director – Utilities Services and Franchises  
|       | Deputy Director – Cultural and Enterprise Services  
|       | Deputy Director – Recreation and Neighborhoods |
| 031400|       |
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF
KATHLEEN J. COHN FROM THE COMMUNITY QUALITIES FORUM,
EFFECTIVE MARCH 14, 2000

WHEREAS, Kathleen J. Cohn was appointed a member of the Community
Qualities Forum on August 25, 1998; and

WHEREAS, Kathleen J. Cohn has tendered her resignation from the Community
Qualities Forum, effective March 14, 2000; and

WHEREAS, Kathleen J. Cohn has been a devoted and sincere public servant and
has contributed greatly to our civic progress,

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

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of March, 2000, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Fisher,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-122

A RESOLUTION APPROVING SUPPORT OF A PILOT PROJECT IN THE AIRPORT DISTRICT TO RAISE THE EDUCATIONAL ATTAINMENT LEVEL OF OUR COMMUNITY THROUGH A NEIGHBORHOOD GED PROGRAM, AND AUTHORIZING THE EXECUTION AND SUBMISSION OF ANY DOCUMENTATION REQUIRED FOR THE APPLICATION OF THE GRANT.

WHEREAS, by an Agenda Report prepared by City staff, City staff recommended that the City Council support a pilot project in the Airport District to raise the educational attainment level of the community through a neighborhood GED program, and

WHEREAS, a potential source of funding for the recommended project is the Pacific Bell Foundation, which plans to donate a total of $350,000 to northern and central California communities for grant projects that use technology to address educational, economic and quality of life issues, and

WHEREAS, grants of up to $25,000 are available to government and community-based organizations, and

WHEREAS, applications will be judged on meeting community needs, especially communities under-served by technology, enhancing quality of life, expanding the availability of information resources and bridging gaps between communities, and

WHEREAS, the Council considered this matter at its Council meeting held on March 14, 2000,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports a pilot project in the Airport District to raise the educational attainment level of our community through a Neighborhood GED Program.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designees, is hereby authorized to execute and submit any applications or other documentation required to apply for the grant to help support residents of our community to be encouraged and assisted in attaining high school educations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: __________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-123

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PRINTING OF THE MONTHLY NEWSLETTER TO BE OPENED ON APRIL 11, 2000 AT 11:00 A.M.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for printing of the monthly newsletter, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on April 11, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-124

A RESOLUTION ACCEPTING THE BID OF MILLER PIPELINE CORPORATION FOR
THE PROJECT TITLED “ANNUAL SEWER REHABILITATION PROJECT – PHASE 1,
99/00”

WHEREAS, the bids received for Annual Sewer Rehabilitation Project – Phase 1, 99/00
were opened at 11:00 a.m. on February 29, 2000, and later tabulated by the Engineering and
Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid
of $85,739 received from Miller Pipeline Corporation be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
bid of $85,739 from Miller Pipeline Corporation be accepted and the execution of a contract for
the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 21st day of March, 2000, by Councilmember Serpa, who moved its
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “BOWEN AVENUE LIFT STATION STORAGE BUILDING” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Bowen Avenue Lift Station Storage Building, has been completed by Paul Anderson Construction, in accordance with the contract agreement dated October 12, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Bowen Avenue Lift Station Storage Building be accepted from said contractor, Paul Anderson Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $67,891.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING EXHIBIT "I" OF
RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE
TABLE FOR EXECUTIVE MANAGEMENT TO ADD
RECREATION AND NEIGHBORHOODS DIRECTOR
(RANGE 1420) AND ABOLISH COMMUNITY SERVICES
AND NEIGHBORHOOD CONNECTIONS DIRECTOR, AND
AMENDING EXHIBIT "J" OF RESOLUTION NO. 99-175 TO
ADJUST SALARY RANGES FOR CERTAIN EXECUTIVE

WHEREAS, the City Council desires to amend Exhibits "I" and "J" of
Resolution No. 99-175,

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

SECTION 1. AMENDMENT TO EXHIBIT "I" OF RESOLUTION NO. 99-
175. Exhibit "I" entitled "City Of Modesto Class Range Table Executive Management
Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "I" entitled
"City Of Modesto Class Range Table Executive Management Effective March 28, 2000",
which is attached hereto and made a part hereof as though set forth in full herein. Said
amended Exhibit "I" adds Recreation and Neighborhoods Director (Range 1420) to the Class
Range Table and abolishes Community Services and Neighborhood Connections Director
(Range 1420).

SECTION 2. AMENDMENT TO EXHIBIT "J" OF RESOLUTION NO. 99-
175. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For
FY 99-00 Effective 06/22/99, is hereby amended as shown on the amended Exhibit “J” entitled “City Of Modesto Schedule Of Salary Ranges In City Service For FY 99-00 Effective 03/28/00”, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "J" adjusts salary ranges for the Executive positions of City Attorney, City Clerk/Auditor, City Manager, Deputy City Manager, Engineering & Transportation Director, Finance Director, Fire Chief, Personnel Director, and Police Chief, effective March 28, 2000. Said range changes are independent of any across-the-board salary increases which may be granted to Executive and Management employees for FY 2000-2001.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 28, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith, Mayor Sabatino
NOES: Councilmembers: Conrad, Serpa
ABSENT: Councilmembers: None

ATTEST: JEAN ZAHRI, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
# CITY OF MODESTO
## CLASS RANGE TABLE
### EXECUTIVE MANAGEMENT

Effective **March 28, 2000**

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<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tr>
<td>1410</td>
<td>City Clerk/Auditor</td>
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<tr>
<td>1411–1417</td>
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</tr>
<tr>
<td>1418</td>
<td>Personnel Director</td>
</tr>
<tr>
<td>1419</td>
<td></td>
</tr>
<tr>
<td>1420</td>
<td>Finance Director</td>
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<td></td>
<td><strong>Recreation and Neighborhoods Director</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Operations and Maintenance Director</strong></td>
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<tr>
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<td></td>
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<tr>
<td>1422</td>
<td>Fire Chief</td>
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<tr>
<td></td>
<td><strong>Community Development Director</strong></td>
</tr>
<tr>
<td>1423</td>
<td>Engineering and Transportation Director</td>
</tr>
<tr>
<td>1424</td>
<td></td>
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<td>Police Chief</td>
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<tr>
<td>1428</td>
<td>City Attorney</td>
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<td>1429–1432</td>
<td></td>
</tr>
<tr>
<td>1433</td>
<td>City Manager</td>
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</table>

**EXHIBIT "I"**
## CITY OF MODESTO
### SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
#### EFFECTIVE 03/28/00

<table>
<thead>
<tr>
<th>Position</th>
<th>HOURLY</th>
<th>Bi-weekly</th>
<th>Monthly</th>
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<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
<td>Minimum</td>
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<td>1405 Executive Management</td>
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<tr>
<td>1422 Operations &amp; Maintenance Director</td>
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**EXHIBIT J**
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-127

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A $350.00 PER MONTH VEHICLE ALLOWANCE OR A CITY VEHICLE TO ALL CITY MANAGER-APPOINTED EXECUTIVE POSITIONS, AND AUTHORIZING THE CITY COUNCIL TO GRANT A $350.00 PER MONTH VEHICLE ALLOWANCE OR A CITY VEHICLE TO COUNCIL APPOINTEES, EFFECTIVE MARCH 28, 2000.

WHEREAS, by Resolution No. 92-348 adopted by the Council of the City of Modesto on June 23, 1992, the Council authorized the City Manager to grant monthly vehicle allowances to the Deputy City Manager and Public Works and Transportation Director, and

WHEREAS, by Resolution No. 94-398 adopted by the Council of the City of Modesto on June 28, 1994, the Council authorized the City Manager to grant monthly vehicle allowances to the Community Development Director and Parks and Recreation Director, and

WHEREAS, by Resolution No. 97-605 adopted by the City Council on October 28, 1997, the Council authorized the City Manager to grant monthly vehicle allowances to the Community Services and Neighborhood Connections Director, Operations and Maintenance Director and Engineering and Transportation Director, and

WHEREAS, as new or modified Executive positions have been added, piecemeal authorization for city vehicles or for vehicle allowances has been granted, and

WHEREAS, most Executive positions are currently authorized either use of a City vehicle or a monthly vehicle allowance, except for the positions of City Clerk/Auditor, Finance Director and Personnel Director, and

WHEREAS, the Council desires to establish a uniform policy for City vehicles or
vehicle allowances for all Executive positions and Council appointees, and

WHEREAS, said policy would permit the City Manager to make the
determination as to City vehicle or vehicle allowance for each City Manager-appointed
Executive, and

WHEREAS, said policy would permit the City Council to make such
determinations as to City vehicle or vehicle allowance for Council appointees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager is hereby authorized to grant vehicle allowances or City vehicles to all
Executive positions, and the City Council is hereby authorized to grant vehicle allowances or
City vehicles to all Council appointees, including the City Clerk/Auditor, in the amount of Three
Hundred Fifty ($350.00) Dollars per month.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-128

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to add the following classification:

Recreation and Neighborhoods Director

The specifications for the classification of Recreation and Neighborhoods Director (Range 1420), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Community Services and Neighborhood Connections Director

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 28, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
RECREATION AND NEIGHBORHOODS DIRECTOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, direct and review the activities and operations of the Recreation and Neighborhoods Department including leisure and community services programming and activities, human services program administration, and community and neighborhood outreach and improvement; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

- Develop, plan, and implement division goals and objectives; recommend and administer policies and procedures.

- Direct, oversee and participate in the development of the Department's annual work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

- Plan, organize, direct, evaluate, and schedule the work and programs of the department divisions, programs and the administrative office staff.

- Plan and direct the development of community and neighborhood improvement initiatives and programs.

- Plan, direct, and/or facilitate leisure service programs and activities, golf operations, and community-wide programs or activities.

EXHIBIT "A"
Essential Functions: (Continued)

Negotiate and resolve significant and controversial neighborhood and community issues.

Prepare and submit reports and recommendations, and provide technical advice to the City Manager, City Council, and related boards and commissions.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Develop and implement citizen based problem-solving models.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Prepare long-range plans to meet community needs based on studies of local conditions and projections of the future composition of the community; recommend additional, altered or expanded public recreation facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Coordinate and direct fund-raising activities.

Direct the establishment and maintenance of files and records of Departmental activities.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Principles, practices and methods used in community and leisure services administration and management, and program and facility acquisitions and maintenance.

Modern and highly complex principles and practices of housing and community development programs, redevelopment and financing programs.

Recreational, cultural, human, and social needs of all age, ethnic and economic groups.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Record keeping and reporting procedures.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Group problem solving techniques and partnerships with individuals and community groups.

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

Principles and practices of organization, administration and personnel management.

Grants and administration of funds obtained from external agencies.

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

Understand and implement the community, social and leisure services needs of the community and recommend additional areas, facilities and programs to meet those needs.
Ability to, Continued:

Formulate substantive recommendations for community development and financing programs.

Prepare and present complex reports.

Work through complex community and neighborhood issues.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Identify and respond to public and City Council issues and concerns.

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

Maintain liaison with various private and public agencies, and deal successfully with the public and other interested groups.

Prepare and administer a budget.

Select, lead, supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.
Experience and Training Guidelines

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

**Experience:**

Eight years of increasingly responsible supervisory or administrative experience in community, leisure or human service programs.

**Training:**

A Bachelor's degree from an accredited college or university with major course work in public administration, recreation, or a related field.

**License or Certificate**

Possession of, or ability to obtain, an appropriate, valid California driver's license.

**WORKING CONDITIONS**

**Environmental Conditions**

Office environment.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-129

A RESOLUTION ADOPTING AN ECONOMIC DEVELOPMENT LOAN POLICY FOR THE PURPOSE OF PROVIDING ECONOMIC DEVELOPMENT INCENTIVES FOR BUSINESS ATTRACTION AND BUSINESS RETENTION WITHIN THE CITY’S GENERAL PLAN AREA.

WHEREAS, the success of the City’s economic development efforts are dependent upon the ability to ensure the most profitable climate for new and expanding business, and

WHEREAS, the Business Development Office staff has reviewed the benefits of an Economic Development Loan Policy with the goal of attracting new business to Modesto and expanding existing businesses, and

WHEREAS, the City’s Business Development Office staff works closely with SCEDCO to diversify and expand the local economy, and

WHEREAS, growth and diversification of the economy is dependent upon adding and expanding businesses that provide permanent full-time jobs that offer above median-wage salaries, and

WHEREAS, businesses that are creating primary manufacturing jobs or those that are specifically related to the use and expansion of new technologies are important to economic development, and

WHEREAS, staff experience with business prospects confirms that incentives can be of great value in the attraction and expansion of such target industries, and

WHEREAS, staff is recommending the implementation of an Economic
Development Loan Program setting forth the Loan Criteria, Program Priorities, Eligible and Ineligible Projects, Loan Terms and Conditions, and Loan Servicing, a copy of which is attached, and

WHEREAS, said proposed policy contains specific loan service requirements as requested by SCEDCO, the proposed debt service administrators for said loan program, and

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee ("EDCIR") has reviewed the proposed loan policy and supports it, and

WHEREAS, staff is recommending that each potential loan application be reviewed first by the EDCIR Committee and then, following approval, be presented to the City Council for final approval of each application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts an Economic Development Loan Policy for the purpose of providing economic development incentives for business attraction and business retention within the City’s General Plan area, as more fully set forth in the attached Proposed City of Modesto Economic Development Loan Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Serpa who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Proposed
City of Modesto Economic Development Loan Program

Proposal for City of Modesto Economic Development (ED) Loan Policy:
- City agrees to set up an ED Loan Policy whereby qualified companies can borrow funds under favorable terms for specific business purposes in order to support economic development within the City of Modesto General Plan area.
- City will utilize funds from appropriate accounts as directed by Council to capitalize the fund.
- Companies meeting the minimum qualifying criteria shall be reviewed by the Loan Team who will then recommend approval or denial to the City Council. Council approval is required prior to any loan agreement.

Minimum Qualifying Loan Criteria:
- Job Creation/Retention – At least one of the following requirements must be met:
  1. Company shall provide a minimum of one (1) new full-time, permanent job for each $10,000 in City loan financing, with approved timeline for creation.
  2. Company shall retain a minimum of one (1) existing full-time, permanent job for each $10,000 in City loan financing.

- Additional qualifying criteria – At least four (4) of the following eight (8) requirements must be met:
  1. Redevelopment of blighted land and/or vacant facilities for productive use.
  2. Modernization and rehabilitation of existing industrial or manufacturing facilities.
  4. Development of businesses owned or operated by minorities, women, veterans and members of other economically disadvantaged groups.
  5. Stabilization and diversification of economic activity.
  6. Assistance to the long-term unemployed and under-employed.
  7. Stimulation of overall business growth in the county with increased capital availability.
  8. Local first-source hiring agreement.
Proposed
City of Modesto Economic Development Loan Program

Priorities
• When evaluating requests for financing, the Loan Team will consider the following as priorities:
  1. First loan priority will be given to projects which create jobs by adding value to or expanding the local economy.
  2. Second priority will be given to projects which create primary manufacturing jobs or above-median wage service jobs.
  3. Third priority will be given to companies which provide vitally needed services and a substantial number of new permanent jobs.

Eligible Projects
• Generally, financing will be available to support the start-up or expansion of businesses located within the City of Modesto and/or Modesto Municipal Sewer District No. 1.
• Acquisition and assembly of land and facilities for existing or new businesses
• Acquisition of machinery, equipment, furniture, fixtures, and leasehold improvements
• Acquisition of abandoned properties with redevelopment potential
• Other investments which will accelerate recycling of land and facilities for job-creating activity, such as assistance to firms to locate and expand in such facilities
• Working capital needs

Ineligible Projects
• Projects that are not located in the City of Modesto and/or its sphere of influence
• Projects that are not consistent with the City’s general plan
• Projects where there is not reasonable assurance for repayment on the proposed loan
Proposed
City of Modesto Economic Development Loan Program

Loan Terms and Conditions

• Lease Commitment – If leasing the property, company must sign a long-term lease for a minimum of 10 years or equal to the term of loan.

• Use of Loan funds – Loan funds shall be used only for the following development costs:

<table>
<thead>
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<th>Equipment</th>
<th>Max Term</th>
<th>Amortization</th>
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</thead>
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<tr>
<td>1.</td>
<td>10 yrs</td>
<td>useful life per IRS</td>
</tr>
<tr>
<td>2. Tenant Improvement</td>
<td>10 yrs</td>
<td>lease</td>
</tr>
<tr>
<td>3. Building structure</td>
<td>10 yrs</td>
<td>25 yrs</td>
</tr>
<tr>
<td>4. Training/recruitment</td>
<td>3 yrs</td>
<td>lease</td>
</tr>
</tbody>
</table>

• Collateral requirements – At a minimum, any tangible items acquired with loan funds

• Lending limits – $100,000 minimum and $500,000 maximum (Min. of ten (10) jobs created)

• Total pool of funds available to loan $500,000 to $1,000,000

• Loan fund is revolving

• Annual review of records – Company shall agree that City and SCEDCO will perform an annual review of the following company records:

1. Payroll
2. Federal and State Tax returns
3. Financial statements
4. Pay scale for all employees
5. Total number of permanent, full-time jobs

• Loan Repayment – Company shall agree that the loan will be repaid in full based on the terms and conditions set forth in the loan agreement. The terms and conditions will be agreed upon in writing prior to the loan approval. These conditions will be set on a case-by-case basis by the city and shall include, but shall not be limited to, the following:

1. Maturity date
2. Set annual interest rate
   a. Equal to City current earnings on source accounts
   b. Increase to Prime plus 1% if performance measures not met
   c. Interest to roll back into “source” fund
3. Amortization schedule
4. Job creation requirements and non-performance callback
5. Term
6. Location of project
7. Assignable loan to deal with changes of ownership
8. Late Charge: 5-10% at 15 days
9. Loan fees payable by Company
Proposed
City of Modesto Economic Development Loan Program

10. Private sector match requirement - either borrowing or cash injection by borrowing entity.
11. Pre-payment penalty
12. Loan becomes payable in full if they relocate to another city before end of loan term

Loan Servicing
City and SCEDCO agree to the following loan service conditions:
• City to loan funds directly to company
• SCEDCO to provide loan servicing on City's behalf
• Source and cost of loan documentation and servicing software to be researched by SCEDCO
• City to pay SCEDCO a fee for the loan service based on loan amount using the following scale
  1. Underwriting/packaging fee of $1500 minimum or 1.5% of loan amount
  2. Individual loan out-of-pocket expenses to be paid by borrowing entity
  3. .725 percent for each $100,000 in outstanding loan amount or portion thereof to the nearest $1000
• Loan Review Team to be formed with representatives from City and SCEDCO for annual monitoring of loan conditions and status
• SCEDCO to perform the following loan service duties:
  1. Collect all above referenced data from company
  2. Conduct semi-annual site visits to company
  3. Handle receipt of payments, records, filings (1098's)
  4. Remit receipts to city
  5. Track employment levels and pay scale
  6. Obtain and analyze financial statements and trial balance, construct spreadsheet for annual review
  7. Obtain and track UCC filings
  8. Verify insurance is maintained and all county real estate and personal property taxes are current
  9. Act as liaison with training and recruiting services
  10. Report any delinquencies over 10 days to city staff
  11. Evaluate and present to city staff any modification or servicing requests
Proposed
City of Modesto Economic Development Loan Program

12. Perform any required loan collection services via City attorney (including asset liquidation)
13. Coordinate with City to select documentation source.
14. Develop documentation of flow and procedures for loan application, approval, and servicing
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BERNICE BORBOA FOR ACQUISITION OF PROPERTY AT 109 ELM STREET, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bernice Borboa for acquisition of property at 109 Elm Street, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FM GOLF TO PROVIDING CONCESSION SERVICES AT DRYDEN AND MUNI GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an amendment to an agreement between the City of Modesto and FM Golf to provide concession services at Dryden and Muni Golf Courses be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman and Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR RENOVATION OF THE FOOD SERVICE AREA AT DRYDEN GOLF COURSE

WHEREAS, on September 1, 1999, the Dryden and Municipal Golf Course Concessionaire terminated their existing contract to provide concession services; and

WHEREAS, several Request for Proposals were issued with only response from FM Golf. Staff has negotiated an amendment to the agreement with FM Golf; and

WHEREAS, a budget amendment is needed to provide for improvements to the food service area at Dryden.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#6600-800-6600R-8003</td>
<td>#6600-330-3300C-3311-0235</td>
<td>$(15,500) $15,500</td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, and Smith

NOES: Councilmembers: Frohman and Sabatino

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DYAN HAYES FROM THE CITY ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE MARCH 21, 2000

WHEREAS, Dyan Hayes was re-appointed as a member of the City Advisory Committee on Recycling on January 6, 1998; and
WHEREAS, Dyan Hayes has tendered her resignation from the City Advisory Committee on Recycling, effective March 21, 2000; and
WHEREAS, Dyan Hayes has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Dyan Hayes from the City Advisory Committee on Recycling be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-134

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(541).
(CANDICE MESERVY)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the
Zoning Map was filed by Candice Meservy on December 14, 1999, to reclassify from Low
Density Residential Zone, R-1, to Planned Development Zone, P-D(541), to allow a five-unit
residential development, property located at 409 East Coolidge Avenue, described as follows:

R-1 to P-D(541)

All that certain real property situated in a portion of the northwest quarter of
Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian,
in the County of Stanislaus, State of California, described as follows:

Parcel B as shown on that Parcel Map, filed in the office of the Recorder of
Stanislaus County, California, on August 12, 1977, in Volume 25 of Parcel
Maps at Page 77;

Including the northerly 25 feet of Coolidge Avenue, to the
centerline of original 40-foot road.

and

WHEREAS, after a public hearing held on February 7, 2000, in the Tenth
Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and
determined by the Planning Commission, by its Resolution No. 2000-14, that rezoning of the
property as requested is required by public necessity, convenience, and general welfare for the
following reasons:

1. That the conditions of approval of the planned development zone will
tend to ensure continued compatibility of this medium density multi-
family project with surrounding residential land uses.

3/14/00
2. That the requested planned development zone is within an area designated by the General Plan for Mixed Use (MU) and that this development is in conformance with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 21, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Candice Meservy for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2000-14 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3174-C.S. on the 21st day of March, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(541).

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

1. All development shall conform to the plot plan and floor plans titled "Site Plan for P-D Zoning Application" as amended in red, stamped approved by the City Council on March 21, 2000.

2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
3. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

4. Trash-cans shall be screened from view from any public street.

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

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

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

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.
SECTION 4. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(541), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department Planning Division

3/13/00
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-135

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(541), PROPERTY LOCATED AT 409 EAST COOLIDGE AVENUE. (CANDICE MESERY)

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

WHEREAS, Candice Meservy has proposed that the zoning designation for the property located at 409 East Coolidge Avenue, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(541), in the City of Modesto ("the project"), to allow a five-unit residential development, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-07 reviewed the proposed amendment to the Zoning Map and rezone to P-D(541) project to determine whether the project is within the scope of the
project covered by the Modesto Urban Area General Plan Master EIR, and made the
determination that the proposed project will have no additional significant effect on the
environment that was not identified in the Master EIR and, further, that no new or additional
mitigation measures or alternatives are required, and that, therefore, the proposed project is
within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council has reviewed and considered the Initial Study prepared for the
proposed amendment to the Zoning Map and rezone to P-D(541) project, a copy of which is
attached hereto as Exhibit "A", and incorporated herein by reference, and based on the
substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 21st day of March, 2000, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Frohman, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa,
Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study

EA/CDD 2000-07
City of Modesto
Initial Study

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a rezoning from R-1 to P-D for a multi-family development, property located on the north side of East Coolidge Avenue west of Melrose Avenue at 409 East Coolidge Avenue. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Candice Meservy to Rezone From R-1 to P-D to Allow A Five Unit Residential Development, Property Located on the North Side of East Coolidge Avenue West of Melrose Avenue at 409 East Coolidge Avenue

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

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

D. Project Location:
north side of East Coolidge Avenue west of Melrose Avenue at 409 East Coolidge Avenue, Modesto, CA

E. Project Sponsor:
Candice Meservy

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-1, Low Density Residential

H. Description of Proposed Project:
This is an application to rezone 0.35 acres located on the north side of East Coolidge Avenue west of Melrose Avenue from R-1 to P-D. This property is bordered by an apartment development to the west, north and east. The
in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The planned development zone and resulting 5-unit multi-family development is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned R-1 for low density residential uses. However, the requested planned development zone and resulting medium density residential development is subject to conditions of approval. This property is also within a (MU) Mixed Use area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

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

D. **Increased Demand for Sanitary Sewer Services**
The planned development zone and resulting 5-unit multi-family development will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The planned development zone and resulting 5-unit multi-family development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
The planned development zone and resulting 5-unit multi-family development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.
for additional fire services to this area. Fire Station Number 5 is located approximately one half mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

O. **Generation of Solid Waste**
This planned development zone and resulting 5-unit multi-family development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. **Generation of Hazardous Materials**
The planned development zone and resulting 5-unit multi-family development will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**
The planned development zone and resulting 5-unit multi-family development will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore still valid.

R. **Energy**
The planned development zone and resulting 5-unit multi-family development will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-136

A RESOLUTION APPROVING THE BORROWING OF FUNDS
BY THE HOUSING AUTHORITY OF THE COUNTY OF
STANISLAUS FOR THE PURPOSE OF PROVIDING
FINANCING FOR A RESIDENTIAL RENTAL HOUSING
FACILITY (WOODSTONE APARTMENT COMPLEX) TO BE
ACQUIRED AND CONSTRUCTED BY THE GREAT VALLEY
DEVELOPMENT CORPORATION.

WHEREAS, the Housing Authority of the County of Stanislaus (the "Authority")
is authorized by Chapter 1 of Part 2 of Division 24 of the Health and Safety Code of the State of
California, as amended (the "Law"), to make loans for housing purposes specified in the Law,
and

WHEREAS, The Great Valley Development Corporation, a California nonprofit
public benefit corporation (the "Company") has requested that the Authority use its powers under
the Law to borrow the money (the "Loan") from Farmers & Merchants Bank of Central
California (the "Bank") in the approximate amount of $3,700,000, for the purpose of having the
Authority make a loan (the "Borrower Loan") to a California limited partnership (the
"Borrower"), of which the Company will be the sole general partner, to enable the Borrower to
finance the acquisition and construction of 56 units of multi-family rental housing (Woodstone
Apartment Complex) to be located at the southwest corner of Pelandale Road and Tully Road in
the City of Modesto (the "Project"), and

WHEREAS, a portion of the housing units in the Project will be rented to persons
and families of very low income as required by the Law and the Internal Revenue Code of 1986,
as amended (the “Code”), and

WHEREAS, the note (the “Note”) evidencing the Loan will be considered to be a “qualified exempt facility bond” under Section 142(a) of the Code, and Section 147(f) of the Code requires that the “applicable elected representative” with respect to the Authority approve the borrowing consisting of the Loan and evidenced by the Note following the holding of a public hearing with respect thereto, and

WHEREAS, the Authority has determined that the City Council of the City of Modesto (the “City”) is the “applicable elected representative” to approve the Loan, and

WHEREAS, notice of said public hearing has been duly given as required by the Code, and the City Council held such public hearing on March 21, 2000, at which all interested persons were given an opportunity to be heard on all matters relative to the location, operation and financing of the Project and the Authority’s borrowing consisting of the Loan and the Authority’s loan of the proceeds thereof to the Borrower, and a copy of all written testimony received at the hearing has been made available to the City Council, and

WHEREAS, it is in the public interest, for the public benefit and in furtherance of the public purpose of the City that the City Council approve the Loan for the aforesaid purposes.

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

1. The City Council of the City of Modesto hereby approves the incurring of the Loan (evidenced by the Note) by the Authority under the Law and the Code for the purpose of providing funds to make the Borrower Loan to the Borrower to enable the Borrower to finance
the acquisition and construction of the Project.

For the purposes of Section 34209 of the California Health and Safety Code, the City Council hereby consents to the following: (1) the operation by the Housing Authority of the County of Stanislaus within the City as necessary or appropriate to undertake and complete the financing described above, and (2) for the Housing Authority of the County of Stanislaus, as appropriate, to monitor and enforce compliance by Borrower and the Project with the financing documents and applicable State and Federal requirements related to the financing program.

2. This Resolution shall take effect immediately upon its adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK R. CRIST FOR EMPLOYMENT IN THE POSITION OF CITY MANAGER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jack R. Crist for employment in the position of City Manager be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the Mayor of the City of Modesto be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING GRANTING $12,500 IN DIRECT ASSISTANCE PLUS THE IN-KIND CONTRIBUTIONS FOR DOWNTOWN NIGHTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the granting of $12,500 in direct assistance plus the in-kind contributions for Downtown Nights be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith
NOES: Councilmembers: Conrad, Sabatino
ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF SPECIALISTS IN ADVANCED SECURITY FOR FURNISHING UNIFORMED SECURITY GUARD SERVICES

WHEREAS, the bids received for Uniformed Security Guard Services, were opened at 11:00 a.m. on February 8, 2000, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Specialists in Armed Security Services for a total amount of $179,300 annually be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF APPLEGATE BACKHOE & DRILLING FOR THE PROJECT TITLED “ROCKWELL REJUVENATION FOR FISCAL YEAR 1999-2000” FOR A TOTAL NOT TO EXCEED $150,000 AND AUTHORIZING THE PURCHASE OF ROCKWELL REJUVENATION FOR AN ADDITIONAL THREE YEARS UP TO AND INCLUDING JUNE 30, 2003

WHEREAS, the bids received for Rockwell Rejuvenation for Fiscal Year 1999-2000 and authorizing the purchase of rockwell rejuvenation for an additional three years up to and including June 30, 2003 were opened at 11:00 a.m. on March 14, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $150,000 received from Applegate Backhoe & Drilling be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-141

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY, AND EXCESS PROPERTY ACCUMULATED BY THE CITY OF MODESTO; OBSOLETE TRAFFIC SIGNAL HEADS; UNCLAIMED BICYCLES; AND SURPLUS CITY VEHICLES BY SEALED BID, PUBLIC AUCTION OR SCRAP.

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

WHEREAS, the City of Modesto desires to sell surplus, lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City of Modesto; obsolete traffic signal heads; unclaimed bicycles; and surplus City vehicles, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of surplus, lost, stolen, unclaimed and/or seized
property, and excess property accumulated by the City of Modesto; obsolete traffic signal heads; unclaimed bicycles; and surplus City vehicles a list of which is on file in the Office of the City Clerk.

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

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of March, 2000, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Frohman, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman,
Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

3/16/00
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Attorney</td>
</tr>
<tr>
<td>1</td>
<td>Purchasing</td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-142

A RESOLUTION REVISING THE POSITION CLASSIFICATION
PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted
by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and
Regulations of the City of Modesto, and
WHEREAS, the City Manager has recommended to the Council amendments to
the Position Classification Plan, and
WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that
revisions to the Classification Plan shall be effective upon adoption of resolution of the City
Council.

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan
of the City of Modesto is hereby amended to add the following classification:

Deputy Director of Engineering and Transportation

The specifications for the classification of Deputy Director of Engineering and
Transportation (Range 452), as shown on the attached Exhibit "A", which is hereby made a part
of this resolution by reference, is hereby approved and made a part of the Position Classification
Plan of the City of Modesto.
SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Deputy Director - Engineering Services
Deputy Director - Utilities Services and Franchises

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 21, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
DEPUTY DIRECTOR OF ENGINEERING AND TRANSPORTATION

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist the Director of Engineering and Transportation in the planning, directing, supervising, and coordinating of departmental functions and engineering activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the Director of Engineering and Transportation.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Engineering and Transportation.

Exercises direct supervision over professional, technical and clerical staff.

Exercises responsible charge of assigned engineering, transportation and utility planning functions.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of divisional Work Plans; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, Council Committees, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures.

EXHIBIT "A"
Essential Functions: (Continued)

Supervise and assist subordinate supervisors in the planning, design, and construction management of City buildings, equipment, and City street, transportation, traffic, electrical, water, waste water and drainage systems; establish long-range plans and goals, including strategic planning for the utility enterprise funds, rate setting, and issues dealing with environmental regulations.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Engineering and Transportation; prepare and present staff reports and other necessary correspondence.

Monitor franchises and service agreements related to solid waste, telecommunications or other utilities.

Establish performance expectations and evaluate performance of subordinate personnel.

Prepare a variety of correspondence including general and special reports.

May be assigned special projects requiring engineering design calculations and using the judgment of a registered professional engineer.

Serve as Director of Engineering and Transportation, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.
QUALIFICATIONS: (Continued)

Knowledge of:

Principles of budget preparation and expenditure control.

Principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.

Technical, legal, and financial issues related to the conduct of municipal public works program.

Strategic planning, rate setting and environmental regulations for municipal utilities.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

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

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.

Effectively manage assigned areas of the departmental program.
Establish and maintain cooperative relationships with those contacted during the course of work.

Perform a variety of technical and engineering research and prepare reports of findings.

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible professional civil engineering experience, including at least two years in a supervisory or administrative capacity.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, candidates will have six (6) months to obtain California Registration.
WORKING CONDITIONS

Environmental Conditions:
Office environment; occasionally travel from site to site.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.
Personnel Resolution re: Salary Schedule and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved - Engineering & Transp.
1 - Finance
6
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-143

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD DEPUTY DIRECTOR OF ENGINEERING AND TRANSPORTATION (RANGE 452) AND ABOLISH DEPUTY DIRECTOR - ENGINEERING SERVICES AND DEPUTY DIRECTOR - UTILITIES SERVICES AND FRANCHISES FROM THE CLASS RANGE TABLE.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 99-175. Exhibit “A” entitled “City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 22, 1999”, is hereby amended as shown on the amended Exhibit “A” entitled “City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 21, 2000”, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Deputy Director of Engineering and Transportation (Range 452) to the Class Range Table and abolishes Deputy Director - Engineering Services (Range 452) and Deputy Director - Utilities Services and Franchises (Range 452) from the Class Range Table.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on
and after March 21, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of March, 2000, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Fisher, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman,
Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  

Effective March 21, 2000  

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td></td>
</tr>
<tr>
<td>405</td>
<td></td>
</tr>
<tr>
<td>406</td>
<td></td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td></td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk  
       | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary |
| 419   | Public Information Technician (Confidential)  
       | Police Training and Records Technician (Confidential) |

EXHIBIT "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 420   | Accountant I (Confidential)  
Enterprise Benefits Coordinator  
Legal Services Technician  
Deputy City Clerk  
Executive Secretary  
Systems Technician  
Workers’ Compensation Claims Examiner I |
| 421   | |
| 422   | Office Supervisor |
| 423   | Custodian Supervisor  
Police Support Services Supervisor |
| 424   | Assistant Planner  
Assistant City Clerk/Auditor  
Buyer  
Workers’ Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
Executive Assistant |
| 426   | Stores Manager |
| 427   | Events Supervisor  
Legal Services Administrator |
| 428   | Parks Maintenance Supervisor  
Trees Maintenance Supervisor  
Senior Buyer  
Accountant II  
Budget Analyst  
Public Works Supervisor  
Building Maintenance Supervisor  
Customer Services Specialist  
Customer Services Supervisor  
Fleet Maintenance Supervisor  
Airport Operations and Maintenance Supervisor |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>429</td>
<td></td>
</tr>
</tbody>
</table>
| 430   | Associate Planner  
Junior Civil Engineer  
Junior Traffic Engineer  
Neighborhood Preservation Supervisor  
Senior Crime Analyst  
Social Services Program Supervisor  
Neighborhood Organizer |
| 431   | Administrative Analyst II  
Personnel Analyst  
Assistant Risk Manager  
Recycling Program Coordinator  
Senior Budget Analyst  
Senior Community Development Program Specialist  
Systems Analyst  
Equal Opportunity Officer |
| 432   | Plant Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Youth Program Supervisor  
Industrial Waste Supervisor  
Water Quality Control Operations Supervisor  
Secondary Treatment Facilities Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Senior Programmer Analyst  
Electrical Supervisor  
Senior Housing Rehabilitation Specialist  
Operations Supervisor  
Arborist  
Land Surveyor  
Assistant Civil Engineer  
Assistant Traffic Engineer  
Geographic Information Systems Coordinator |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
|       | Senior Personnel Analyst  
|       | Administrative Services Officer  
|       | Integrated Waste Specialist  
|       | Business Analyst  
|       | Cultural Services Manager  
|       | Area Manager |
| 436   | Senior Planner |
| 437   | Deputy City Attorney I |
| 438   | Transportation Planner  
|       | Housing Program Supervisor  
|       | Parks Planning and Development Manager  
|       | Communications and Marketing Manager  
|       | Property Agent  
|       | Budget Officer  
|       | Financial/Investment Officer  
|       | Systems Engineer  
|       | Development and Operations Coordinator |
| 439   |       |
| 440   | Purchasing Officer  
|       | Associate Civil Engineer  
|       | Associate Traffic Engineer |
| 441   | Airport Manager  
|       | Solid Waste Program Manager  
|       | Transit Manager  
|       | Streets Superintendent  
|       | Parks Operations Superintendent  
|       | Risk Manager  
|       | Assistant Personnel Director  
|       | Recreation Superintendent  
|       | Fleet Manager  
|       | Urban Forestry Superintendent  
|       | Wastewater Collections Superintendent  
|       | (Range 441 continues on next page)
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>441</td>
<td>(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II Senior Fire Equipment Mechanic</td>
</tr>
<tr>
<td>442</td>
<td>Supervising Building Inspector Supervising Construction Inspector Manager of Budget and Financial Analysis Information Services Manager Customer Services Division Manager</td>
</tr>
<tr>
<td>443</td>
<td>Deputy Chief Building Official Senior Deputy City Attorney I</td>
</tr>
<tr>
<td>444</td>
<td>General Services Manager Principal Planner</td>
</tr>
<tr>
<td>445</td>
<td>Accounting Division Manager Housing and Neighborhoods Division Manager</td>
</tr>
<tr>
<td>446</td>
<td>Water Quality Control Superintendent</td>
</tr>
<tr>
<td>447</td>
<td>Chief Building Official Assistant to City Manager Assistant Parks &amp; Recreation Director – Parks Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer</td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
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<tr>
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<tr>
<td>448</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>449</td>
<td>Senior Deputy City Attorney II</td>
</tr>
<tr>
<td>450</td>
<td></td>
</tr>
</tbody>
</table>
| 452   | Deputy Director – Cultural and Enterprise Services  
       | Deputy Director – Recreation and Neighborhoods  
       | Deputy Director of Engineering and Transportation |
Personnel Resolution re: Salary Schedule and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved - Engineering & Transp.
1 - Finance
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-144

A RESOLUTION AUTHORIZING FILING AN APPLICATION FOR A FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5309 GRANT FOR A NEW BUS MAINTENANCE FACILITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS.

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award Federal financial assistance for transportation related projects, and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the City of Modesto (hereafter referred to as "City") and may require the City to provide the local share of the project cost, and

WHEREAS, the City has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project, and

WHEREAS, by a report to the Council dated March 13, 2000, from the Engineering & Transportation Department, City staff recommended submitting a grant application to the FTA for $3,668,116 for a new bus maintenance facility, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, An Environmental Assessment was prepared for the bus maintenance facility project, and

WHEREAS, at a public hearing held on March 28, 2000, the City Council accepted public comment on the Environmental Assessment and considered said Staff recommendations,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

1. That it hereby approves the Environmental Assessment prepared for the bus maintenance facility project.

2. That it hereby approves submission of a grant application to the FTA for $3,668,116 for a new bus maintenance facility.

3. That the City Manager, or his authorized designee, is authorized to execute and file an application for Federal assistance on behalf of the City of Modesto with the Federal Transit Administration for Federal assistance authorized by 49 U.S. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

4. That the City Manager, or his authorized designee, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal Assistance grant or cooperative agreement.

5. That the City Manager, or his authorized designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-145

A RESOLUTION APPROVING THE CITY OF MODESTO
CORPORATION YARD EXPANSION FLEET AND BUS
MAINTENANCE FACILITY PROJECT AND FINDING THAT
THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT
COVERED BY A MASTER ENVIRONMENTAL IMPACT
REPORT (SCH 92052017).

WHEREAS, on August 15, 1995, the City Council of the City of Modesto
certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for
the Modesto Urban Area General Plan, and

WHEREAS, LSA Associates, Inc., by Initial Study, EA/CS 9901, dated
February 9, 2000, reviewed the proposed City of Modesto’s Corporation Yard Expansion
Fleet and Bus Maintenance Facility Project, and

WHEREAS, LSA Associates, Inc., made the determination that the proposed
project will have no additional significant effect on the environment that was not identified in
the Master EIR; and, further, that no new or additional mitigation measurers or alternatives
may be required, and that, therefore, the proposed project is within the scope of the project
covered by the Master EIR, and

WHEREAS, on March 28, 2000, the City Council considered approving the
new Bus Maintenance Facility and authorizing the City Manager to submit and execute grant
application documents, and

WHEREAS, concurrently, the City Council considered and reviewed the Initial
Study prepared by LSA Associates, Inc., in regard to said project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study, dated February 9, 2000, prepared by LSA Associates, Inc., for the proposed Bus Maintenance Facility, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, the Council makes the following findings:

1. That the proposed Corporation Yard Expansion project is within the scope of the General Plan covered by a Master EIR (SCH No. 92052017).

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

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

4. There are no special features which are unique to the proposed project that require project specific mitigation measures different from those contained in the Master EIR document. All certified mitigation measures identified in the Master EIR will apply city-wide.

5. That the Initial Study provides substantial evidence to support findings 1, 2, 3 and 4 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
City of Modesto Corporation Yard Expansion Fleet and Bus Maintenance Facility project is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JEAN ZAHN, City Clerk
(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

Initial Study
INITIAL STUDY

CITY OF MODESTO'S
CORPORATION YARD EXPANSION
FLEET AND BUS MAINTENANCE FACILITY PROJECT

February 9, 2000

Prepared for:

City of Modesto
1010 10th Street, Suite 4500
P.O. Box 642
Modesto, CA 95353
Contact: Fred Cavanah
(209) 577-5295

Prepared by:

LSA Associates, Inc.
4200 Rocklin Road, Suite 11B
Rocklin, California 95677
(916) 630-4600
INITIAL STUDY
CITY OF MODESTO'S PROPOSED
CORPORATION YARD EXPANSION
FLEET AND BUS MAINTENANCE FACILITY

Introduction: The following information characterizes the environmental issue areas associated with relocating and expanding the City of Modesto’s existing Corporation Yard and fleet and bus maintenance facilities. Relocating the facilities and expanding the Corporation Yard will streamline the existing operations and improve the overall process for maintaining the City’s fleet of buses and non-sedan vehicles. Vehicles that are classified as sedans, including the City’s police car fleet, are maintained in a separate facility in downtown Modesto. With the exception of one parcel that must be acquired from a private property owner, relocation of the facilities will occur primarily within the existing Corporation Yard area currently owned by the City.

Information included in this Initial Study document has been formatted to satisfy the City of Modesto’s finding of conformance to the General Plan Master Environmental Impact Report (Master EIR).

The Final Master EIR (SCH #92052017) for the General Plan, which was certified by the City of Modesto City Council on August 15, 1995, analyzes the potential effects associated with implementing the General Plan. Plans and policy included in the General Plan provide direction for the City’s future and are reviewed in the EIR for their near term and long range environmental impacts. Mitigation measures are presented in the Master EIR to assist in reducing the environmental impacts to levels that are less than significant where possible. Some of the environmental issue areas (traffic; air quality; noise; loss of productive agricultural land; increased demand for water supplies; increased demand for storm drainage, and drainage, flooding and water quality) cannot be completely mitigated. The City has acknowledged that those issue areas will be significantly and adversely impacted.

Projects that are within the scope of the General Plan program have also been included in the overall Master EIR evaluation and findings. With this understanding, the Master EIR for the Modesto Urban Area General Plan allows for limited environmental review of the Corporation Yard Expansion and fleet and bus maintenance facilities project. This Initial Study, in accordance with Section 21157.1 (b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within the scope of the General Plan, and the that project has been found to be in conformance with the General Plan Master EIR document. Mitigation measures
Presented in the Master EIR that have project relevance will be applied to the proposed project.

**Initial Study:** The City adopted a Master EIR on the comprehensive Urban Area General Plan in 1995. The CEQA provisions are as follows:

- (b) The lead agency shall prepare an initial study on any proposed subsequent project. This initial study shall analyze 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.

- (c) If the lead agency, based on the initial study, determines that a proposed subsequent project will have no additional significant effect on the environment as defined in subdivision (d) of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings shall be required by this division. Prior to approving or carrying out the proposed subsequent project, the lead agency shall provide notice of this fact pursuant to Section 21092 and incorporate all feasible mitigation measures or feasible alternatives set forth in the master environmental impact report which are appropriate to the project. Whenever a lead agency approves or determines to carry out any subsequent project, it shall file a notice pursuant to Section 21108 or 21152.

The City has initiated separate environmental review on the proposed Bus Maintenance Facility component due to the use of federal funds for the building. The environmental document involved with that review is an Environmental Assessment and has been prepared in accordance with per 23 CFR 771 of the National Environmental Policy Act (NEPA) standards. Technical studies were conducted in conjunction with the Environmental Assessment to assist in the evaluation of project impact. Mitigation measures have been included in the Environmental Assessment to comply with the NEPA review requirements, and the City will be required to implement those measures accordingly. This Initial Study relies on the information included in the Environmental Assessment, mitigation measures and companion technical studies to assist in evaluating project effects.

---

1Section 21157.1 of CEQA
**Purpose/Background:** The proposed project involves the relocation and expansion of the City’s bus maintenance and fleet maintenance facilities, consolidating the two structures to an area primarily within the existing/expanded City Corporation Yard site. Consolidating these facilities will improve the maintenance operations and will provide for future operations. The proposed operations are expected to provide the following benefits:

- The existing Bus Maintenance Facility’s central location and proximity to the Modesto Transportation Center will minimize deadhead mileage costs;

- The existing Bus Maintenance Facility’s co-location with the Fleet Maintenance Facility will afford the opportunity to share transit and non-transit maintenance equipment such as hoists, towing equipment, supply trucks, portable cranes, and testing equipment. This will result in savings for maintenance and operating costs; and

- Supervision, parts storage, administrative support and security are examples of functions that can be allocated more efficiently in a combined facility compared with duplicating these services at separate sites.

The City of Modesto is the lead agency for processing CEQA environmental review documents and for approving the project.

**Existing Operations:**

Currently, the City of Modesto operates separate maintenance facilities for the City’s buses and the City’s non-sedan fleet and equipment. While the facilities are proximate to each other (i.e., within a two to three block area), the ability to share maintenance facilities is constrained by the separation. All of the non-sedan vehicles and equipment are maintained within the City’s Corporation Yard, while the City’s bus fleet is maintained in a separate, enclosed Bus Maintenance Building and parking area (i.e., Transit Fleet Yard). The Transit Fleet Yard and Corporation Yard are both located on Jefferson Street near Route 99, approximately three-quarters of a mile northwest of downtown Modesto. Figure 1, Existing Land Uses, illustrates the proximate physical relationship of both maintenance facilities.

**Existing Bus Maintenance Facility/Transit Fleet Yard.** The existing Transit Fleet Yard is located on a 1.5 acre site bounded by Elm Street, Washington Street, 8th Street, and the Traffic Division Yard. The Yard can accommodate parking for approximately 40 of the City’s MAX (Modesto Area Express) transit buses. Included in the yard is a small maintenance shop. Overcrowded conditions at the Transit Fleet Yard and projected growth of City transit services have created the need to provide for future operations and better maintenance facilities.
Figure 1

Legend:
- Existing Building
- New Construction
- Homes

Source: City of Modesto

Legend:
- Employee On-Site Parking
- Employee On-Street Parking
- City Parking
  - 10 x 20
  - 12 x 35
  - 12 x 40
- Bus Parking

Existing Land Uses

Source: City of Modesto
**Existing Fleet Maintenance Facility/Corporation Yard.** Located west of Jefferson Street, the City Corporation Yard consists of four separate shop buildings and a fleet services building on a 10.5 acre site. The buildings include various divisions of the Public Works Department, plus a division of Parks and Recreation Department. Maintenance occurs only in the fleet services building (Building No. 4), which is aligned perpendicular to the other shop structures.

**Project Description:**

**Project Characteristics:** The Fleet and Bus Maintenance Facility project proposes to relocate and consolidate two existing maintenance facilities onto a single new site within the existing Corporation Yard (see Figure 2, Site Plan). In order to accommodate the new site plan, the City will acquire approximately 2.36 acres (two separate parcels) from a private property owner (John Varni). Existing businesses occupying the parcels will be relocated by the City.

The new/relocated Fleet and Bus Maintenance facility will be located adjacent to 8th Street in an area currently occupied by Jefferson Street. With the placement of the consolidated facility in this location, portions of Jefferson Street from Elm Street to 8th Street will be vacated and abandoned by the City. Curbs and gutters will be removed.

While the Fleet and Bus Maintenance facilities will be consolidated into a single structure, each maintenance facility will remain in a separate building sharing common walls. The new Bus Maintenance Facility will accommodate approximately 50 standard buses, featuring a new bus parking area, a new bus maintenance building (23,000 square feet), fuel island, wash house, bus repair staging parking lot and off-street employee and visitor parking (24 spaces). Similarly, the new Fleet Maintenance Facility will serve non-sedan vehicle maintenance requirements in a 17,000 square foot building. City vehicle and equipment parking will be located in two areas—to the south and adjacent to the proposed Fleet Maintenance Facility, and to the west of the proposed bus wash building. Approximately 363 spaces will be provided in a combination of slant and perpendicular parking. Also included in the new site plan will be employee parking (79 spaces) for the Corporation Yard located off 8th Street, between the proposed fuel building and the existing Modesto Irrigation District Lateral No. 4 Canal. This additional parking will replace slant and parallel parking that currently exists on Jefferson Street, after the street is vacated.

Surrounding portions of the Corporation Yard will be a new decorative wall or fence with masonry pilasters at 16-foot intervals. Specifically, new wall or fencing will be provided around the perimeter of the Corporation Yard along 8th Street, Washington Street and Elm Street.

In order to accommodate the new site plan, several existing uses and structures
will be demolished and relocated. As mentioned, the City will acquire two parcels located adjacent to 8th Street from John Varni. There are four businesses (truck repair, recreational vehicle sales and repair, a repossession company and a motor vehicle dealer) occupying the parcels under lease with the property owner. These businesses will be relocated in accordance with the City acquisition, displacement and relocation procedures.

In addition to the relocation of private businesses, several City-owned structures and uses will be relocated within the Corporation Yard. These include a storage building (west of existing Jefferson Street/south of John Varni property) and the Traffic Department Yard (east of existing Jefferson Street/south of 8th Street).

Figures 3 and 4 present the regional and vicinity location of the project.

Existing Land Uses:

North of Corporation Yard: 8th Street and railroad tracks.

South of Corporation Yard: To the south of the site is a residential neighborhood that has largely been acquired by the City of Modesto. On Elm Street, only one residence remains occupied that does not belong to the City. All other former residential structures have either been demolished, boarded up/vacated or have been converted into City offices. Route 99 extends along the southwestern boundary of the Corporation Yard.

West of Corporation Yard: Modesto Irrigation District No. 4 Lateral Canal.

East of Corporation Yard: Washington Street and light industry.
Figure 4

Project Vicinity
## Environmental Checklist

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<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td><strong>I. AESTHETICS</strong>— Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
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<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
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<tr>
<td><strong>II. AGRICULTURE RESOURCES</strong>— In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</td>
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<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
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<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
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<td>X</td>
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<td><strong>III. AIR QUALITY</strong>— Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</td>
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<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Impact Unless Mitigated</td>
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<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
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<td>X</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>e) Create objectionable odors affecting a substantial number of people?</td>
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### IV. BIOLOGICAL RESOURCES – Would the project:

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<tr>
<th>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td>X</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<td>d) Interfere substantially 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?</td>
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<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigated</td>
<td>Less Than Significant Impact</td>
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<th>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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### V. CULTURAL RESOURCES – Would the project:

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<tr>
<th>a)</th>
<th>Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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<th>b)</th>
<th>Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
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<th>c)</th>
<th>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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<th>d)</th>
<th>Disturb any human remains, including those interred outside of formal cemeteries?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
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### VI. GEOLOGY AND SOILS – Would the project:

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<th>a)</th>
<th>Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</th>
<th>Potentially Significant Impact</th>
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<th>i)</th>
<th>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
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<th>ii)</th>
<th>Strong seismic ground shaking?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
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<th>No Impact</th>
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<th>iii)</th>
<th>Seismic-related ground failure, including liquefaction?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td>X</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
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**VII. HAZARDS AND HAZARDOUS MATERIALS** — Would the project:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Potential Impact</th>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>X</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>X</td>
</tr>
<tr>
<td>c) 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>X</td>
</tr>
<tr>
<td>d) 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 it create a significant hazard to the public or the environment?</td>
<td>X</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>X</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>X</td>
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</table>
### VIII. HYDROLOGY AND WATER QUALITY – Would the project:

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<td>X</td>
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<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
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<td>X</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>X</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Impact Unless Mitigated</td>
<td>Less Than Significant Impact</td>
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<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death, involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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**IX. LAND USE AND PLANNING — Would the project:**

| a) Physically divide an established community? | X |
| b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | X |

**X. MINERAL RESOURCES — Would the project:**

| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | X |
| b) 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? | X |

**XI. NOISE — Would the project result in:**

<p>| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | X |</p>
<table>
<thead>
<tr>
<th>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

**XII. POPULATION AND HOUSING — Would the project:**

<table>
<thead>
<tr>
<th>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
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<td></td>
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<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**XIII. PUBLIC SERVICES**

<table>
<thead>
<tr>
<th>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Fire protection?</td>
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<tr>
<td>iii) Schools?</td>
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<td></td>
<td>X</td>
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<tr>
<td>iv) Parks?</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>v) Other public facilities?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

**XIV. RECREATION**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  
X

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?  
X

**XV. TRANSPORTATION/TRAFFIC**  
Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?  
X

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?  
X

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  
X

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  
X

e) Result in inadequate emergency access?  
X

f) Result in inadequate parking capacity?  
X
<table>
<thead>
<tr>
<th>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<td>X</td>
<td></td>
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</tbody>
</table>

**XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:**

<table>
<thead>
<tr>
<th>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</th>
<th></th>
<th></th>
<th>X</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td></td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (*&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
EXPLANATION OF ENVIRONMENTAL IMPACTS

General:

The following are explanations to the responses of the questions found on the environmental checklist form. These explanations are by category, addressing all responses to questions contained within the listed environmental factor.

I. Aesthetics:

Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The proposed Fleet and Bus Maintenance Facility would be constructed in an area that is already dominated by vehicle maintenance and storage uses. The expanded Corporation Yard and new fleet and bus parking lot and maintenance buildings would be located in an existing asphalt area. The proposed project design would not conflict with any existing visual character near the site. This assumes that a decorative masonry wall or fence with landscaping, or similar buffer, is constructed along the north side of Elm Street to buffer the facility from the adjacent residences to the south.

b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than significant impact. Redevelopment of the Corporation Yard will result in the vacation of Jefferson Street and the removal of existing street trees located within the parkway. The street trees are the only resource within the Corporation area that will be affected by the proposed project. No other scenic resources exist in the area. These street trees are ornamental landscaping materials and are not native to the area. Nonetheless, their removal will reduce the scenic qualities that currently exist along Jefferson Street. The City plans to replace all street trees that are impacted by site construction. These street trees will be replaced either within the interior of the site plan in conjunction with the fleet and bus maintenance buildings, or along the site perimeter in conjunction with the exterior landscaping program.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than significant impact. Expansion of the Corporation Yard will a) consolidate the maintenance program for the City, b) improve the aesthetic appearance of storage uses including equipment storage, and c) provide a new and improved appearance of the overall Corporation Yard facility. In addition, project construction will remove existing businesses which currently store a number of vehicles and other large equipment, including motor homes, trucks, boats, and cars. By displacing these existing businesses within the Corporation Yard, the overall visual character of the site and its surroundings will be improved.
Yard facilities, the appearance of this portion of the project site will improve.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. The proposed project will not change the character of lighting currently utilized in the existing Corporation Yard. Lighting is currently used within the Yard for security purposes. With the new site plan, lighting will continue to be used for security purposes similar to the existing condition.

Lighting standards would be implemented according to the City of Modesto zoning regulations. The Modesto Police Department will review the proposed project site plans to recommend additional lighting or other increased security measures as required.

II. Agricultural Resources:

Would the project:

a) Convert Prime Farmland, unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No impact. The proposed project is not located in an area that has prime farmland resources.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The proposed project will not conflict with agricultural zoning.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No impact. Implementation of the new site plan for the Corporation Yard will not convert farmland uses to urban uses.

III. Air Quality:

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No impact. The proposed project will not conflict with any applicable air quality plan.
The Modesto Area General Plan incorporates many of the SJVUAPCD transportation control policies recommended in the 1994 Model Air Quality Element. These policies include efforts to "reduce motor vehicle use and related ozone precursor and PM10 emissions through changes to the transportation infrastructure." The Stanislaus Council of Governments (StanCOG) is the regional planning agency for Stanislaus County. The StanCOG Regional Transportation Plan includes programs to increase the number of buses in the Modesto Area Express (MAX) system. The proposed Bus Maintenance Facility is therefore consistent with the Regional Transportation Plan, since it will allow the Modesto bus fleet to be expanded to meet future demand and reduce the City's dependence on single occupant private automobile trips.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than significant impact. Dust would be generated during excavation of the site and hauling of soil off-site. A portion of the dust emitted by these activities would be PM10 (particulate matter ten microns or less in diameter). PM10 is a pollutant of concern because it can remain suspended in the air for long periods of time and aggravate chronic respiratory diseases in humans. The amount of PM10 generated by project construction is not expected to significantly impact local air quality because the area to be disturbed is relatively small and construction activities would occur during a short period of time (several months). During project construction, the construction contractor will use water sprays to control dust generation during excavation and to cover trucks transporting excavated materials to or from the project site to avoid dust generation along haul routes.

The proposed project is within the urban developed area of the City of Modesto. This expanded Corporation Yard will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are still valid.

c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less than significant impact. The addition of five buses per day along these routes would not cause a significant change in existing air quality conditions, including carbon monoxide "hot spots." The addition of five daily buses would not result in a significant increase in traffic congestion and resultant pollution levels on these routes to the downtown since the average daily traffic levels on 7th Street are fairly low (less than 8,000 daily vehicles on 7th Street at K Street).
The Bus Maintenance Facility would improve the availability of bus services throughout the Modesto area, thereby helping to decrease automobile trips and emissions. The project would not cause any significant air quality impacts.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. The expanded bus routes associated with the proposed Bus Maintenance Facility would result in a slight increase in air emissions. The operation of approximately 33 daily buses currently (25 of which begin routes in downtown Modesto), would increase to approximately 41 daily buses in the future (30 of which will begin routes in the downtown area). The expanded bus operations would result in an additional five buses each day traveling south from the Bus Fleet Yard down 7th Street, turning left on K Street to the downtown area. There are no sensitive receptors (day care centers, schools, hospitals) within the immediate vicinity of the project site.

e) Create objectionable odors affecting a substantial number of people?

No impact. The proposed project will not create objectionable odors. Under existing conditions, diesel fuels and exhausts are used in conjunction with the bus transportation. With the expanded Corporation Yard, there will be no change in these operations.

IV. Biological Resources:

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No impact. The proposed project is not located within or near any mature trees of a sensitive species, or near grasslands or riparian corridors. The site is not within any "potential biological resource study areas" that have been mapped by the City (Steve Nish, 1996; Modesto, 1995). It is highly unlikely that specific endangered or threatened species that may occur in Stanislaus County would be found within the project vicinity since no suitable habitat exists. The adjacent Modesto Irrigation District canal does not include any vegetation along the levee and is regularly sprayed with herbicides to control weeds. The project vicinity is a developed, urban area composed of a mix of industrial, commercial, and limited residential uses.

The proposed project will not have an effect on biological resources. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.
b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No impact. The proposed project will not affect any riparian habitat or other sensitive natural communities.

c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No impact. There are no wetlands on site. The proposed project will not involve the discharge of fill into any regulated wetland area.

d) **Interfere substantially 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?**

No impact. The proposed project will not impact any wildlife movement corridors. Similarly, the proposed project will not affect any wildlife species or migratory fish habitat.

The proposed project is not located within or near any identified ecologically sensitive areas. The area of the project is within a predominantly industrial area.

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Less than significant impact. The proposed project will not affect any biological resources. Although the project will remove existing street trees along Jefferson Street, the City does not have a tree preservation policy or ordinance which regulates street trees. These street trees will be replaced in conjunction with the landscape plan for the Corporation Yard.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No impact. There are no Habitat Conservation Plans or any other conservation plans that currently regulate the uses on the project site. Consequently, the proposed project will not conflict with such plans.
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No impact. The proposed project will not affect any riparian habitat or other sensitive natural communities.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. There are no wetlands on site. The proposed project will not involve the discharge of fill into any regulated wetland area.

d) Interfere substantially 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?

No impact. The proposed project will not impact any wildlife movement corridors. Similarly, the proposed project will not affect any wildlife species or migratory fish habitat.

The proposed project is not located within or near any identified ecologically sensitive areas. The area of the project is within a predominantly industrial area.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant impact. The proposed project will not affect any biological resources. Although the project will remove existing street trees along Jefferson Street, the City does not have a tree preservation policy or ordinance which regulates street trees. These street trees will be replaced in conjunction with the landscape plan for the Corporation Yard.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. There are no Habitat Conservation Plans or any other conservation plans that currently regulate the uses on the project site. Consequently, the proposed project will not conflict with such plans.
V. Cultural Resources:

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No impact. The proposed project is not located within or near any identified historical buildings or parklands.

The proposed project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that the project site is not within the Archaeological Resource Study Area that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

No impact. The area of the project is not located within an area that is identified by the City as having a potential for archeological resources.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No impact. The proposed project is not expected to adversely affect any unique paleontological or geologic resource. Implementation of the site plan and proposed uses will not require extensive site grading. Therefore, it is highly unlikely that the proposed project will affect any unique paleontological or geologic resources.

d) Disturb any human remains, including those interred outside or formal cemeteries?

No impact. The existing Corporation Yard and adjacent properties proposed for acquisition do not involve cemetery land uses. The proposed project is not expected to disturb any human remains.

VI. Geology and Soils:

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving?
i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?** Refer to Division of Mines and Geology Special Publication 42.

Less than significant impact. The City of Modesto is included in a very low risk Zone 3 seismic zone. Expansion of the Corporation Yard and the Maintenance Facilities should not be adversely affected by the presence of earthquake faults. There are no earthquake faults that are proximate to the project area that would be expected to adversely affect the project.

ii) **Strong seismic ground shaking?**

Less than significant impact. The proposed project will not expose additional people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

iii) **Seismic-related ground failure, including liquefaction?**

Less than significant impact. Refer to VI.a.ii above.

iv) **Landslides?**

No impact. Refer to VI.a.ii above.

b) **Result in substantial soil erosion or the loss of topsoil?**

No impact. The proposed project will not result in loss of topsoils. Expansion of the Corporation Yard will require the majority of the project site to be paved. This will minimize or eliminate erosion.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Less than significant impact. The proposed project is not located in an area that is subject to geologic or soil instability. Consequently, project implementation will not be subject to hazards associated with landslides, lateral spreading, subsidence, liquefaction or soil collapse.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

No impact. The Modesto Urban Area does not have soils with a great potential for expansion. Adherence to the Uniform Building Code and City Development
Standards will ensure that the proposed buildings will be structurally sound.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No impact. The proposed project will utilize the City’s sewerage system and will not require the use of septic tanks.

VII. Hazards and Hazardous Materials:

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No impact. The transport of any hazardous materials or the use or disposal of hazardous materials associated with the expanded Corporation Yard will be similar to the current operations. There will be no significant increase in risk to the public through the transportation of hazardous materials to the site for use at the Corporation Yard.

The proposed project will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. Site development activities would be conducted with diesel powered equipment. It is possible that a limited amount of fueling and maintenance of equipment would be conducted on-site during construction. Transport, storage, handling, and/or use of fuels, lubricants, and other chemicals at the site could create the potential for release of hazardous materials.

The contractor will prepare a spill and pollution prevention plan prior to the start of earthwork activities. The plan will include anticipated equipment needs and maintenance, emergency response procedures for hazardous materials releases, and procedures for contacting designated regulatory agencies in case of a release.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
No impact. The existing and proposed Corporation Yard activities do not involve the use of acutely hazardous materials. Implementation of the site plan will not have an effect on any existing or proposed school facilities.

d) 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 it create a significant hazard to the public or the environment?

Less than significant impact. To determine the potential presence of reported hazardous materials on the project site from current or historic land uses, a search of Federal, State, and local agency databases was performed (ERIIS, 1996). In addition, local regulatory agency files were reviewed to determine the status and other available information on the use and storage of hazardous materials at the project site.

The Bus Maintenance Facility portion of the project site (110 Elm Street) stores motor oil, transmission fluid, antifreeze, grease, oxygen, and acetylene for use in servicing vehicles. In 1987, a hydraulic fuel leak was discovered in the service shop. As a result, about two cubic yards of soil were removed and the area was backfilled.

The Bus Maintenance Facility formerly contained three underground petroleum storage tanks (USTs). A 5,000-gallon diesel UST in the southwest corner of the site was closed in place in 1987; no releases are known to have occurred from that tank. Two 12,000-gallon diesel USTs were removed in December 1998. Soil borings in the vicinity of one of the USTs and fuel island in 1993 had previously indicated that up to 2,000 mg/kg of total petroleum hydrocarbons were present in shallow soils by the fuel island, and up to 100 mg/kg to depths of between 20 to 50 feet below the ground surface (bgs) near the tank. When the tanks were removed, soil samples from the base of the excavation indicated that releases of petroleum hydrocarbons and volatile organic compounds had occurred.

In June 1999, four soil borings were completed and three groundwater monitoring wells were installed at the Bus Maintenance Facility to determine the extent of the releases. None of the soil samples collected from the borings contained petroleum hydrocarbons or organic compounds above laboratory reporting limits; groundwater from the monitoring wells contained up to 113 μg/L of total petroleum hydrocarbons as gasoline and up to 2 μg/L of volatile organic compounds (SCDER, 1999). Stanislaus County Department of Environmental Resources (SCDER) requested that an additional groundwater monitoring event be conducted at the site to demonstrate that contaminants in groundwater are naturally attenuating.

The Corporation Yard portion of the project site (501 Jefferson Street) formerly contained five diesel, waste oil, hydraulic fluid, and gasoline USTs used to fuel and service vehicles. Other hazardous materials stored on-site include waste and new motor oil, antifreeze, and solvents, paints, oxygen, acetylene, lacquer thinner, propane, and Roundup.
Two 1,200-gallon USTs were removed in 1989; soil samples from the excavation did not contain any contaminants above laboratory reporting limits (County records, 1996). In August 1998, the remaining three 12,000-gallon USTs were removed from the Corporation Yard. Soil samples indicated that releases had occurred from these tanks during their operation; SCDER has requested that a site assessment be performed to determine the extent of the releases.

As the former USTs at the site were located approximately 15 feet bgs and groundwater is encountered at approximately 40 feet bgs, construction workers and future site users would not be expected to come into contact with soils or groundwater affected by petroleum hydrocarbons and associated organic compounds. The USTs, the source of the releases, have been removed. However, if development of the project were to proceed prior to closure of the UST sites by SCDER, coordination with SCDER will ensure that project construction would not interfere with investigation and remediation of the sites.

The parcel north of the City Corporation Yard currently has one truck repair business, one recreational vehicle (RV) sales and service business, one auto repossession business, and one auto repair business. State records indicate that an underground storage tank of unknown size and content was registered to the address. Records from the Modesto Fire Department indicate that at least one 1,000-gallon underground gasoline tank was removed from the property in 1966. A 1,000-gallon underground waste oil tank, located parallel to the south side of the building, was removed from the property in February 1999. Soil sampling performed during tank removal activities did not identify significant levels of contamination; SCDER will not require further action at the site (M.J. Kloberdanz, 1999).

A Phase II investigation was conducted at this parcel in March 1999. The Phase II consisted of completing four borings near suspected hazardous material sources at the project site and collecting soil samples from each boring at approximately 15 and 30 feet bgs. Borings were located near the former gasoline and waste oil USTs, adjacent to an oil/water separator, and in an area previously used as a car wash. The soil samples were analyzed for total petroleum hydrocarbons and volatile organic compounds; no compounds were identified above laboratory reporting limits (M.J. Kloberdanz, 1999).

Based on the age of the buildings at the project site, asbestos-containing building materials and lead-based paint may potentially be present. Prior to demolition of structures on the project site, an asbestos-containing material (ACM) survey will be conducted by a certified asbestos consultant. If ACMs are found, they will be removed by a licensed removal contractor in accordance with State and local guidelines (including applicable air permits from the SJVUAPCD) prior to demolition of any on-site structures. Demolition of structures with lead-based paint will be carried out in accordance with State and Federal guidelines by trained workers.
Underground utilities may be encountered during on-site excavation and construction. Underground Service Alert (USA) will be contacted prior to ground breaking for information on the existing location of underground utilities, and available plans and schematics for the project site will be consulted for utility locations.

The proposed project will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No impact. Implementation of the proposed project will not be affected by airport land use plan constraints, a public airport, or public use airport. Similarly, the proposed project will not create safety hazards for people residing or working in the project area with respect to airport hazards or safety zones.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No impact. The proposed project is not located proximate to a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The proposed project will not have any effect on the City’s emergency response plans or evaluation plan. There will be no change in the existing exterior circulation due to implementing the proposed project.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No impact. The potential for wildland fire hazard is not an issue for the project area. Therefore, the project will not be affected by wildland fire hazards.

VIII. Hydrology and Water Quality:

Would the project result in:
a) Violate any water quality standards or waste discharge requirements?

No impact. The operation and maintenance of additional buses at the project site could result in the negligible degradation of the water quality runoff. Implementation of the expanded Corporation Yard should have a similar effect on surface water quality issues when compared with the existing Corporation Yard operations.

The proposed project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts associated with water quality to a less than significant level. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No impact. Implementation of the proposed project will not have an effect on groundwater supplies. Water consumption requirements should not be substantially different from current conditions. As a result, the project will not have an effect on lowering of local groundwater table levels.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

No impact. Project implementation will not substantially modify the existing drainage patterns occurring on-site. Minor surface modifications will be required due to the elimination of Jefferson Street and the redesign associated with the expansion of the Corporation Yard. These minor storm drain improvements will not cause erosion concerns or generate sediments and siltation on- or off-site.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of runoff in a manner which would result in flooding on- or off-site?

No impact. Implementation of the proposed project will not have an effect on any stream or river courses, nor result in the substantial alteration of site conditions. Runoff quantities and drainage conditions are expected to be similar for the proposed project when compared to current conditions.
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No impact. The proposed Bus Maintenance Facility would not significantly increase runoff from the site. The new bus parking lot, maintenance building, and associated facilities would largely replace existing parking lots with similar impervious surfaces. Landscaping included in the project would help minimize any slight increase in total impervious surface in the area.

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

f) Otherwise substantially degrade water quality?

Less than significant impact. Water quality degradation could occur during the construction period if soils were exposed to rainfall, and sediments were carried away from the construction area in storm water runoff. The City and its contractors must comply with State and local regulations for construction site management. A grading plan, which includes specific best management practices (BMPs) for controlling erosion and sedimentation, will be prepared and submitted to the Community Development Department for approval at the design review stage. Adherence to the existing program will reduce potential erosion and sedimentation to a less-than-significant level.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No impact. The proposed project does not involve placement of housing within the 100-year floodplain. Housing and residential uses are not included in the proposed project plans.

h) Place within a 100-year flood hazard area structures which would impede or redirect flows?

No impact. The project site is not located within the 100-year flood hazard zone as mapped by the Federal Emergency Management Agency (Modesto, 1995). The nearest flooding that occurs due to overtopping of waterways is at the Tuolumne River several miles to the south. Flooding generated by the adjacent Modesto Irrigation District lateral canal is also not an issue since the canal system is operated with a system of weirs and dams to prevent high water (Steve Nish, 1996).

The proposed project will not be subject to hazards associated with flooding.
The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Drainage (pages IV-9-1 through IV-9-32) are, therefore, still valid.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No impact. Flooding is not an issue associated with expanding the Corporation Yard. Project implementation will not expose people or structures to any flooding risks.

j) Inundation by seiche, tsunami, or mudflow?

No impact. The proposed project is not subject to conditions affected by seiches, tsunamis, or mudflows.

IX. Land Use and Planning:

Would the project:

a) Physically divide an established community?

No impact. The proposed project will not displace or disrupt the cohesion or economic vitality of an established community. The proposed project would be expanded to the northwest, displacing existing service industrial uses and moving further away from a small residential neighborhood. The proposed project would require the acquisition of four auto repair and services businesses on two parcels.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. The proposed Corporation Yard is designated on the City of Modesto’s Adopted Land Use Diagram (Figure III-1) of the Modesto Area General Plan (1995) as being located within the “Redevelopment Planning District” (RPD). The portion of the RPD designation that includes the project site is further defined in the General Plan as “Industrial/Commercial/Public” (ICP).

The entire project area (including the adjacent three blocks of residential uses) is zoned by the City as “Commercial Industrial” (CM), a zone that allows a wide variety of automobile-related service uses, and equipment and materials yards (Section 10-2.1302 of the Modesto Municipal Code). The CM zone has no detailed performance standards, but limits the maximum height of any structure to two stories or 35 feet (Section 10-2.1006), and requires a front yard setback of ten feet, which is to be landscaped (Section 10-2.1007).
The proposed project is consistent with the City's General Plan and zoning code, and with other City endorsed plans and plans in which the City is a participant.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No impact. There are no habitat conservation plans or natural community conservation plans that regulate the project area. Therefore, the project has no impact on these plans.

X. Mineral Resources:

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No impact. Implementation of the proposed project will occur on lands that have been previously developed. Consequently, the project will not affect the loss of availability of any known mineral resources that might occur on the site.

b) 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.

No impact. The project site is not known for locally important mineral resources or aggregate materials. There are no plans that designate the project site for its resource potential.

XI. Noise:

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than significant impact. Noise in the vicinity of the proposed Corporation Yard Expansion is generated primarily by SR 99, vehicular traffic along the adjacent local roads, and by trains on the nearby Southern Pacific railroad tracks. A noise analysis conducted by the City for inclusion in the 1995 Modesto Area General Plan indicates that the site of the existing City Corporation Yard and the proposed Bus Maintenance Facility is subjected to significant noise levels due to its proximity to SR 99. Noise contour lines in the General Plan show that more than one-half of the site experiences noise levels of 65 Ldn or greater.
An analysis of the potential noise impacts related to the addition of buses to 7th Street was conducted, using the Federal Highway Administration (FHWA) noise model (FHWA, 1978). Assuming the addition of four MAX buses to the peak hour traffic along 7th Street, the resultant noise impacts would be an increase of only 0.2 decibel over ambient levels with existing buses. This is an insignificant noise increase that could not be discerned by the human ear. Only one sensitive receptor occurs in the project area (occupied residence) along Elm Street. This residence will not be affected by the expansion of the Corporation Yard.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

No impact. The proposed Corporation Yard will not have activities or uses which generate excessive groundborne vibration or groundborne noise levels. Conditions that currently affect the Corporation Yard are expected to continue with the expansion of the Corporation Yard.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than significant impact. See response to XI.a above.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No impact. Construction noise would be generated by removal of asphalt, excavation for installation of foundation and utilities, construction of sidewalks and structures, reinforcement of existing pavement to support bus traffic, unloading of materials, and installation of landscaping. Construction equipment could generate noise levels of 70 to 95 dBA at 50 feet from the source. Since noise levels are reduced as distance from the source increases, the noise levels reaching the neighboring properties would be less intense than the 70 to 90 dBA range. Noise levels resulting from construction activities on the site, although a nuisance, would be temporary and would not constitute a significant impact.

No significant impacts will be generated as a result of the proposed project, nor will the neighborhood be impacted as a result of this use. The project will not create additional significant effects and the Mitigation measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No impact. The project is not located near an airport and would not subject people residing or working within the project area to excessive noise levels. The ambient noise levels occurring on the project site for current conditions would be similar to levels expected with the expanded Corporation Yard.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No impact. The proposed project is not proximate to a private airstrip. Therefore, the project would not expose persons residing or working in the project area to excessive private airstrip noise levels.

XII. Population and Housing:

Would the project:

a) Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No impact. Secondary development is generally described as changes in land use that could be fostered directly or indirectly by the implementation of a project on properties adjacent to or near it. These changes would not be under the control of the City of Modesto, but, if occurring, would represent a desire by other property owners in the vicinity of the project to change the use of their land.

The potential of the project to encourage spin-off development is limited due to the nature of the project. The Bus Maintenance Facility will not attract system patrons. Instead, the increased bus service accommodated by the proposed project is designed to respond to the population growth that is occurring, and would still occur without the project. The Bus Maintenance Facility will slightly increase capacity on-site, but will be incremental in nature and would not be expected to encourage vendors or service providers to relocate from their current locations.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No impact. Implementation of the Corporation Yard expansion project will not displace existing housing.
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No impact. The proposed project will not displace any residents or persons residing within or near the project area. The project will not require the relocation of any residence or replacement of any housing.

Under the proposed project, four commercial tenants on the two parcels would be displaced. The Federal Uniform Relocation Act (Public Law 91-646) and related laws and regulations contain specific requirements that govern both land acquisition and relocation. Pursuant to these laws, the City of Modesto must develop a relocation plan to minimize impacts on businesses that would be displaced by the project. The relocation plan will assess the relocation needs of all potential displacees and provide relocation information and assistance.

XIII. Public Services:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

No impact. The proposed project should not increase the risk of structural fire nor increase the service burden on the City’s fire department. It would be expected that the level of fire protection services currently provided to the Corporation Yard would continue to be provided for the proposed project.

The proposed project will have a less than significant impact upon the need for additional fire services to the project area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

ii) Police protection?

No impact. The proposed project is expected to require the same level of police protection services that occurs with the existing Corporation Yard. No increase in police protection services is expected with the expanded Corporation Yard facility.

The proposed project will have a less than significant impact upon the need for additional police services to the project area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are,
therefore, still valid.

iii) Schools?

No impact. The proposed project will not generate school age children. Therefore, the proposed project will not impact the Modesto school system, as this facility will not increase enrollment in the public schools. The MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a “less than significant level”. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

iv) Parks?

No impact. Expansion of the Corporation Yard will not have any effect on existing park facilities. The proposed project will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore, still valid.

v) Other public facilities?

Less than significant impact. Implementation of the proposed project will expand the existing Corporation Yard and consolidate the fleet and bus maintenance facilities. This will allow the City to accommodate slight increases in future bus maintenance demand, as well as the sharing of major maintenance equipment and facilities between the fleet and bus maintenance operations. This will greatly benefit the City’s maintenance operations.

XIV. Recreation:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No impact. Implementation of the project will not increase the demand for neighborhood or regional parks or other recreational facilities. As a result, the project will not affect or cause any deterioration of existing park facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No impact. The proposed Corporation Yard expansion will not require additional recreational facilities. The project does not generate demand for additional recreational facilities.
XV. Transportation/Traffic:

Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?

Less than significant impact. The expanded bus routes associated with the proposed Bus Maintenance Facility would result in a slight increase in traffic. The current operation of approximately 33 peak bus pullouts (25 of which begin routes in downtown Modesto) would increase to approximately 41 in the future (30 of which will begin routes in the downtown area). The expanded bus operations would result in five additional buses each day traveling south from the Bus Maintenance Facility down 7th Street, turning left on K Street to the downtown area.

The addition of five buses per day along this route to downtown would not cause a significant change in existing traffic conditions nor result in a significant increase in traffic congestion at any area intersections or along local roads. Average daily traffic levels are fairly low (e.g., less than 8,000 daily vehicles at the 7th Street/K Street intersection), and the increase is considered negligible.

Construction of the proposed project would require closure and vacation of Jefferson Street. No other closures of nearby streets would be required. The project would not cause any major traffic interference.

The proposed project will generate very minor increases in traffic in the area. The project is consistent with the Traffic and Circulation Needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

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

Less than significant impact. The project is consistent with the Stanislaus County Regional Transportation Plan, and with other applicable regional, State, and Federal transportation and air quality plans.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No impact. The proposed project does not involve air traffic concerns. Therefore, the project will not create substantial safety risks with respect to air traffic patterns or traffic levels.
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No impact. The proposed project will not significantly modify existing circulation patterns. Although portions of Jefferson Street will be vacated, the overall circulation plan for the Corporation Yard should be improved with consolidation of the facilities, and an improved layout of parking and storage areas.

e) Result in inadequate emergency access?

Less than significant impact. Implementation of the proposed project will not substantially modify access from surrounding roadways. Multiple access locations have been included in the proposed site plan. This should facilitate emergency access in the event that an emergency occurs.

f) Result in inadequate emergency parking?

Less than significant impact. Implementation of the proposed project will improve parking throughout the expanded Corporation Yard. Additional space and storage will be provided due to the larger Corporation Yard site. As a result, the project will not create inadequate emergency parking.

g) Conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

Less than significant impact. Relocation of the Bus Maintenance Facility and consolidation with the Bus Maintenance Facility operations are intended to improve alternative transportation means. As a result, the proposed project is considered to support City plans for alternative transportation, and will not conflict with any of those plans.

XVI. Utilities and Service Systems:

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No impact. The proposed project will not change the wastewater treatment requirements associated with the site. Therefore, the project will not exceed any wastewater treatment requirements regulated by the Regional Board.

b) Require or result in the construction or new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than significant impact. The proposed project will require no additional water supplies beyond that identified in the Increased Demand for Water
Supplies section of the MEIR. No new water supply demand is generated by the proposed Corporation Yard expansion. The Existing Conditions, Impacts Analysis and the Mitigation measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

The proposed project will require no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than significant impact. Minor storm drain improvements may be required to accommodate the new site plan for the expanded Corporation Yard. However, significant increases in storm runoff are not expected, and the storm drain facilities are expected to convey runoff quantities similar to the current storm drain system.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements?

Less than significant impact. The proposed project should not increase the demand for water supply and, therefore, will have no effect on existing new or expanded entitlements in the City of Modesto.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No impact. The wastewater treatment demand for the proposed project should be equivalent to the current demand for the Corporation Yard. Therefore, the proposed project should not affect treatment plant or sewer line infrastructure capacity.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less than significant impact. Construction would require the removal of existing asphalt pavement and some excavated soil. The area of debris removal is sufficiently small that disposal of these materials would not be significant.

The proposed project will not cause the generation of solid waste beyond that which is identified in the MEIR. Demolition of the existing buildings and improvements will require a one time generation of solid waste construction materials that will require disposal in the County landfill. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR
for Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

g) Comply with federal, state, and local statutes and regulation related to solid waste?

Less than significant impact. Implementation of the expanded Corporation Yard will comply with all statutes and regulations regarding solid waste. Solid waste quantities generated by the project should be similar to those currently generated at the existing Corporation Yard.

XVII. Mandatory Findings of Significance:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major proceeds of California history or prehistory?

No impact. The proposed project is not expected to have any adverse impact on fish and wildlife species or any other biological resource, including endangered plant and animal species.

The proposed project is not located within or near any identified ecologically sensitive areas. The project area is within a predominantly industrial area.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).

No impact. Implementation of the proposed project is not expected to result in cumulative impacts. The project involves redesign of the existing Corporation Yard and consolidation of existing maintenance facilities. While some expansion of the operations will occur, the increase in environmental impacts will be negligible.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No impact. The proposed project primarily involves redesign and reconfiguration of existing uses within the Corporation Yard. The redesign is not expected to have any adverse effects on human beings or residents in the area, either directly or indirectly. Design features associated with the new site plan will buffer and protect adjacent uses from the activities occurring within the Corporation Yard.
Project Title: Corporation Yard Expansion

CEQA Lead Agency Name and Address:
City of Modesto
P.O. Box 642
Modesto, CA 95353

CEQA Contact, Person, Address and Phone Number:
Brian Smith, AICP, Principal Planner
City of Modesto
1010 Tenth Street, Suite 4500
Modesto, CA 95353
phone (209) 577-5276

Project Location:
8th Street/Washington Street in the City of Modesto

Project Sponsor:
Fred Cavanah, Transit Manager
Engineering and Transportation Department
Public Transportation Division
City Hall - 1010 Tenth Street, Suite 4500
P.O. Box 642
Modesto, CA 95353
(209) 577-5295

Discretionary Actions Covered by CEQA Document

• Demolition permit
• Street vacation and abandonment
• Condemnation, acquisition, displacement and relocation of existing businesses
• Grading permit
• Various financial arrangements, grant applications and funding sources.

CEQA Conclusions / Determinations of Findings

A. The proposed Corporation Yard Expansion project is within the scope of the General Plan covered by a Master EIR (SCH #92052017).

B. The proposed Corporation Yard Expansion project will have no new additional significant effect on the environment not identified in the Master EIR and no new additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
D. There are no specific features unique to the Corporation Yard Expansion project that require project specific mitigation measures different that those contained in the Master EIR document. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: [Signature]

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A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY, CITY OF CERES, AND EMERGENCY DISPATCH JPA TO PROVIDE BACK-UP EMERGENCY OPERATION CENTER, 911 ANSWERING POINT AND EMERGENCY DISPATCH CENTER FACILITIES FOR PARTICIPANTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, City of Ceres, and Emergency Dispatch JPA to provide back-up Emergency Operation Center, 911 Answering Point and Emergency Dispatch Center facilities for participants be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-147

A RESOLUTION AUTHORIZING THE CITY TO SHARE WITH THE COUNTY OF STANISLAUS IN AN APPRAISAL OF THE LAND UNDERLYING THE WASTE-TO-ENERGY FACILITY SITE, LOCATED AT 4040 FINK ROAD IN CROWS LANDING, STANISLAUS COUNTY, CALIFORNIA. (FINK ROAD LANDFILL)

WHEREAS, there exists a 16.5 acre parcel on the southwest corner of the 219.1-acre site which is leased to Ogden Martin, located at 4040 Fink Road in Crows Landing, Stanislaus County, California, and the City, the County and Ogden collectively financed the construction of the Waste-to-Energy Facility on this parcel, and

WHEREAS, at its Council Meeting held on March 28, 2000, an oral report was presented to the City Council and the Council considered a proposal for an appraisal of a portion of the 219.1-acre site identified as Assessor’s Parcel Number 027-17-40, i.e. the approximate 16.5 acre Waste-To-Energy Facility site located at 4040 Fink Road in Crows Landing, Stanislaus County, California, and

WHEREAS, it is proposed that the appraisal will be used to assist the City and the County in establishing the fair rent for the property and it may also be used to assist the City and County in setting a price for possible acquisition of a partial interest by the City,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby authorizes the City to share with the County of Stanislaus the cost of an appraisal of the land underlying the Waste-to-Energy facility site, located at 4040 Fink Road in Crows Landing, Stanislaus County, California, known as the Fink Road Landfill, with the subject of the appraisal being a portion of the 219.1-acre site identified as Assessor’s Parcel...
Number 027-17-40, i.e. the approximate 16.5 acre Waste-To-Energy Facility site located at 4040 Fink Road in Crows Landing, Stanislaus County, California.

BE IT FURTHER RESOLVED by the Council that the appraisal shall be used to assist the City and the County in establishing the fair rent for the property and may also be used to assist the City and County in setting a price for possible acquisition of a partial interest by the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED HONEYCREEK ROAD AND NIGHTINGALE DRIVE SEWER LIFT STATION REHABILITATION AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project Honeycreek Road and Nightingale Drive Sewer Lift Station Rehabilitation, has been completed by Howk System, in accordance with the contract agreement dated March 9, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Honeycreek Road and Nightingale Drive Sewer Lift Station Rehabilitation be accepted from said contractor, Howk Systems; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $81,000.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
JIAN ZAHN, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED INTERIOR RECOATING OF DIGESTER NOS. 4 AND 5 AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Interior Recoating of Digester Nos. 4 and 5, has been completed by Sancon Engineering II, Inc., in accordance with the contract agreement dated June 1, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Interior Recoating of Digester Nos. 4 and 5 be accepted from said contractor, Sancon Engineering II, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $137,263.12 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-150

A RESOLUTION ACCEPTING THE PROJECT TITLED AIRPORT DISTRICT IMPROVEMENTS – PHASE III PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Airport District Improvements – Phase III project, has been completed by George Reed Inc., in accordance with the contract agreement dated July 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Airport District Improvements – Phase III be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,338,960.69 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-151

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SERVICES FOR ONE YEAR, WITH THE CITY RESERVING THE RIGHT TO EXTEND THE AGREEMENT FOR UP TO TWO ADDITIONAL YEARS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Heating, Ventilation and Air Conditioning (HVAC) services for one year, with the City reserving the right to extend the agreement for up to two additional years, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on April 25, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR JANITORIAL SERVICES AT MODESTO CENTRE PLAZA FOR ONE YEAR, WITH THE CITY RESERVING THE RIGHT TO EXTEND THE AGREEMENT FOR UP TO TWO ADDITIONAL YEARS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Janitorial Services at Modesto Centre Plaza for one year, with the City reserving the right to extend the agreement for up to two additional years, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on April 25, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-153

A RESOLUTION DECLARING A POLICE K-9 NAMED "ZEIS' AS SURPLUS AND AUTHORIZING THE SALE OF THE ANIMAL BY SEALED BID.

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

WHEREAS, the City possesses a Police K-9 named "Zeis" which does not conform to the Police Department’s training and operational requirements, therefore, the animal is not acceptable and has become surplus to the City’s needs, and

WHEREAS, by an agenda report dated March 20, 2000, City staff has recommended that said Police K-9 named "Zeis" could best be sold on a sealed bid basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Police K-9 named "Zeis" does not conform to the Police Department’s training and operational requirements, and therefore, the animal has become surplus property to the City’s needs and the Council does hereby authorize the sale of said Police K-9.

BE IT FURTHER RESOLVED that said Police K-9 is authorized to be sold on a sealed bid basis to the highest bidder.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-154

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to add the following classification:

Project Coordinator

The specifications for the classification of Project Coordinator (Range 130), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and
after April 4, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___4th___ day of ___April___, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
PROJECT COORDINATOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist the Parks Planning and Development Manager in the management of Capital Improvement Projects and park and trail rehabilitation projects, planning and design of park and trail facilities, and in the facilitation of public input into the design process.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Parks Planning and Development Manager.

May exercise direct supervision over technical and clerical staff in assigned area.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Prepare landscape and irrigation plans and specifications for minor renovation projects; park improvement projects and trail projects; inspect park landscaping and trail projects.

Assist in the review of construction documents for various Capital Improvement Projects.

Assist in the planning and design of park and trail improvements in accordance with capital improvement program and national standards and guidelines.

Assist in the administration of contracts with consultants and contractors, to ensure terms and conditions of the contract are met, including the inspection of work in progress, evaluating the quality of work and materials used, analyzing change order requests, approving progress payments and ensuring the satisfactory completion of work.

Identify and assist with the acquisition of property suitable for park development.

Review Environmental Impact Reports and other reports pertaining to park development.

EXHIBIT "A"
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued):

Essential Functions:

Plan and facilitate neighborhood and community meetings related to park planning, development and improvement.

Coordinate the activities of the City’s Park Partners Program, including contacting local groups to secure interest, assisting groups in identifying appropriate projects, assisting with fundraising efforts, serving as project coordinator, facilitating meetings and project decisions, and overseeing the construction and completion of the projects.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and methods of landscape architecture or civil engineering as applied to open space design and construction.

Construction document blueprint reading and construction installation methods.

Local codes, regulations, ordinances and regional planning policies pertaining to land use and park planning and development.

Federal and State environmental policies, regulations and requirements.

Practices and principles of construction administration and construction inspections.

Ability to:

Prepare and review construction plans and specifications, construction drawings, cost estimates and bid documents.

Administer Capital Improvement Projects, including planning, coordination and review of open space facility planning and site development.
QUALIFICATIONS – (Continued):

Ability to:

Operate a variety of general and technical software, including CAD systems, project management software and spreadsheets.

Make presentations to a variety of private citizens, public groups, boards, commissions, councils and other organizations.

Communicate effectively, using graphic instructions such as blueprints, layouts or other visual aids.

Effectively facilitate public design workshops.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines:

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

Experience:

Two years of increasingly responsible experience in capital improvement program management including planning, design and development of parks landscaping.

Training:

Equivalent to a Bachelor’s degree from an accredited college or university with major coursework in construction administration, land use planning, civil engineering, landscape architecture, public or business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver’s license.

Possession of, or ability to obtain, a Registered Landscape Architect or Registered Civil Engineer registration is highly desired.
WORKING CONDITIONS

Environmental Conditions:

Office Environment.

Office environment, with some field work.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing and walking for prolonged periods of time.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-155

A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ADD PROJECT COORDINATOR (RANGE 130).

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective April 4, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Project Coordinator (Range 130) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 4, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 101   | Custodian I  
      | Maintenance Aide |
| 103   | Administrative Clerk I |
| 104   | |
| 105   | |
| 106   | |
| 107   | Administrative Clerk II  
      | Animal Control Officer I  
      | Custodian II |
| 108   | |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
      | Equipment Service Worker I |
| 111   | Account Clerk  
      | Animal Control Officer II  
      | Evidence and Property Specialist |
| 112   | |
| 113   | Computer Operator  
      | Administrative Technician  
      | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
      | Storeskeeper  
      | Maintenance Worker II  
<pre><code>  | Equipment Service Worker II |
</code></pre>
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<tr>
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<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
|       | Planning Technician I  
|       | Wastewater Treatment Plant Attendant  
|       | Community Service Officer I  
|       | Assistant to the Events Coordinator  
|       | Code Enforcement Officer I |
| 116   | Equipment Operator  
|       | Fire Prevention Technician I  
|       | Motor Sweeper Operator  
|       | Traffic Technician  
|       | Traffic Painter  
|       | Traffic Sign Worker  
|       | Wastewater Collection System Operator  
|       | Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Fleet Procurement Specialist  
|       | Senior Storeskeeper  
|       | Parking Lot Maintenance Crewleader  
|       | Parks Crewleader  
|       | Tree Trimmer |
| 119   | Maintenance Mechanic – Parks  
|       | Planning Technician II  
|       | Maintenance Mechanic – Pumps  
|       | Wastewater Treatment Plant Operator  
|       | Civil Engineering Technician I  
|       | Building Maintenance Mechanic  
|       | Police Administrative Assistant  
|       | Public Information Technician  
|       | Code Enforcement Officer II  
|       | Community Service Officer II  
<p>|       | Assistant Buyer |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
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| 120   | Welder/Fabricator  
Senior Equipment Operator  
Fire Prevention Technician II  
Equipment Mechanic  
Assistant Electrician  
Traffic Painter Crewleader  
Accountant I  
Meter Reader Crewleader  
Laboratory Analyst I |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach Mechanic  
Fire Equipment Mechanic  
Tree Trimmer Crewleader  
Programmer Analyst I  
Industrial Waste Inspector I  
Cross Connection Specialist |
| 123   | Maintenance Mechanic Crewleader – Pumps  
Civil Engineering Technician II  
Maintenance Mechanic Crewleader – Parks |
| 124   | Plant Mechanic  
Equipment Mechanic Crewleader  
Planning Assistant  
Equipment Crewleader  
Community Development Program Specialist I  
Wastewater Collection System Crewleader  
Laboratory Analyst II |
| 125   | Crime Analyst |
| 126   | Coach Mechanic Crewleader  
Building Inspector I  
Electrician  
Housing Rehabilitation Specialist I  
Housing Financial Specialist  
Industrial Waste Inspector II |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
Landscape Technician  
Senior Fire Equipment Mechanic |
| 128   | Instrument Repair Technician  
Programmer Analyst II  
Public Improvement Specialist  
Community Development Program Specialist II  
Sr. Wastewater Treatment Plant Operator |
| 129   | |
| 130   | Building Inspector II  
Construction Inspector  
Housing Rehabilitation Specialist II  
Hazardous Material Program Coordinator  
Project Coordinator |
| 131   | Sr. Civil Engineering Assistant |
| 132   | |
| 133   | |
| 134   | Senior Building Inspector  
Senior Construction Inspector  
Fire Plan Checker  
Plan Review Engineer |
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-156

A RESOLUTION AUTHORIZING THE SALE OF FOUR (4)
SURPLUS WELL SITES TO THE STANISLAUS COUNTY
REDEVELOPMENT AGENCY AND AUTHORIZING THE
ACTING CITY MANAGER TO TAKE APPROPRIATE
ACTIONS TO COMPLETE THE SALE.

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

WHEREAS, the City Water Division recently closed down six (6) well sites
which no longer produce water in an economical manner or which have been superseded by
newer, larger wells, and

WHEREAS, the City Water Division has recommended that the six (6) well
sites be disposed of, as there are no other City uses for these properties and they are located in
the county, and

WHEREAS, a notice required by the state was sent to state and local agencies
to see if there was any interest in the sites, and

WHEREAS, the Stanislaus County Redevelopment Agency indicated interest in
purchasing four (4) of the well sites: APN Nos. 37-14-02, 37-22-21, 56-46-54, and 56-40-17.
Said well sites are more particularly shown on the maps attached hereto as Exhibit “A” and
incorporated herein by this reference, and

WHEREAS, discussions regarding the four (4) well sites resulted in a proposed
sale price of $10,000 per lot, with the City paying closing costs,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the sale of four (4) surplus well sites to the Stanislaus County Redevelopment Agency at a price of $10,000 per lot with the City paying the closing costs.

BE IT FURTHER RESOLVED that the Council authorizes the Acting City Manager to take appropriate actions to complete the sale.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
PORTION SE 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT-BLKS. 9806 & 9807

THIS MAP FOR ASSESSMENT PURPOSES ONLY

FROM BK. II
K.W. 16-39
JUNE 12, 1944
UPDATED 1964

SCALE 1/20" = 1'-0"

60' INYO AVE.

PORTION SE 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT-BLKS. 9806 & 9807

60' LASSEN AVE.

PORTION SE 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT-BLKS. 9806 & 9807

60' INYO AVE.

PORTION SE 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT-BLKS. 9806 & 9807

60' LASSEN AVE.

PORTION SE 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT-BLKS. 9806 & 9807

60' INYO AVE.

PORTION SE 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT-BLKS. 9806 & 9807

60' LASSEN AVE.

PORTION SE 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT-BLKS. 9806 & 9807
PORTION S 1/2 SECTION 8 T.4 S. R.9 E. M. D. B. & M.
PORTION RUTHERFORD TRACT - BLK. 9830 to 9834, 9847 to 9849

THIS MAP FOR ASSESSMENT PURPOSES ONLY

FROM BK. II
R.M. 18-37
JUNE 15, 1964
GENERATED 1969
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<td></td>
</tr>
<tr>
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<td></td>
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<tr>
<td>2</td>
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</tr>
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</table>
A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND FOSTER POULTRY FARMS FOR AIRPORT HANGAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the lease agreement between the City of Modesto and Foster Poultry Farms for Airport Hangar be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-158

A RESOLUTION APPROVING AN OPTION AGREEMENT BETWEEN THE CITY OF
MODESTO AND FOSTER POULTRY FARMS FOR A THREE-YEAR OPTION FOR A
CORPORATE HANGAR PLOT AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the option
agreement between the City of Modesto and Foster Poultry Farms for a three-year option for a
 corporate hangar plot at the Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 4th day of April, 2000, by Councilmember Conrad, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor
Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-159

A RESOLUTION APPROVING DIRECT CITY ASSISTANCE
FOR THE CENTER FOR HUMAN SERVICES’ ANNUAL
FUND RAISING EVENT, “BROADWAY COMES TO
MOTOWN”.

WHEREAS, the Center for Human Services has requested direct City assistance
for its “Broadway Comes to Motown” fund raising event, and

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

WHEREAS, dinner and dancing follow the Saturday evening performance held at
the State Theater, in addition to a Sunday matinee performance, and

WHEREAS, this year’s post-performance event will be held in the private parking
lots across J Street from the State Theater on Saturday, June 10, 2000, and

WHEREAS, in the past, the City has provided assistance in the form of fee
waivers and police assistance to the Center for Human Services for said event, and

WHEREAS, the Center is requesting that the City provide assistance in the total
sum of $2,109, for this year’s event as follows:

1. Waiver of fees for required street closure, alcoholic beverage and dance
permits - $20.00.

2. Six Police Explorers to monitor the perimeter of the street closure on J Street
at 12th and 13th Streets - No Cost.

3. Six Police Reserves (required due to sale of alcohol) - $1,219.
4. Three portable generators to provide power to sound and lights - $350 in staff costs and gasoline.

5. Two dozen trees in 15 gallon containers - $360 in staff time.


and

WHEREAS, the Human Services Committee met on March 6, 2000, and supported staff's recommendation to provide direct City assistance, and

WHEREAS, the Council deems it appropriate to grant approval for direct City assistance to the Center For Human Services for its fund raising event, "Broadway Comes To Motown",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Center for Human Services for direct City assistance in the total amount of $2,109 for the Center's annual fund raiser, "Broadway Comes to Motown".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-160

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR THE CENTER FOR DIRECT CITY ASSISTANCE WITH ITS ANNUAL FUND RAISING EVENT “BROADWAY COMES TO MOTOWN”

WHEREAS, the Center of Human Services has held an annual fundraising event for several years at the State Theater with the City providing assistance in the form of fee waivers and police assistance; and

WHEREAS, this year the Center is asking that the City provide waiver of fees, police monitoring as well as generators, portable trees, and lighted barricades.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________

JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: __________

STAN FEATHERS, Budget Officer
## ATTACHMENT A

### Expenses:

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<th>Inc/Dec</th>
<th>Revised Budget</th>
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<td></td>
</tr>
<tr>
<td>TOTAL EXPENSES (TO)</td>
<td></td>
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<td></td>
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<td>568,793</td>
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<td>570,882</td>
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### Revenue:

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<th>0100 190 N/A 1921 2202</th>
<th>2,000</th>
<th>-20</th>
<th>1,980 Various Police Permits</th>
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</thead>
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<tr>
<td></td>
<td></td>
<td>2,000</td>
<td>-20</td>
<td>1,980</td>
</tr>
</tbody>
</table>
A RESOLUTION REJECTING BIDS FOR “INSTALLATION OF LIGHTED CROSSWALKS”, OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 28, 2000

WHEREAS, the bids received for Installation of Lighted Crosswalks were opened at 11:00 a.m. on March 28, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so significantly over the engineer’s estimate, therefore staff recommends bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Installation of Lighted Crosswalks, opened in the office of the City Clerk on March 28, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-162  

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Management Analyst

The specifications for the classification of Management Analyst, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 11, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)
DEFINITION

To provide administrative support to the Assistant to City Manager, Deputy City Manager and City Manager; and to perform research, statistical and other technical analytical work in complex areas including budget issues and interdepartmental and inter-governmental policies and programs.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Assistant to City Manager, Deputy City Manager and City Manager. May exercise direct supervision over professional, technical and clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Plan and manage administrative, organizational, staffing and operational studies, collecting and analyzing data, making recommendations, evaluating alternatives and preparing reports.

Review, analyze and track state and federal legislation; act as legislative liaison to other departments; recommend City position to City Council.

Act as liaison with State and Federal legislative staff representing the City; attend State legislative committee hearings on key bills or issues; coordinate and attend legislative briefings.

Assist in the preparation and review of all division operating, multi-year, and capital improvement budgets.

Review, consolidate and analyze monthly departmental activity reports; submit to Deputy City Manager, City Manager and City Council.

EXHIBIT "A"
Essential Functions, Continued:

Act as liaison and provide staff support to assigned City Council Committees, including research of special issues, problems and procedures, resulting in various reports for City Council.

Assist in the development of citywide policies and procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications.

Answer questions and provide information to the public, outside agencies and City staff.

Attend various City Council, Commission, board, and other governmental meetings; prepare and present agenda items to the City Council.

Review administrative practices and make recommendations for improvements.

Provide economic and statistical analysis; present oral and written reports.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.
QUALIFICATIONS, Continued:

Knowledge of:

Technical report writing procedures.

Process and structure of City and department.

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

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Analyze facts and make sound recommendations.

Prepare completed staff work for oral and written communications.

Work with and control sensitive, confidential information.

Estimate and project revenues and expenditures.

Identify and respond to public and City Council issues and concerns.

Plan, initiate and complete work assignments with a minimum of direction.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

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

Three years of increasingly responsible administrative and analytical experience in a public agency, including supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, political science or a related field.

Working Conditions:

Office environment, exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting or standing for prolonged periods of time.
Personnel Resolution re: Salary Schedule and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved - City Manager
1 - Finance
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-163

A RESOLUTION APPROVING THE STANISLAUS COUNTY SHERIFF AERO SQUADRON’S REQUEST TO USE THE MODESTO CITY-COUNTY AIRPORT ON MAY 13, 2000 FOR THEIR SIXTH ANNUAL MODESTO AIRPORT DAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the request by the Stanislaus County Sheriff Aero Squadron for use of the Modesto City-County Airport on May 13, 2000 for their Sixth Annual Modesto Airport Day be, and is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING A GROUND LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR THE AIR TRAFFIC CONTROL TOWER AND THE TERMINAL VERY HIGH FREQUENCY OMNI-DIRECTIONAL RANGE (TVOR) FACILITY SITES AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the ground lease agreement between the City of Modesto and the Federal Aviation Administration for the Air Traffic Control Tower and the Terminal Very High Frequency Omni-Directional Range (TVOR) Facility Sites at the Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHN, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF FORREST HEATH FROM THE LOCAL PROGRAMMING COMMITTEE, EFFECTIVE APRIL 11, 2000

WHEREAS, Forrest Heath was appointed a member of the Local Programming Committee on January 6, 1998; and

WHEREAS, Forrest Heath has tendered his resignation from the Local Programming Committee, effective April 11, 2000; and

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-166

A RESOLUTION OF INTENTION TO ANNEX TERRITORY
TO COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER) AND
AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE
TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION
#1)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5
(commencing with Section 53311) of the California Government Code, commonly known as the
"Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of
additional territory to an existing community facilities district may be instituted by the adoption
by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 98-653,
adopted on December 8, 1998, (the “Resolution of Formation”) establish Community Facilities
District No. 1998-2 (“the District”), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 99-286,
adopted on June 8, 1999, order a change and add taxes for completion of Snyder Avenue
improvements, and

WHEREAS, this Council hereby determines that the public convenience and
necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the
District, and

4/11/00
Resolution - Resolution of Intention.wpd
WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 33.

SECTION 4. The Annexed Territory is described in Exhibit "A" to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 1 to Carver-Bangs/Pelandale-Snyder CFD No. 1998-2", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code.
including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. An amendment to the District was processed in 1999, adding taxes for the completion of Snyder Avenue improvements.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Public Report, as amended in March, 1999, a copy of which is attached hereto as Exhibit “B”. These same types of facilities and services will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax component of the special tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax component of the special tax to be levied in the Annexed Territory shall be slightly higher than that levied in the Resolution of Formation, to account for the additional cost of completion of Snyder Avenue improvements, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the CFD Public Report adopted for the District, as amended in March, 1999, a copy of which is on file with the City Clerk and attached hereto as Exhibit “B”. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.
SECTION 8. A public hearing upon this Resolution shall be held at 7:00 p.m., or as soon thereafter as practicable, on Tuesday, May 23, 2000, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.
SECTION 8. A public hearing upon this Resolution shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, June 6, 2000, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.
SECTION 11. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.
The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11\textsuperscript{th} day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: \underline{Jean Zahr}

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

\underline{Michael D. Milich}

MICHAEL D. MILICH, City Attorney
Exhibit “A”

(Territory To Be Annexed)
Exhibit “B”
(Public Report, amended March, 1999)
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

CFD PUBLIC REPORT

March 25, 1999

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG AND ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109
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<th>Page</th>
</tr>
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<td>2</td>
</tr>
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</tr>
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<td>2</td>
</tr>
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<td>C.   CFD Special Tax Structure</td>
<td>2</td>
</tr>
<tr>
<td>III. Description of Facilities and Services to be Funded by CFD No. 1998-2</td>
<td>4</td>
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</table>

**APPENDICES:**

- **Appendix A:** CFD Boundary Map
- **Appendix B:** Rate and Method of Apportionment of Special Tax and Reimbursements
- **Appendix C:** Detailed Facility Cost Estimates
I. **BACKGROUND**

Community Facilities District (CFD) No. 1998-2 is being formed to provide a funding and reimbursement mechanism for public facilities and services required to serve the Carver-Bangs and Pelandale-Snyder Specific Plans in the City of Modesto. Portions of both Specific Plan areas are included within the initial boundaries of the CFD, and the remainder of the property within both Plan areas is expected to annex into the CFD at a later date.

As a condition of development of the Specific Plan areas, the developers are required to install various public improvements which will serve the increased population generated from the projects. Many of these improvements must be provided in the early stages of development and, therefore, the first developers to build within the projects must install the improvements and receive fee credits or reimbursements in exchange for the facilities. CFD No. 1998-2 is the vehicle that will be used to ensure that all landowners in the Specific Plans pay their fair share of the public improvements. In addition, the CFD will generate funding for ongoing maintenance of landscaping and open space within the project areas.

Following is a brief description of both projects:

A. **Carver-Bangs Specific Plan**

On April 1, 1997, the City Council of the City of Modesto approved Resolution No. 97-161, thereby adopting the Carver-Bangs Specific Plan. The Specific Plan was subsequently amended by City Council Resolution 97-633. Carver-Bangs is a proposed 160-acre project bounded on the east by Carver Road, on the north by Bangs Avenue, on the south by the Pelandale-Snyder Specific Plan (discussed further below), and on the west by the Kiernan Business Park area. The Carver-Bangs Specific Plan will be developed under the City’s Village Residential guidelines, which will yield approximately 800 single family residential units.

B. **Pelandale-Snyder Specific Plan**

The Pelandale-Snyder Specific Plan was approved by the City Council on January 16, 1996 by the adoption of Resolution No. 95-16, and was subsequently amended by City Council Resolutions 97-136 and 97-139. The Specific Plan area is bounded by Dale Road on the west, the extension of Pelandale Road on the north, Union Pacific Railroad on the east, and the Modesto Irrigation District canal and Snyder Avenue on the South. Approximately 227 acres of the project are designated Single Family Residential (SFR), and 57 acres are designated Multi-Family Residential; in total, 2,613 residential dwelling units are expected at buildout of the Specific Plan. In addition, 36 acres of the Specific Plan area will be used for an elementary school site, a City park, and a church.
II. **Structure of Community Facilities District No. 1998-2**

A. **Introduction**

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 1998-2 (Resolution No. 98-582) was adopted by the City Council on November 3, 1998. After a public hearing and a successful election by landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. **Boundaries of CFD 1998-2**

As mentioned above, the initial boundaries of the CFD include portions of both the Carver-Bangs and Pelandale-Snyder Specific Plans. Additional property is expected to annex into the CFD in future years as development in the area expands. It is anticipated that property subsequently annexed into the CFD will be subject to the same special tax formula as property in the CFD from the start, with a maximum Facilities Special Tax (discussed further below) assigned to the property when it is annexed. Property in the Carver-Bangs Specific Plan is included within Tax Area A of the CFD, and parcels in Pelandale-Snyder make up Tax Area B of the CFD. A separate maximum tax has been calculated for each tax area, as discussed further in Section C below.

The boundaries of the CFD are shown on a boundary map that was approved by the City Council and recorded in Volume 3, page 5 of the Book of Maps of Assessment Districts and Community Facilities Districts in the Stanislaus County Recorder’s Office. A copy of the CFD boundary map is provided as Appendix A of this CFD Public Report.

C. **CFD Special Tax Structure**

1. **Facilities Special Tax**

Each year, special taxes will be levied and collected from parcels within the CFD to pay costs associated with storm drainage and road improvements, as well as maintenance of these improvements (authorized facilities and maintenance costs are discussed in more detail below). The Rate and Method of Apportionment of Special Tax and Reimbursements ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.
As explained in Sections D and E of the RMA, two different special taxes will be levied within the CFD. First, a “Facilities Special Tax” will be levied to pay for capital improvements and appurtenant expenses, such as design, planning, engineering and inspection. The entire Facilities Special Tax will be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction on a parcel within the CFD. Because each Specific Plan area is responsible for only the facilities required to serve that area, separate “tax areas” were established within the CFD to avoid any crossover of responsibility for the funding of required infrastructure. A separate Facilities Special Tax has been determined for each assessor’s parcel that was included within each tax area at the time CFD No. 1998-2 was formed; Attachment 2 of Appendix B identifies the maximum Facilities Special Tax assigned to each parcel.

Section C.I of the RMA (Appendix B) explains how the Facilities Special Tax obligation assigned to each original assessor’s parcel will be reallocated when subdivision occurs. Regardless of changes in land use in future years, the maximum Facilities Special Tax revenues that can be collected from property in the CFD will never be reduced. In January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each assessor’s parcel will be increased by four percent of the amount in effect in the prior year.

Section D of Appendix B sets forth a credit/reimbursement program which allows developers who have constructed and dedicated public improvements to take credits against the Facilities Special Taxes that would otherwise be paid until such credits equal the cost set forth in Appendix C of this CFD Public Report for the public improvements provided by the developer. Regardless of the actual cost incurred by the developer for construction of the public improvement(s), credits against the Facilities Special Tax can be taken until the amount credited is equal to the facility cost shown in Appendix C for that improvement(s). If the developer’s project is built out and a balance remains to be credited, the developer will instead receive a cash reimbursement from Facilities Special Taxes collected from other property owners in the CFD until the combined amount of fee credits and cash reimbursements is equal to the cost of the public improvement(s) as shown in Appendix C of this report. All costs and reimbursements are subject to a four percent increase in January 2002 and each January thereafter.

Facility Special Tax credits and reimbursements will be applied based on a specified order of priority, which is identified in Attachment I of Appendix B. Until all facilities of a higher priority have been fully funded, a developer who builds an improvement that is of a lower priority will not receive fee credits or reimbursements. The order of priority is specific to each tax area, which means facilities of a lower priority may be funded in one tax area even if the higher priority facilities in the other tax area have not yet been fully funded. Appendix B provides a more detailed description of the credit/reimbursement program.
2. Maintenance Special Tax

The second special tax that can be levied in the CFD is the "Maintenance Special Tax", which will be collected to pay costs associated with maintaining parkways and open space in both Specific Plan areas. Again, a separate maximum Maintenance Special Tax has been determined for Tax Area A and Tax Area B, as shown in the following table:

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Tax Area A (Carver-Bangs)</th>
<th>Tax Area B (Pelandale-Snyder)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$118 per unit</td>
<td>$92 per unit</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$945 per Acre</td>
<td>$733 per Acre</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>$945 per Acre</td>
<td>$733 per Acre</td>
</tr>
</tbody>
</table>

* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

The Maintenance Special Tax will be collected each fiscal year on the property tax bills of all parcels in the CFD that have had a final building permit inspection conducted or a certificate of occupancy issued prior to June 1 of the preceding fiscal year.

III. Facilities and Services to be Funded by CFD No. 1998-2

The facilities and services described below are all facilities which the City of Modesto is authorized to finance and which are required to adequately meet the needs of CFD No. 1998-2. The special taxes required to pay for these facilities and services will be apportioned according to the "Rate and Method of Apportionment of Special Tax" included as Appendix B of this report.

Capital Improvements

A. Carver-Bangs (Tax Area A)

Following is a summary of the capital improvements to be funded through CFD No. 1998-2 to serve the Carver-Bangs Specific Plan. A detailed breakdown of facility components and the corresponding cost estimates is provided in Appendix C of this report.
Storm Drainage Improvements $1,494,750
Prescott Road 145,422
American Avenue 24,033
Bangs Avenue 254,305
Carver Road 57,270
American Avenue Canal Overcrossing 295,066
Class I Bike Trail 142,500
CFD Formation Costs 67,500
Total Capital Improvement Costs $2,480,847

B. Pelandale-Snyder (Tax Area B)

Storm Drainage Improvements $4,389,042
Dale Road 531,075
Prescott Road 628,297
Tully Road 1,011,016
Snyder Avenue 504,283
Class I Bike Trail 752,675
CFD Formation Costs 67,500
Total Capital Improvement Costs $7,883,888

Annual Maintenance Costs

A. Carver-Bangs

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
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<tbody>
<tr>
<td>Bangs Avenue (South Side)</td>
<td>37,400</td>
<td>SF</td>
<td>$0.72</td>
<td>$26,957</td>
</tr>
<tr>
<td>8' Landscape Strip (4,680 LF x 8' = 37,400 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Avenue (East Side)</td>
<td>9,600</td>
<td>SF</td>
<td>$0.72</td>
<td>$6,912</td>
</tr>
<tr>
<td>8' Landscape Strip (1,200 LF x 8' = 9,600 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prescott Road 16' Center Median</td>
<td>10,500</td>
<td>SF</td>
<td>$0.72</td>
<td>$7,740</td>
</tr>
<tr>
<td>Prescott Road Treewell and Vine Blockouts with 10' Sidewalk and Masonry Wall</td>
<td>3,080</td>
<td>SF</td>
<td>$0.72</td>
<td>$2,218</td>
</tr>
<tr>
<td>(56 Each 5' x 5' Treewalls + 56 each 3' x 10' vine blockouts)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class I Bike Trail</td>
<td>1,308</td>
<td>SF</td>
<td>$0.72</td>
<td>$942</td>
</tr>
<tr>
<td>Pelandale Avenue (North Side) Landscape Strip</td>
<td>1,996</td>
<td>SF</td>
<td>$0.72</td>
<td>$1,437</td>
</tr>
<tr>
<td>Carver Road (West Side)</td>
<td>9,552</td>
<td>SF</td>
<td>$0.72</td>
<td>$6,877</td>
</tr>
<tr>
<td>(1, 194 L.F. x 8' = 9,552 S.F.)</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Total Annual Maintenance Costs $53,083
### B. Pelandale-Snyder

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dale Road (East Side), 12' Wide Landscape Strip (1,255 LF x 12' = 14,700 SF)</td>
<td>14,700</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Prescott Road (East Side), 12' Wide Landscape Strip (1,225 LF x 12' = 14,700 SF)</td>
<td>14,700</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Prescott Road 16' Center Median</td>
<td>10,750</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Tully Road (Both Sides), 12' Wide Landscape Strip (2,650 LF x 12' = 21,800 SF)</td>
<td>31,800</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Tully Road 16' Center Median</td>
<td>10,750</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Class I Bike Trail</td>
<td>8,820</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Pelandale Avenue (South Side)</td>
<td>10,400</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Carver West Side Back-up Lots South of Pelandale Avenue (515 L.F. x 5' = 2,575)</td>
<td>2,575</td>
<td>SF</td>
<td>$0.72</td>
</tr>
<tr>
<td>Landscaping Surrounding Storm Drain Basins</td>
<td>35,000</td>
<td>SF</td>
<td>$0.72</td>
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</tbody>
</table>

**Total Annual Maintenance Costs**

$100,436

The description of facilities and services, as set forth herein, is general in nature. The final nature and location of improvements will be determined upon the preparation of final plans and specifications.
APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

BOUNDARY MAP
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA

PROPOSED FORMATION MAP

CFD 1998-2 FORMATION MAP

NO SCALE

MAP DEVELOPED BY: McCardle Engineering

LAND PLANNING, ENGINEERING, SURVEYING

DATE OF FILING: NO. 1998-2, FORMATION MAP

BASIS OF RESOLVS:
THE RESOLVS OF SOUTH BAY" MEASURE ALONG THE LINE BETWEEN GPS MONUMENTS 140 AND 82 AS SHOWN IN FIG. 3 OF EXHIBIT No. 4. THE RESOLVS SHOWN HEREIN ARE USED AS THE BASIS FOR ALL RESOLVS SHOWN HEREIN.

NOTE:
THE RESOLVS SHOWN HEREIN ARE DEDUCTED DISTANCES ALWAYS DEDUCT DISTANCES OF THE 3RD DEGREE (EERUUS) TO LINING AND DISTANCES.

SURVEYOR'S STATEMENT:
THE MAP WAS PREPARED BY ME OF MY OWN KNOWLEDGE AND WAS BASED ON INFORMATION OF RECORD AS NOTED ON THE MAP.
I HEREBY DECLARE THAT THE MAP IS SUBSTANTIALLY COUPONS TO THE REQUIREMENTS FOR A COMMUNITY FACILITIES DISTRICT MAP AS PRESCRIBED BY SECTION 6.5 OF THE STREETS AND HIGHWAYS CODE.
DATED THIS____DAY OF________, 1999
ROY A. CALL, B.C.E. 10524


JEAN DAVIS, CITY CLERK

JEAN DAVIS, CITY CLERK

RECORDER'S STATEMENT:

KAREN MARSH, DEPUTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

DEPUTY

DATE 1 OF 1
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA
APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

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

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel number.

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

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

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

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

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

"City" means the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-2.

"Credit/Reimbursement Amount" means the sum of the portion of the CFD Costs and the costs of Authorized Facilities that have been paid in advance by a builder/developer and have not yet been reimbursed to that builder/developer through one of the following: (i) the application of Special Tax Credits (as defined below) or (ii) payments to the builder/developer from Facilities Special Taxes collected from other builders/developers in the CFD. The Credit/Reimbursement Amount outstanding at any point in time will be determined pursuant to Section D below.

"Facilities Special Tax" means a Special Tax collected by the City to pay for one or more of the following: (i) the costs of Authorized Facilities and CFD Costs, (ii) to reimburse a builder/developer who has an outstanding Credit/Reimbursement Amount, and (iii) if all Authorized Facilities have been completed, to pay for maintenance authorized to be funded by the CFD.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.).
“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Maintenance Special Tax Requirement” means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

“Non-Residential Property” means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

“Order of Priority” means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority.

“The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

“Original Parcel” means an Assessor’s Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

“Public Agency” means the federal government, State of California or other local governments or public agencies.

“Reimbursable Cost” means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

“Special Tax Credit” means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

“Subdivided Property” means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

“Successor Parcel” means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.
“Taxable Property” means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

“Tax Area A” means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

“Tax Area B” means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor’s Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor’s Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map,
Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel’s share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. Annual Maintenance Special Tax

All Subdivided Property within the CFD shall be subject to an Annual Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:
**D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM**

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.

The following steps shall be applied to implement the credit/reimbursement program:

*On an Ongoing Basis*

- On an ongoing basis, beginning in January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.
The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

The Administrator will keep track of which Authorized Facilities shown in Attachment I have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.

When a Final Map is Approved by the City Council:

**Step 1.** The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

**Step 2.** The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

**Step 3.** By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

**Step 4.** Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.
Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

Step 1. If there is an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

   Step 1a. Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;

   Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

   Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

       • If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

       • If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared
Step 2. If there is not an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- If there are outstanding Credit/Reimbursement Amounts, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" was issued to each...
builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

- If there are no outstanding Credit/Reimbursement Amounts due any builder/developer, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The maximum Facilities Special Tax determined pursuant to Section C above shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure within CFD No. 1998-2 and shall be immediately delinquent if not so paid.

2. Annual Maintenance Special Tax

Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1;
Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 on all Subdivided Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes levied on the County tax roll.

In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of
1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
ATTACHMENT 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority
- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority
- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modest Irrigation District lateral No. 6

Third Priority
- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority
- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)
- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modest Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)
- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal
**ATTACHMENT 2**  
**CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2**  
(CARVER-BANGS/PELANDALE-SNYDER)  
**MAXIMUM FACILITIES SPECIAL TAX**

<table>
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<tr>
<th></th>
<th>Carver-Bangs</th>
<th>Pelandale-Snyder</th>
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<tr>
<td>Infrastructure Costs, other than Storm Drainage</td>
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<td>$3,494,846</td>
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<td>Plus: Administration 7.00%</td>
<td>$69,027</td>
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</tr>
<tr>
<td><strong>Subtotal, Costs other than Storm Drainage</strong></td>
<td>$1,055,124</td>
<td>$3,739,485</td>
</tr>
<tr>
<td>Storm Drainage Costs</td>
<td>$1,494,750</td>
<td>$4,389,042</td>
</tr>
<tr>
<td>Plus: Administration 7.00%</td>
<td>$104,623</td>
<td>$307,233</td>
</tr>
<tr>
<td><strong>Subtotal, Storm Drainage Costs</strong></td>
<td>$1,599,383</td>
<td>$4,696,275</td>
</tr>
<tr>
<td><strong>Total Costs Assigned to Tax Area</strong></td>
<td>$2,654,506</td>
<td>$8,435,760</td>
</tr>
</tbody>
</table>

| Total Net Acreage Contributing to Non-Drainage Facilities | 137.44 | 298.40 |
| One-Time Special Tax per Net Acre for non-Drainage       | $7,677 | $12,532 |
| Total Net Acreage Contributing to Storm Drainage         | 137.44 | 317.73 |
| One-Time Special Tax per Net Acre for Storm Drainage     | $11,637 | $14,781 |

<table>
<thead>
<tr>
<th>Assessor Parcel No.</th>
<th>Property Owner</th>
<th>Net Acreage</th>
<th>1998 Maximum Facilities Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tax Area A. Carver-Bangs:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>78 12 02</td>
<td>Calvary Chapel</td>
<td>0.89</td>
<td>$17,189</td>
</tr>
<tr>
<td>78 18 23</td>
<td>Calvary Chapel</td>
<td>14.19</td>
<td>$274,065</td>
</tr>
<tr>
<td>78 18 24</td>
<td>William Han</td>
<td>28.90</td>
<td>$558,173</td>
</tr>
<tr>
<td>78 18 14</td>
<td>Lowry, Luscher, Donovan</td>
<td>22.60</td>
<td>$436,495</td>
</tr>
<tr>
<td>46 07 15</td>
<td>Kaufman &amp; Broad</td>
<td>16.39</td>
<td>$316,555</td>
</tr>
<tr>
<td>46 07 16</td>
<td>Elaine Fowler</td>
<td>18.11</td>
<td>$349,775</td>
</tr>
<tr>
<td>46 07 18</td>
<td>Ronald Malik</td>
<td>8.75</td>
<td>$168,997</td>
</tr>
<tr>
<td>46 07 19</td>
<td>Ronald Malik</td>
<td>19.30</td>
<td>$372,759</td>
</tr>
<tr>
<td>46 07 20</td>
<td>Ronald Malik</td>
<td>8.31</td>
<td>$160,499</td>
</tr>
<tr>
<td><strong>Total, Carver-Bangs</strong></td>
<td></td>
<td>137.44</td>
<td>$2,654,506</td>
</tr>
</tbody>
</table>

| **Tax Area B. Pelandale-Snyder** | | | |
| 78 18 06            | TRS Enterprises | 35.45 | $968,228 |
| 78 18 07            | Vossoughi Investments | 18.67 | $509,924 |
| 78 18 22            | Rodney K. Lowe, Inc. | 18.35 | $501,184 |
| 78 18 28            | Corn-Harris Development | 20.62 | $563,184 |
| 78 18 12            | Resource Development | 24.08 | $657,685 |
| 46 07 17            | Marlene Johnston, et al. | 16.22 | $443,009 |
| 46 07 11            | Verna Mae Johnson Trust | 17.95 | $490,259 |
| 46 07 12            | William P. Couture | 35.65 | $973,691 |
| 46 07 22            | Red Rock Ranch | 13.05 | $356,428 |
| 46 07 09            | Walker Family Partnership | 26.90 | $734,706 |
| 46 07 07            | Resource Development | 13.89 | $379,371 |
| 46 07 06            | Resource Development | 4.58  | $125,091 |
| 46 07 08            | Brent & Diana Holtz | 18.62 | $508,599 |
| 46 03 02            | Big Valley Grace Comm. Church | 7.20 | $196,650 |
| 46 03 06            | Big Valley Grace Comm. Church | 9.07 | $247,724 |
| 46 03 07            | Big Valley Grace Comm. Church | 18.10 | $494,356 |
| 46 03 09            | Big Valley Grace Comm. Church | 19.33 | $285,711 |
| **Total, Pelandale-Snyder** | | 317.73 | $8,435,760 |

__/1__ Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.

David Taussig & Associates, Inc.  
03/25/99
ATTACHMENT 3

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

IDENTIFICATION OF TAX AREA A AND TAX AREA B
COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "A"

C.F.D. 1998-2
(CARVER-BANGS/
PELANDALE-SNYDER)
APPENDIX C

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

DETAILED FACILITY COST ESTIMATES
CARVER-BANGS  
(TAX AREA A)  

DETAILED FACILITY COST ESTIMATES
CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS
$2,424,418

A. C.F.D. FEE PER NET ACRE

$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)  
COMMUNITY FACILITIES  
DISTRICT FORMATION  
COST SUMMARY  

A. STORM DRAINAGE $1,494,750  
B. PRESCOTT ROAD $145,422  
C. AMERICAN AVENUE $24,033  
D. BANGS AVENUE $254,305  
E. CARVER ROAD $57,270  
F. AMERICAN AVENUE CANAL CROSSING $295,066  
G. CLASS I BIKE TRAIL $142,500  
H. FORMATION COSTS $67,500  

---  
TOTAL CFD COSTS = $2,480,847  

NOTE:  
1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.  
2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.
**CARVER-BANGS SPECIFIC PLAN AREA**
**COMMUNITY FACILITIES DISTRICT**
**PRELIMINARY ENGINEER'S ESTIMATE**
**FOR**
**STORM DRAIN TRUNK LINES**
**AND**
**PROPORTIONATE SHARE OF PELANDALE-SNYDER**
**STORM DRAIN BASIN AND APPURtenances**
(REFERENCE FIGURE 1)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A. CONSTRUCTION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 30&quot; STORM</td>
<td>2,549</td>
<td>LF</td>
<td>$100.00</td>
<td>$254,900</td>
<td></td>
</tr>
<tr>
<td>2. 36&quot; STORM</td>
<td>1,279</td>
<td>LF</td>
<td>$121.00</td>
<td>$154,759</td>
<td></td>
</tr>
<tr>
<td>3. 48&quot; STORM</td>
<td>597</td>
<td>LF</td>
<td>$161.00</td>
<td>$96,117</td>
<td></td>
</tr>
<tr>
<td>4. SHARE OF 54&quot; STORM DRAIN TO BASIN</td>
<td>46</td>
<td>LF</td>
<td>$162.00</td>
<td>$8,372</td>
<td></td>
</tr>
<tr>
<td>5. MANHOLES</td>
<td>14</td>
<td>EA</td>
<td>$5,750.00</td>
<td>$80,500</td>
<td></td>
</tr>
<tr>
<td><strong>SUB-TOTAL STORM DRAIN TRUNK LINES =====&gt;</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$594,648</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10% CONTINGENCY =====&gt;</td>
</tr>
<tr>
<td><strong>TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====&gt;</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$654,113</td>
</tr>
</tbody>
</table>

| II. STORM DRAINAGE BASIN FACILITIES | | | | | |
| **A. CONSTRUCTION** | | | | | |
| 1. STORM DRAIN BASIN EXCAVATION | 42,628 | CY | $6.00 | $255,768 |
| 2. STORM DRAIN PUMP STATION | LUMP SUM | LS | $165,445.00 | $165,445 |
| 3. STORM DRAIN PIPING (PLUS JACK & BORE) | LUMP SUM | LS | $8,943.00 | $8,943 |
| 4. FENCING | 1,227 | LF | $16.00 | $19,632 |
| 5. LANDSCAPING | 10,433 | SF | $2.80 | $29,212 |
| 6. INLETS | LUMP SUM | LS | $2,981.00 | $2,981 |
| 7. STRIPPING / CLEARING / DISCING | LUMP SUM | LS | $2,981.00 | $2,981 |
| **SUB-TOTAL STORM DRAIN BASIN FACILITIES =====>** | | | | | $484,962 |
| | | | | | 10% CONTINGENCY =====> | | | | | $48,496 |
| **TOTAL STORM DRAIN BASIN FACILITIES =====>** | | | | | $533,459 |

| B. FEES | | | | | |
| 1. ENGINEERING | 1 | EST | $29,808.00 | $29,808 |
| 2. STAKING | 1 | EST | $14,755.00 | $14,755 |
| 3. CONSTRUCTION MANAGEMENT | 1 | EST | $19,873.00 | $19,873 |
| 4. GEOTECHNICAL | 1 | EST | $5,365.00 | $5,365 |
| **TOTAL FEES =====>** | | | | | $64,435 |
C. LAND ACQUISITION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. LAND PURCHASE</td>
<td>29.61%</td>
<td>TOTAL</td>
<td>COST</td>
<td>$305,054</td>
</tr>
<tr>
<td>2. ADMINISTRATION LUMP SUM</td>
<td></td>
<td>LS</td>
<td>$2,125.00</td>
<td>$2,125</td>
</tr>
</tbody>
</table>

TOTAL LAND ACQUISITION => $307,179

GRAND TOTAL => $1,494,750

NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCE WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

A. GROSS ACREAGE SUMMARY

| PELANDALE / SNYDER | 357.46 |
| CARVER / BANGS     | 151.80 |

TOTAL GROSS ACRES => 509.26

B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 = 29.61%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOW DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM DESCRIPTION QUAN. UNIT UNIT COST AMOUNT

A. CONSTRUCTION (20' CFD PORTION)
1. CLEARING AND GRADING 24,675 SF $0.60 $14,805
2. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10
R.V. = 50) 24,675 SF $2.00 $49,350
3. STORM DRAINAGE
   a. CATCH BASINS 4 EA $1,000.00 $4,000
   b. 12" CATCH BASIN RUNS (50 L.F. PER C.B.)
      200 LF $30.00 $6,000
   c. MANHOLES 2 EA $2,000.00 $4,000
4. PRIME COAT 24,675 SF $0.02 $494
5. STRIPING / SIGNAGE
   (5% OF GRADING AND PAVEMENT COST) 1 EST $3,207.75 $3,208

CONSTRUCTION TOTAL =====> $81,856
15% CONTINGENCY =====> $12,278
TOTAL PRESCOTT ROAD CONSTRUCTION =====> $94,135

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) 1 EST $5,648.08 $5,648
2. STAKING (3% OF CONSTRUCTION TOTAL) 1 EST $2,824.04 $2,824
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) 1 EST $3,765.39 $3,765

TOTAL FEES =====> $12,238

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION
   0.57 AC $65,000.00 $37,050
2. RIGHT-OF-WAY ADMINISTRATION
   LUMP SUM LS $2,000.00 $2,000

TOTAL LAND ACQUISITION =====> $39,050

GRAND TOTAL =====> $145,422

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.
NOTES:

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFD PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.
## Carver-Bangs Specific Plan Area
### Community Facilities District
### Preliminary Engineer's Estimate

**For**

American Avenue (2' CFD Portion Half Section Only)

From

Pelandale Avenue to Bangs Avenue (1,350' C.L. to C.L.)

*(Reference Figure 3)*

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. CONSTRUCTION (CFD PORTION)</td>
<td>CLEARING AND GRADING</td>
<td>2,535</td>
<td>SF</td>
<td>$0.35</td>
<td>$887</td>
</tr>
<tr>
<td></td>
<td>PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)</td>
<td>2,535</td>
<td>SF</td>
<td>$1.75</td>
<td>$4,436</td>
</tr>
<tr>
<td></td>
<td>STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>b. 12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>c. MANHOLES</td>
<td>2</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td></td>
<td>PRIME COAT</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$100.00</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$300.00</td>
<td>$300</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL = $14,724

15% CONTINGENCY = $2,209

TOTAL PRESCOTT ROAD CONSTRUCTION = $16,932

B. FEES

1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 | EST | $1,015.92 | $1,016 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $507.96 | $508 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $677.28 | $677 |

TOTAL FEES = $2,201

C. LAND ACQUISITION

1. RIGHT-OF-WAY DEDICATION | 0.06 | AC | $65,000.00 | $3,900 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $1,000.00 | $1,000 |

TOTAL LAND ACQUISITION = $4,900

GRAND TOTAL = $24,033

**NOTES:**

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY’S CFF PROGRAM. (SEE FIGURE 3).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.
NOTES:
1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE 
   ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFD PROGRAM. THE CFD PORTION GETS UNDER 
   AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. 
   THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR 
   STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFD PROGRAM AND IS NOT WITHIN 
   THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BANGS AVENUE (9' CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350' C.L. TO C.L.)
(REFERENCE FIGURE 4)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>CONSTRUCTION (CFD PORTION)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>48,150</td>
<td>SF</td>
<td>$0.35</td>
<td>$16,853</td>
</tr>
<tr>
<td>2.</td>
<td>PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)</td>
<td>48,150</td>
<td>SF</td>
<td>$1.75</td>
<td>$84,263</td>
</tr>
<tr>
<td>3.</td>
<td>STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>CATCH BASINS</td>
<td>7</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$7,000</td>
</tr>
<tr>
<td>b.</td>
<td>12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>350</td>
<td>LF</td>
<td>$30.00</td>
<td>$10,500</td>
</tr>
<tr>
<td>c.</td>
<td>MANHOLES</td>
<td>7</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$14,000</td>
</tr>
<tr>
<td>4.</td>
<td>PRIME COAT</td>
<td>48,150</td>
<td>SF</td>
<td>$0.02</td>
<td>$963</td>
</tr>
<tr>
<td>5.</td>
<td>STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)</td>
<td>1 EST</td>
<td>$5,055.75</td>
<td>$5,056</td>
<td></td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL =====> $138,634
15% CONTINGENCY =====> $20,795
TOTAL Prescott Road CONSTRUCTION =====> $159,429

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 EST | $9,565.73 | $9,566 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 EST | $4,782.86 | $4,783 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 EST | $6,377.15 | $6,377 |

TOTAL FEES =====> $20,726

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 1.11 AC | $65,000.00 | $72,150 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM LS | $2,000.00 | $2,000 |

TOTAL LAND ACQUISITION =====> $74,150

GRAND TOTAL =====> $254,305

NOTES:
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 4).
2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.
3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.
NOTES:
1. Based on city policy, the portion of the roadway improvements above and beyond the adjacent developers responsibility is included in the CFD program. The CFD portion gets wider as the road section flares at the Prescott/Bangs and Prescott/Pelandale intersections.

2. Based on city policy, 40' of improvements are constructed by the adjoining development. The 40' section is constant at the flared intersections.

3. The standard city cross section for a minor collector street is 60' total. Collector streets are entirely constructed by the adjoining development.

4. The remaining portion that is not funded by the city's CFD program and is not within the standard 60' minor collector section is included within the CFD.
CARVER-BANGS SPECIFIC PLAN AREA  
COMMUNITY FACILITIES DISTRICT  
PRELIMINARY ENGINEER’S ESTIMATE  
FOR  
CARVER ROAD (9’ CFD PORTION, HALF SECTION ONLY)  
FROM  
PELANDALE AVENUE TO BANGS AVENUE  
(REFERENCE FIGURE 5)  

ITEM DESCRIPTION QUAN. UNIT UNIT COST AMOUNT

A. CONSTRUCTION (6’ CFD PORTION)
1. CLEARING AND GRADING 9,900 SF $0.35 $3,465
2. PAVEMENT (0.40’ A.C. OVER 0.45’ A.B., T.I. = 8 R.V. = 50) 9,900 SF $1.75 $17,325
3. STORM DRAINAGE
   a. CATCH BASINS 2 EA $1,000.00 $2,000
   b. 12” CATCH BASIN RUNS (50 L.F. PER C.B.) 100 LF $30.00 $3,000
   c. MANHOLES 2 EA $2,000.00 $4,000
4. PRIME COAT 9,900 SF $0.02 $198
5. STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS) 1 EST $1,039.50 $1,040

CONSTRUCTION TOTAL ======> $31,028
15% CONTINGENCY ======> $4,654
TOTAL PRESCOTT ROAD CONSTRUCTION ======> $35,682

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) 1 EST $2,140.90 $2,141
2. STAKING (3% OF CONSTRUCTION TOTAL) 1 EST $1,070.45 $1,070
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) 1 EST $1,427.27 $1,427

TOTAL FEES ======> $4,639

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION 0.23 AC $65,000.00 $14,950
2. RIGHT-OF-WAY ADMINISTRATION LUMP SUM LS $2,000.00 $2,000

TOTAL LAND ACQUISITION ======> $16,950

GRAND TOTAL ======> $57,270

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY’S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
NOTES:

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

FIGURE 5
CARVER BANNS
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td></td>
<td>$15,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>EARTHWORK</td>
<td>LUMP SUM</td>
<td>LS</td>
<td></td>
<td>$23,750.00</td>
</tr>
<tr>
<td>3.</td>
<td>CAST-IN-PLACE REINFORCED CONCRETE 4.5' x 12' DOUBLE BOX CULVERT</td>
<td>LUMP SUM</td>
<td>LS</td>
<td></td>
<td>$125,000.00</td>
</tr>
<tr>
<td>4.</td>
<td>INLET STRUCTURE</td>
<td>1</td>
<td>EA</td>
<td></td>
<td>$21,200.00</td>
</tr>
<tr>
<td>5.</td>
<td>OUTLET STRUCTURE</td>
<td>1</td>
<td>EA</td>
<td></td>
<td>$21,200.00</td>
</tr>
<tr>
<td>6.</td>
<td>FENCING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td></td>
<td>$4,370.00</td>
</tr>
<tr>
<td>7.</td>
<td>UTILITY RELOCATION</td>
<td>1</td>
<td>EST</td>
<td></td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL =====> $220,520
15% CONTINGENCY =====> $33,078
TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING =====> $253,598

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 | EST | $15,215.88 | $15,216 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 | EST | $7,607.94 | $7,608 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 | EST | $10,143.92 | $10,144 |
4. GEOTECHNICAL | 1 | EST | $5,000.00 | $5,000 |
5. MID PERMITTING | 1 | EST | $3,500.00 | $3,500 |

TOTAL FEES =====> $41,468

GRAND TOTAL =====> $295,066

NOTES:
1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER-BANGS SPECIFIC PLAN.
M.I.D. LATERAL NO. 6
AMERICAN AVENUE CANAL CROSSING

PROPOSED AMERICAN AVENUE M.I.D.
LATERAL NO. 6 CANAL CROSSING
AT BANG AVENUE

CARVER BANGS
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER’S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. DESIGN PARAMETERS</td>
<td>INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>TOTAL LENGTH 2180 L.F. OR 0.413 MILES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>THE CITY’S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing CFF Portion</td>
<td>0.413 Miles x $105,600 =</td>
<td></td>
<td></td>
<td></td>
<td>$43,613</td>
</tr>
<tr>
<td>II. CLASS I BIKE TRAIL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>8' BIKE PATH</td>
<td>17,440</td>
<td>SF</td>
<td>$2.00</td>
<td>$34,880</td>
</tr>
<tr>
<td>2.</td>
<td>2' GRAVEL SHOULDER EACH SIDE (2' DECOMPOSED GRANITE)</td>
<td>8,720</td>
<td>SF</td>
<td>$0.30</td>
<td>$2,616</td>
</tr>
<tr>
<td>3.</td>
<td>4-6' FENCE</td>
<td>2,180</td>
<td>LF</td>
<td>$16.00</td>
<td>$34,880</td>
</tr>
<tr>
<td>4.</td>
<td>PEDESTRIAN ACCESS CROSSING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$50,000.00</td>
<td>$50,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONSTRUCTION TOTAL =========&gt;</td>
<td></td>
<td></td>
<td></td>
<td>$122,376</td>
</tr>
<tr>
<td></td>
<td>10% CONTINGENCY =========&gt;</td>
<td></td>
<td></td>
<td></td>
<td>$12,238</td>
</tr>
<tr>
<td></td>
<td>TOTAL BIKE PATH =========&gt;</td>
<td></td>
<td></td>
<td></td>
<td>$134,614</td>
</tr>
<tr>
<td>B. FEES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$8,076.82</td>
<td>$8,077</td>
</tr>
<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$4,038.41</td>
<td>$4,038</td>
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<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$5,384.54</td>
<td>$5,385</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL FEES =========&gt;</td>
</tr>
<tr>
<td>C. LAND ACQUISITION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>RIGHT-OF-WAY DEDICATION (10' WIDE; ASSUME 2' JOINT USE OF EXISTING MID RIGHT-OF-WAY)</td>
<td>0.50</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$32,500</td>
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<td>2.</td>
<td>RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$1,500.00</td>
<td>$1,500</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL LAND ACQUISITION =========&gt;</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>GRAND TOTAL =========&gt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CFF PORTION =========&gt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL CARVER BANGS CFD PORTION =========&gt;</td>
</tr>
</tbody>
</table>
CLASS 1 BIKE PATH / PEDESTRIAN ACCESS CROSSING OF M.I.D. NO. 6

M.I.D. R/W

4'-6' FENCE

6' NEIGHBORHOOD FENCE

2' 8' 2'
BIKE TRAIL

2' 12'

BIKE TRAIL

FIGURE 7
CARVER BANGS
PELANDALE-SNYDER
(TAX AREA B)

DETAILED FACILITY COST ESTIMATES
PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A. STORM DRAINAGE
B. DALE ROAD
C. PRESCOTT ROAD
D. TULLY ROAD
E. SNYDER AVENUE
F. CLASS I BIKE TRAIL
G. FORMATION COSTS

TOTAL CFD COSTS = $7,883,888

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998–2
(CARVER–BANGS/PELANDALE–SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTEANCES
(REFERENCE FIGURE 1)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>36&quot; STORM</td>
<td>400</td>
<td>LF</td>
<td>$121.00</td>
<td>$48,400</td>
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<tr>
<td>2.</td>
<td>42&quot; STORM</td>
<td>1,874</td>
<td>LF</td>
<td>$155.00</td>
<td>$290,470</td>
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<tr>
<td>3.</td>
<td>48&quot; STORM</td>
<td>3,661</td>
<td>LF</td>
<td>$161.00</td>
<td>$589,421</td>
</tr>
<tr>
<td>4.</td>
<td>54&quot; STORM</td>
<td>5,242</td>
<td>LF</td>
<td>$182.00</td>
<td>$954,044</td>
</tr>
<tr>
<td>5.</td>
<td>PROPORTIONATE SHARE 54&quot; TO BASIN</td>
<td>108</td>
<td>LF</td>
<td>$182.00</td>
<td>$19,656</td>
</tr>
<tr>
<td>6.</td>
<td>MANHOLES</td>
<td>29</td>
<td>EA</td>
<td>$5,750.00</td>
<td>$166,750</td>
</tr>
<tr>
<td></td>
<td>SUB-TOTAL STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td>$2,068,741</td>
</tr>
<tr>
<td></td>
<td>10% CONTINGENCY</td>
<td></td>
<td></td>
<td></td>
<td>$206,874</td>
</tr>
<tr>
<td></td>
<td>TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES</td>
<td></td>
<td></td>
<td></td>
<td>$2,275,615</td>
</tr>
<tr>
<td>II.</td>
<td>STORM DRAINAGE BASIN FACILITIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>STORM DRAIN BASIN EXCAVATION</td>
<td>100,372</td>
<td>CY</td>
<td>$6.00</td>
<td>$602,232</td>
</tr>
<tr>
<td>2.</td>
<td>STORM DRAIN PUMP STATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$389,555.00</td>
<td>$389,555</td>
</tr>
<tr>
<td>3.</td>
<td>STORM DRAIN PIPING (PLUS JACK &amp; BORE)</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$21,057.00</td>
<td>$21,057</td>
</tr>
<tr>
<td>4.</td>
<td>FENCING</td>
<td>2,890</td>
<td>LF</td>
<td>$16.00</td>
<td>$46,240</td>
</tr>
<tr>
<td>5.</td>
<td>LANDSCAPING</td>
<td>13,170</td>
<td>SF</td>
<td>$2.80</td>
<td>$36,876</td>
</tr>
<tr>
<td>6.</td>
<td>INLETS</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$7,019.00</td>
<td>$7,019</td>
</tr>
<tr>
<td>6.</td>
<td>CLEARING / DISCING / STRIPPING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$7,019.00</td>
<td>$7,019</td>
</tr>
<tr>
<td></td>
<td>SUB-TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$1,109,998</td>
</tr>
<tr>
<td></td>
<td>10% CONTINGENCY</td>
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<td></td>
<td></td>
<td>$111,000</td>
</tr>
</tbody>
</table>
### Preliminary Engineer's Estimate

**Date:** October 23, 1998

**Area:** Pelandale-Snyder Specific Plan Area

**Community Facilities District**

**Title:** Pelandale-Snyder Storm Drain Facilities Total

### C. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING</td>
<td>1 EST</td>
<td>EST</td>
<td>$70,192.00</td>
<td>$70,192</td>
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<tr>
<td>2.</td>
<td>STAKING</td>
<td>1 EST</td>
<td>EST</td>
<td>$34,746.00</td>
<td>$34,746</td>
</tr>
<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT</td>
<td>1 EST</td>
<td>EST</td>
<td>$46,796.00</td>
<td>$46,796</td>
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<td>4.</td>
<td>GEOTECHNICAL</td>
<td>1 EST</td>
<td>EST</td>
<td>$12,635.00</td>
<td>$12,635</td>
</tr>
<tr>
<td></td>
<td>TOTAL FEES =</td>
<td></td>
<td></td>
<td></td>
<td>$164,369</td>
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</tbody>
</table>

### D. LAND ACQUISITION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>LAND PURCHASE</td>
<td>70.39% OF TOTAL COST OF $1,030,239</td>
<td></td>
<td></td>
<td>$725,185</td>
</tr>
<tr>
<td>2.</td>
<td>ADMINISTRATION</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,875.00</td>
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<td></td>
<td>TOTAL LAND ACQUISITION =</td>
<td></td>
<td></td>
<td></td>
<td>$728,060</td>
</tr>
</tbody>
</table>

**PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL =** $4,389,042

### NOTES:

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

   **A. GROSS ACREAGE SUMMARY**

<table>
<thead>
<tr>
<th>PELANDALE / SNYDER</th>
<th>CARVER / BANGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>357.46</td>
<td>151.80</td>
</tr>
<tr>
<td>TOTAL GROSS ACRES =</td>
<td>509.26</td>
</tr>
</tbody>
</table>

   **B. PELANDALE / SNYDER PROPORTIONATE SHARE**

   \[
   357.46 / 509.26 = 70.19\%
   \]

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER A CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERRIS, AND REMOVAL OF EXISTING IRRIGATION LINES.
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
SNYDER AVENUE TO PELANDALE AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>DALE ROAD CENTER 20 FEET</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>SAWCUT AND REMOVE EXISTING PAVEMENT</td>
<td>26,400</td>
<td>SF</td>
<td>$1.50</td>
<td>$39,600</td>
</tr>
<tr>
<td>2.</td>
<td>MEDIAN CURB</td>
<td>2,690</td>
<td>LF</td>
<td>$15.00</td>
<td>$40,350</td>
</tr>
<tr>
<td>3.</td>
<td>MEDIAN COVER</td>
<td>17,520</td>
<td>SF</td>
<td>$3.50</td>
<td>$56,1320</td>
</tr>
<tr>
<td>4.</td>
<td>PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)</td>
<td>5,280</td>
<td>SF</td>
<td>$2.00</td>
<td>$10,560</td>
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<tr>
<td>5.</td>
<td>STRIPING</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$5,000.00</td>
<td>$5,000</td>
</tr>
<tr>
<td></td>
<td>CONSTRUCTION TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$156,830</td>
</tr>
<tr>
<td></td>
<td>10% CONTINGENCY</td>
<td></td>
<td></td>
<td></td>
<td>$15,683</td>
</tr>
<tr>
<td></td>
<td>TOTAL DALE ROAD CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td>$172,513</td>
</tr>
<tr>
<td></td>
<td>B. FEES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$10,350.78</td>
<td>$10,351</td>
</tr>
<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$5,175.39</td>
<td>$5,175</td>
</tr>
<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td></td>
<td>$6,900.52</td>
<td>$6,901</td>
</tr>
<tr>
<td></td>
<td>TOTAL FEES</td>
<td></td>
<td></td>
<td></td>
<td>$22,427</td>
</tr>
<tr>
<td></td>
<td>DALE ROAD CENTER 20 FEET GRAND TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$194,940</td>
</tr>
</tbody>
</table>
## Pelandale-Snyder Specific Plan Area
### Community Facilities District
#### Preliminary Engineer's Estimate
**October 23, 1998**

### I. EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS

**ITEM** | DESCRIPTION | QUAN. | UNIT | COST | AMOUNT
--- | --- | --- | --- | --- | ---

### A. CONSTRUCTION
1. CLEARING AND GRADING | 30,492 SF | SF | $0.60 | $18,295
2. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50) | 22,104 SF | SF | $2.00 | $44,208
3. STORM DRAINAGE
   a. 12" STORM DRAIN | 800 LF | LF | $30.00 | $24,000
   b. 15" STORM DRAIN | 420 LF | LF | $37.00 | $15,540
   c. CATCH BASINS | 2 EA | EA | $1,000.00 | $2,000
   d. 12" CATCH BASIN RUNS | 100 LF | LF | $30.00 | $3,000
   e. MANHOLES | 2 EA | EA | $2,000.00 | $4,000
4. 10' SIDEWALK WITH TREETWELL AND VINE BLOCKOUTS | 12,300 SF | SF | $3.00 | $36,900
5. 6' VERTICAL CURB AND GUTTER | 1,230 LF | LF | $9.00 | $11,070
6. RETURN AT PELANDALE AVENUE | 1 EA | EA | $1,000.00 | $1,000
7. ELECTROLIERS | 3 EA | EA | $3,500.00 | $10,500
8. LANDSCAPING (12' WIDE STRIP) | 14,760 SF | SF | $2.80 | $41,328
9. SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COSTS) | 1 EST | EST | $3,125.16 | $3,125
10. TRAFFIC CONTROL | LUMP SUM LS | LS | $4,500.00 | $4,500
11. TRAFFIC SIGNAL INTERCONNECT | 1,230 LF | LF | $10.00 | $12,300
12. PRIMECOAT | 22,104 SF | SF | $0.02 | $442

**CONSTRUCTION TOTAL ======>** $232,208

10% CONTINGENCY ======> $23,221

**TOTAL DALE ROAD CONSTRUCTION ======>** $255,429

### B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 EST | EST | $15,325.76 | $15,326
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 EST | EST | $7,662.88 | $7,663
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 EST | EST | $10,217.17 | $10,217

**TOTAL FEES ======>** $33,206

### C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 0.70 AC | AC | $65,000.00 | $45,500
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM LS | LS | $2,000.00 | $2,000

**TOTAL LAND ACQUISITION ======>** $47,500

**DALE ROAD FRONTAGE GRAND TOTAL ======>** $336,135

**DALE ROAD GRAND TOTAL ======>** $531,075

**NOTE:**
1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS
SNYDER AVENUE TO PELANDALE AVENUE
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT
TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PRESCOTT ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. CLEARING AND GRADING</td>
<td>37,530</td>
<td>SF</td>
<td>$0.60</td>
<td>$22,518</td>
<td></td>
</tr>
<tr>
<td>2. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)</td>
<td>18,525</td>
<td>SF</td>
<td>$2.00</td>
<td>$37,050</td>
<td></td>
</tr>
<tr>
<td>3. 2&quot; A.C. OVERLAY (EXISTING INTERIM PRESCOTT)</td>
<td>17,100</td>
<td>SF</td>
<td>$0.60</td>
<td>$10,260</td>
<td></td>
</tr>
<tr>
<td>4. STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. CATCH BASINS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>b. 12&quot; CATCH BASIN RUNS (50 L.F. PER C.B.)</td>
<td>100</td>
<td>LF</td>
<td>$30.00</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>c. MANHOLES</td>
<td>1</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>5. 6&quot; VERTICAL CURB AND GUTTER</td>
<td>1,200</td>
<td>LF</td>
<td>$9.00</td>
<td>$10,800</td>
<td></td>
</tr>
<tr>
<td>6. 10' SIDEWALK</td>
<td>12,000</td>
<td>SF</td>
<td>$3.00</td>
<td>$36,000</td>
<td></td>
</tr>
<tr>
<td>7. RETURNS</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>8. ELECTROLIERS</td>
<td>4</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$14,000</td>
<td></td>
</tr>
<tr>
<td>9. PRIMECOAT</td>
<td>18,525</td>
<td>SF</td>
<td>$0.02</td>
<td>$371</td>
<td></td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL =====> $139,999
10% CONTINGENCY =====> $14,000
TOTAL PRESCOTT ROAD CONSTRUCTION =====> $153,998

B. FEES
1. ENGINEERING (6% OF CONSTRUCTION TOTAL) | 1 EST | $9,239.90 | $9,240 |
2. STAKING (3% OF CONSTRUCTION TOTAL) | 1 EST | $4,619.95 | $4,620 |
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) | 1 EST | $6,159.93 | $6,160 |

TOTAL FEES =====> $20,020

C. LAND ACQUISITION
1. RIGHT-OF-WAY DEDICATION | 1.20 | AC | $65,000.00 | $78,000 |
2. RIGHT-OF-WAY ADMINISTRATION | LUMP SUM | LS | $2,000.00 | $2,000 |

TOTAL LAND ACQUISITION =====> $80,000

PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL =====> $254,018
<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
</table>

### II. PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS

#### A. CONSTRUCTION

1. CLEARING AND GRADING
   - QUAN.: 37,530 SF
   - UNIT COST: $0.60
   - AMOUNT: $22,518

2. PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)
   - QUAN.: 41,400 SF
   - UNIT COST: $2.00
   - AMOUNT: $82,800

3. STORM DRAINAGE
   - CATCH BASINS
     - QUAN.: 2 EA
     - UNIT COST: $1,000.00
     - AMOUNT: $2,000
   - 12" CATCH BASIN RUNS
     - QUAN.: 100 LF
     - UNIT COST: $30.00
     - AMOUNT: $3,000
   - MANHOLES
     - QUAN.: 1 EA
     - UNIT COST: $2,000.00
     - AMOUNT: $2,000
   - 6" VERTICAL CURB AND GUTTER
     - QUAN.: 1,200 LF
     - UNIT COST: $9.00
     - AMOUNT: $10,800
   - 10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS
     - QUAN.: 12,000 SF
     - UNIT COST: $3.00
     - AMOUNT: $36,000
   - RETURNS
     - QUAN.: 4 EA
     - UNIT COST: $800.00
     - AMOUNT: $3,200
   - ELECTROLIERS
     - QUAN.: 3 EA
     - UNIT COST: $3,500.00
     - AMOUNT: $10,500
   - LANDSCAPING (12' WIDE STRIP)
     - QUAN.: 14,400 SF
     - UNIT COST: $2.80
     - AMOUNT: $40,320
   - SIGNAGE AND STRIPING
     - QUAN.: 1 EST
     - UNIT COST: $5,265.90
     - AMOUNT: $5,266
   - TRAFFIC CONTROL
     - QUAN.: LUMP SUM
     - UNIT COST: $2,500.00
     - AMOUNT: $2,500
   - TRAFFIC SIGNAL INTERCONNECT
     - QUAN.: 1,200 LF
     - UNIT COST: $10.00
     - AMOUNT: $12,000
   - PRIMECOAT
     - QUAN.: 41,400 SF
     - UNIT COST: $0.02
     - AMOUNT: $828

**CONSTRUCTION TOTAL:** $233,732

**10% CONTINGENCY:** $23,373

**TOTAL PRESCOTT ROAD CONSTRUCTION:** $257,105

#### B. FEES

1. ENGINEERING (6% OF CONSTRUCTION TOTAL)
   - QUAN.: 1 EST
   - UNIT COST: $15,426.31
   - AMOUNT: $15,426

2. STAKING (3% OF CONSTRUCTION TOTAL)
   - QUAN.: 1 EST
   - UNIT COST: $7,713.15
   - AMOUNT: $7,713

3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)
   - QUAN.: 1 EST
   - UNIT COST: $10,284.20
   - AMOUNT: $10,284

**TOTAL FEES:** $33,424

#### C. LAND ACQUISITION

1. RIGHT-OF-WAY DEDICATION
   - QUAN.: 1.25 AC
   - UNIT COST: $65,000.00
   - AMOUNT: $81,250

2. RIGHT-OF-WAY ADMINISTRATION
   - QUAN.: LUMP SUM
   - UNIT COST: $2,500.00
   - AMOUNT: $2,500

**TOTAL LAND ACQUISITION:** $83,750

**PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL:** $374,279

**PRESCOTT ROAD GRAND TOTAL:** $628,297
NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
PRESCHOOL ROAD

FIGURE 3

PELANDALE, SNYDER

STORM DRAIN BÁSIN

INTERIM PRESCOTT ROAD

CFD

PLUS MOLDINGS

Snyder Avenue to Pelandale Avenue

DRAWN: J.R.M

DATE: 8-13-98

SCALE: 1/200

JOB NO: 70-179

FAX (209) 526-0003

SHEET 1
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PELANDALE AVENUE (1,450' C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I. TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>CLEARING AND GRADING</td>
<td>87,245</td>
<td>SF</td>
<td>$0.60</td>
<td>$52,347</td>
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<tr>
<td>2.</td>
<td>PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)</td>
<td>81,410</td>
<td>SF</td>
<td>$2.00</td>
<td>$162,820</td>
</tr>
<tr>
<td>3.</td>
<td>STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>CATCH BASINS</td>
<td>4</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$4,000</td>
</tr>
<tr>
<td>b.</td>
<td>12&quot; STORM DRAIN</td>
<td>600</td>
<td>LF</td>
<td>$30.00</td>
<td>$18,000</td>
</tr>
<tr>
<td>c.</td>
<td>12&quot; CATCH BASIN RUNS</td>
<td>200</td>
<td>LF</td>
<td>$30.00</td>
<td>$6,000</td>
</tr>
<tr>
<td>d.</td>
<td>MANHOLES</td>
<td>3</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$6,000</td>
</tr>
<tr>
<td>4.</td>
<td>6&quot; VERTICAL CURB AND GUTTER</td>
<td>2,432</td>
<td>LF</td>
<td>$9.00</td>
<td>$21,188</td>
</tr>
<tr>
<td>5.</td>
<td>10' SIDEWALK</td>
<td>24,320</td>
<td>SF</td>
<td>$3.00</td>
<td>$72,960</td>
</tr>
<tr>
<td>6.</td>
<td>REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD</td>
<td>717</td>
<td>LF</td>
<td>$20.00</td>
<td>$14,340</td>
</tr>
<tr>
<td>7.</td>
<td>CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.)</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$20,000.00</td>
<td>$20,000</td>
</tr>
<tr>
<td>8.</td>
<td>ELECTROLIERS</td>
<td>9</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$31,500</td>
</tr>
<tr>
<td>9.</td>
<td>SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)</td>
<td>1</td>
<td>EST</td>
<td>$10,758.35</td>
<td>$10,758</td>
</tr>
<tr>
<td>10.</td>
<td>TRAFFIC CONTROL</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$7,000.00</td>
<td>$7,000</td>
</tr>
<tr>
<td>11.</td>
<td>TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY)</td>
<td>1,400</td>
<td>LF</td>
<td>$10.00</td>
<td>$14,000</td>
</tr>
<tr>
<td>12.</td>
<td>RELOCATE OVERHEAD POWER LINES</td>
<td>4</td>
<td>EA</td>
<td>$7,000.00</td>
<td>$28,000</td>
</tr>
<tr>
<td>13.</td>
<td>LANDSCAPING (12' WIDE STRIP BOTH SIDES)</td>
<td>36,996</td>
<td>SF</td>
<td>$2.80</td>
<td>$103,589</td>
</tr>
<tr>
<td>14.</td>
<td>PRIMECOAT</td>
<td>81,410</td>
<td>SF</td>
<td>$0.02</td>
<td>$1,628</td>
</tr>
</tbody>
</table>

CONSTRUCTION TOTAL ==>>> $574,830

15% CONTINGENCY ==>>> $86,225

TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE ==>>> $661,055
## Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer’s Estimate
October 23, 1998

### B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$39,663.29</td>
<td>$39,663</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$19,831.65</td>
<td>$19,832</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$26,442.20</td>
<td>$26,442</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL FEES ===> $85,937**

### C. LAND ACQUISITION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>RIGHT-OF-WAY DEDICATION</td>
<td>0.776 AC</td>
<td>$85,000.00</td>
<td>$50,440</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM LS</td>
<td>$2,000.00</td>
<td>$2,000</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL LAND ACQUISITION ===> $52,440**

**TOTAL TULLY ROAD FRONTAGE ===> $799,432**

### II. TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF

#### A. CONSTRUCTION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>SAWCUT AND REMOVE EXISTING PAVEMENT</td>
<td>27,360 SF</td>
<td>$1.50</td>
<td>$41,040</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>MEDIAN CURB</td>
<td>3,090 LF</td>
<td>$15.00</td>
<td>$46,350</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>MEDIAN LANDSCAPING</td>
<td>23,120 SF</td>
<td>$3.50</td>
<td>$80,920</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50)</td>
<td>27,360 SF</td>
<td>$2.00</td>
<td>$54,720</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>STRIPING</td>
<td>LUMP SUM LS</td>
<td>$6,000.00</td>
<td>$6,000</td>
<td></td>
</tr>
</tbody>
</table>

**CONSTRUCTION TOTAL ===> $229,030**

**10% CONTINGENCY ===> $22,903**

**TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34' FEET ===> $251,933**

#### B. FEES

<table>
<thead>
<tr>
<th>ITEM</th>
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<th>UNIT</th>
<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$15,115.98</td>
<td>$15,116</td>
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<tr>
<td>2.</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$7,557.99</td>
<td>$7,558</td>
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<tr>
<td>3.</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1 EST</td>
<td>$10,077.32</td>
<td>$10,077</td>
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</tbody>
</table>

**TOTAL FEES ===> $32,751**

**TOTAL TULLY ROAD CENTER 34 FEET ===> $284,684**

**TOTAL AMOUNT FUNDED BY CFF ===> $220,000**

**TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDALE-SNYDER CFD ===> $64,684**

### III. TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE

#### A. CONSTRUCTION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
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<th>UNIT COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>TRAFFIC SIGNAL</td>
<td>LUMP SUM LS</td>
<td>$130,000.00</td>
<td>$130,000</td>
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**TOTAL $130,000**
### B. FEES

<table>
<thead>
<tr>
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<th>QUAN</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ENGINEERING (6% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$7,800.00</td>
<td>$7,800</td>
</tr>
<tr>
<td>2</td>
<td>STAKING (3% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$3,900.00</td>
<td>$3,900</td>
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<tr>
<td>3</td>
<td>CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)</td>
<td>1</td>
<td>EST</td>
<td>$5,200.00</td>
<td>$5,200</td>
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</tbody>
</table>

**TOTAL FEES:** $16,900

**TOTAL TRAFFIC SIGNAL TULLY AND SNYDER:** $146,900

**TULLY ROAD GRAND TOTAL:** $1,011,016

### NOTES:

1. **THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS.** The Center 34 feet of improvements on Tully Road are funded by the CFF program, however, the funds are not available for the entire project so a portion of the project not funded by CFF will be funded by the Pelandale-Snyder CFD.

2. **THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26 +/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.**

3. **THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.**

4. **THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50’ EXISTING TO 57’ CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.**

5. **THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.**

6. **THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.**
TULLY ROAD

NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

PROPOSED SYNDER AVENUE TO PELANDALE AVENUE

NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

M.I.D. LATERAL NO. 6 TO PROPOSED SYNDER AVENUE

FIGURE 4

PELANDALE SNYDER
CED FORMATION
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
Snyder Avenue
North side adjacent to storm drain basin,
West of Prescott Road (352'), South Side
Adjacent to bike trail from
Prescott Road to Carver Road (2,639' C.L. to C.L.)
(Reference figures-5, 5a, 5b, and 5c)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Snyder Avenue adjacent to storm drain basin</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Clearing and Grading</td>
<td>4,960</td>
<td>SF</td>
<td>$0.35</td>
<td>$1,736</td>
</tr>
<tr>
<td>2.</td>
<td>Pavement (0.40' A.C. over 0.55' A.B., T.I. = 8 R.V. = 46)</td>
<td>4,085</td>
<td>SF</td>
<td>$2.00</td>
<td>$8,170</td>
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<tr>
<td>3.</td>
<td>6&quot; Vertical Curb and Gutter</td>
<td>352</td>
<td>LF</td>
<td>$9.00</td>
<td>$3,168</td>
</tr>
<tr>
<td>4.</td>
<td>5' Sidewalk</td>
<td>1,760</td>
<td>SF</td>
<td>$3.00</td>
<td>$5,280</td>
</tr>
<tr>
<td>5.</td>
<td>Storm Drainage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>12&quot; Storm Drain</td>
<td>265</td>
<td>LF</td>
<td>$30.00</td>
<td>$7,950</td>
</tr>
<tr>
<td>b.</td>
<td>Catch Basin</td>
<td>1</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$1,000</td>
</tr>
<tr>
<td>c.</td>
<td>Storm Manhole</td>
<td>1</td>
<td>EA</td>
<td>$2,500.00</td>
<td>$2,500</td>
</tr>
<tr>
<td>6.</td>
<td>Signing / Striping</td>
<td>1</td>
<td>EST</td>
<td>$495.30</td>
<td>$495</td>
</tr>
<tr>
<td>7.</td>
<td>Traffic Control</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$1,000.00</td>
<td>$1,000</td>
</tr>
<tr>
<td>8.</td>
<td>Irrigation Removal</td>
<td>316</td>
<td>LF</td>
<td>$10.00</td>
<td>$3,160</td>
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<tr>
<td></td>
<td>Construction Total</td>
<td></td>
<td></td>
<td></td>
<td>$34,459</td>
</tr>
<tr>
<td></td>
<td>10% Contingency</td>
<td></td>
<td></td>
<td></td>
<td>$3,446</td>
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<tr>
<td></td>
<td>Total Snyder Avenue adjacent to Storm Drain Basin Construction</td>
<td></td>
<td></td>
<td></td>
<td>$37,905</td>
</tr>
<tr>
<td>B.</td>
<td>Fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Engineering (6% of Construction Total)</td>
<td>1</td>
<td>EST</td>
<td>$2,274.31</td>
<td>$2,274</td>
</tr>
<tr>
<td>2.</td>
<td>Staking (3% of Construction Total)</td>
<td>1</td>
<td>EST</td>
<td>$1,137.16</td>
<td>$1,137</td>
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<tr>
<td>3.</td>
<td>Construction Management (4% of Construction Total)</td>
<td>1</td>
<td>EST</td>
<td>$1,516.21</td>
<td>$1,516</td>
</tr>
<tr>
<td></td>
<td>Total Fees</td>
<td></td>
<td></td>
<td></td>
<td>$4,928</td>
</tr>
<tr>
<td>C.</td>
<td>Land Acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Right-of-Way Dedication</td>
<td>0.11</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$7,410</td>
</tr>
<tr>
<td>2.</td>
<td>Right-of-Way Administration</td>
<td>LUMP SUM</td>
<td>LS</td>
<td>$2,500.00</td>
<td>$2,500</td>
</tr>
<tr>
<td></td>
<td>Total Land Acquisition</td>
<td></td>
<td></td>
<td></td>
<td>$9,910</td>
</tr>
<tr>
<td></td>
<td>Snyder Avenue adjacent to the Storm Drain Basin Total</td>
<td></td>
<td></td>
<td></td>
<td>$52,743</td>
</tr>
</tbody>
</table>
II. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

A. CONSTRUCTION

1. CLEARING AND GRADED 51,575 SF $0.35 $18,051
2. PAVEMENT (0.40' A.C. OVER 0.55' A.B.; T.I. = 8, R.V. = 48) 47,020 SF $2.00 $94,040
3. PAVEMENT REMOVAL 59,730 SF $1.50 $89,595
4. 6" VERTICAL CURB AND GUTTER 2,538 LF $9.00 $22,842
5. STORM DRAINAGE
   a. 12" CATCH BASIN RUNS (50 L.F. PER C.B.) 250 LF $30.00 $7,500
   b. CATCH BASINS 5 EA $1,000.00 $5,000
   c. STORM MANHOLE 5 EA $2,500.00 $12,500
6. ELECTROLIERS (660' INTERVALS) 4 EA $3,500.00 $14,000
7. SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST) 1 EST $5,604.56 $5,605
8. TRAFFIC CONTROL LUMP SUM LS $5,000.00 $5,000
9. ABANDON EXISTING PUMP STATION NO. 47 LUMP SUM LS $4,500.00 $4,500

CONSTRUCTION TOTAL ======> $278,633
10% CONTINGENCY ======> $27,863
TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION ======> $306,496

B. FEES

1. ENGINEERING (5% OF CONSTRUCTION TOTAL) 1 EST $18,389.77 $18,390
2. STAKING (3% OF CONSTRUCTION TOTAL) 1 EST $9,194.88 $9,195
3. CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL) 1 EST $12,259.84 $12,260

TOTAL FEES ======> $39,844

C. LAND ACQUISITION

1. RIGHT-OF-WAY DEDICATION 1.58 AC $65,000.00 $102,700
2. RIGHT-OF-WAY ADMINISTRATION LUMP SUM LS $2,500.00 $2,500

TOTAL LAND ACQUISITION ======> $105,200

SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL ======> $451,541

SNYDER AVENUE GRAND TOTAL ======> $504,283
NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8 +/- FEET TO 12.5 +/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.
Snyder Avenue

Snyder Avenue adjacent to Storm Drain Basin (Sec. A)

Notes:
1. Match existing pavement per City Standards

Proposed Street Improvements and bike trail improvements included within CFD (Refer to bike trail section for bike trail costs and improvements)

Carver Road to Prescott Road (Sec. B)

Notes:
1. Refer to Figure 5A for a detailed cross section of the proposed New Snyder alignment
2. Refer to Figure 5B for Right-of-Way Take Summary
3. Refer to Figure 5C for Prescott Snyder Intersection Detail

Figure 5

Pelandale Snyder CFD Corridor

Drawn: J.R. M. 
Date: 8-13-98
Scale: 
Job No.: 70-J32

Mid-Valley Engineering, Inc.
800 W St. CE, Chico, California 95926
Fax (209) 526-803
TYPICAL SECTION ALONG THE M.I.D. RIGHT-OF-WAY
BETWEEN
PREScott ROAD AND CARVER ROAD

PROPOSED SNYDER AVENUE
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

<table>
<thead>
<tr>
<th>ITEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITEM DESCRIPTION</td>
</tr>
<tr>
<td>I. DESIGN PARAMETERS</td>
</tr>
<tr>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>EXISTING CFF PORTION</td>
</tr>
<tr>
<td>II. CLASS I BIKE TRAIL</td>
</tr>
<tr>
<td>A. CONSTRUCTION</td>
</tr>
<tr>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>CONSTRUCTION TOTAL ======&gt;</td>
</tr>
<tr>
<td>10% CONTINGENCY ======&gt;</td>
</tr>
<tr>
<td>TOTAL BIKE PATH ======&gt;</td>
</tr>
<tr>
<td>B. FEES</td>
</tr>
<tr>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>TOTAL FEES ======&gt;</td>
</tr>
</tbody>
</table>
Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUAN.</th>
<th>UNIT</th>
<th>COST</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.</td>
<td>LAND ACQUISITION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>RIGHT-OF-WAY DEDICATION</td>
<td>4.30</td>
<td>AC</td>
<td>$65,000.00</td>
<td>$279,500</td>
</tr>
<tr>
<td>2.</td>
<td>RIGHT-OF-WAY ADMINISTRATION</td>
<td>LUMP SUM LS</td>
<td>$2,500.00</td>
<td>$2,500</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL LAND ACQUISITION ===> $282,000

BIKE PATH GRAND TOTAL ===> $918,150

CFF PORTION TOTAL ===> $165,475

TOTAL PELANDALE-SNYDER CFD PORTION ===> $752,675

NOTES:

1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:
   
   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/ FEET TO 12.5+/ FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.
   
   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.
BIKE TRAIL ALONG SNYDER AVENUE

NOTE: SEE SNYDER AVENUE CROSS-SECTIONS FIGURE 5A FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS INCLUDED WITHIN THIS CFD.

LEGEND

IMPROVEMENTS:

= BIKE TRAIL ALONG SNYDER AVENUE
= BIKE TRAIL ALONG M.I.D. LATERAL

BIKE TRAIL ALONG M.I.D. LATERAL

FIGURE 6
PELANDALE SNYDER
CED FORMATION
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES & STOKES ASSOCIATES INC FOR UPDATING OF THE MASTER ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO GENERAL PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jones & Stokes Associates Inc. for updating of the Master Environmental Impact Report for the Modesto General Plan for $129,285 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-168

A RESOLUTION ACCEPTING THE PROJECT TITLED “CARVER/STANDIFORD LIST STATION REPLACEMENT” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carver/Standiford Lift Station Replacement, has been completed by Crutchfield Construction Company, in accordance with the contract agreement dated August 10, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Carver/Standiford Lift Station be accepted from said contractor, Crutchfield Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $303,981.49 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
              City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED “MODESTO AMTRAK STATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Modesto Amtrak Station, has been completed by Shoemate Building Inc., in accordance with the contract agreement dated October 27, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Modesto Amtrak Station be accepted from said contractor, Shoemate Buildings Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,813,419.62 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-170

A RESOLUTION REVISING THE POSITION CLASSIFICATION
PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted
by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and
Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to
the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that
revisions to the Classification Plan shall be effective upon adoption of resolution of the City
Council.

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan
of the City of Modesto is hereby amended to revise the following classification:

Administrative Services Officer

The specifications for the classification of Administrative Services Officer, as
shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is
hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Operations and Maintenance Supervisor

The specification for the classification of Operations and Maintenance Supervisor (Range 432), as shown on the attached Exhibit "B", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Building Maintenance Supervisor
Fleet Maintenance Supervisor
Parks Maintenance Supervisor
Public Works Supervisor
Tree Maintenance Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after April 18, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under general administrative direction, to plan, organize, and direct the administrative services of a department; provide administrative support to the Department Director in assigned program areas; and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the department Director.

May exercise direct supervision over managerial, technical and other subordinate staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Directs the budgetary and fiscal control process, and prepares the department capital and operating budgets; develops proformas for the department; serves as lead on financial items with the Finance Department.

Supervises the preparation of personnel documents and payroll.

Supervises and directs managerial, technical, and support staff; participate in the selection of staff, provide or coordinate staff training; work with employees to correct deficiencies; implement disciplinary procedures.

Develops and improves programs for the effective utilization of office space, forms and supplies, equipment, and other property.

Develops time and cost studies of unit operations and recommends changes to promote more efficient production.

Develops production standards.

EXHIBIT "A"
Identifies, analyzes, and recommends solutions to a variety of administrative and fiscal problems.

Coordinates all personnel-related matters; organizes and conducts personnel investigations for the department; reviews and makes recommendations on notices of discipline; serves as liaison with the Personnel and City Attorney's Departments and MCEA in these matters; may conduct personnel investigations for other departments.

Coordinates the overall clerical and analytical support effort for the department; may oversee and coordinate the activities of a unit/division within the department; provides supervision over other analytical positions within a department.

Conducts comprehensive cost benefit analyses.

Negotiates terms and conditions of various service contracts.

Prepares and revises departmental rules and manuals of procedure; directs the instruction of their use; coordinates and monitors the department's workplan. Implements the performance management guidelines within a department and coordinates coaching and mentoring efforts associated with PMG.

Reviews and analyzes applicable state and federal legislation for departmental impact.

Coordinates departmental training activities.

Conducts special projects and administrative studies; prepares complex research and analytical reports.

Attends various City Council, Board, Commission, and other governmental meetings; prepare and present agenda items to the City Council; coordinates all agenda items and City Council reports for all divisions.

Supervises the keeping of property records and recommends the granting of requests for purchase of major items of new property, or repair of existing property.

Confers with representatives of other agencies on administrative services problems; and negotiates and administers leases, including rental properties; works with the city Property Agent on the purchase of land for city projects.
Essential Functions, Continued:

May serve as the Acting Director for the department in the absence of the Director.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and modern methods of public and business administration with special reference to organization, fiscal, and budgetary preparation and control.
- Principles and practices of supervision, training and performance evaluation.
- Modern office methods, forms, and equipment.
- Technical report writing procedures and grant proposal development.
- Applications of statistical methods to management analysis.
- Advanced methods of report preparation and presentation.
- English usage, spelling, grammar, punctuation at an advanced level.
- Administrative research techniques, sources and availability of information.
- Applicable Federal, State, and local laws and regulations related to the department.

Ability to:

- Plan, organize, and direct the diverse and complex administrative program of the department.
- Research, analyze, and make recommendations on administrative, management, and procedural practices.
- Conduct administrative, disciplinary and fact-finding investigations.
- Perform advanced professional level work in designated areas of the work of the department.
Ability to, Continued:

Perform budget analysis, preparation, and monitoring.

Delegate authority and responsibility.

Schedule and program work on a long and short-term basis.

Devise and operate effective internal control procedures.

Analyze a variety of complex technical and administrative problems; make sound policy and procedural recommendations.

Prepare, review, and approve comprehensive analyses and reports; make effective presentations of conclusions and recommendations orally and in writing.

Formulate and recommend policies and budgets.

Interpret and make sound decisions in accordance with laws, regulations, and policies.

Read, understand, and apply complex materials.

Establish comprehensive record keeping systems.

Administer contract services.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective relationships with those contacted during the course of work.

Experience and Training Guidelines:

Any combination of training, experience, and education which demonstrates the possession of the knowledge and abilities stated above, and the ability to perform the duties of this position. A typical way to obtain the knowledge and abilities would be:
Experience:

Four years of administrative experience at an advanced level in a public agency, including one year of supervisory experience.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in public administration, business administration, economics, accounting, management, personnel, or a related field.

WORK CONDITIONS:

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.
OPERATIONS AND MAINTENANCE SUPERVISOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assign and supervise the work of crews engaged in a variety of water, storm/wastewater, street, parks, urban forestry, fleet and building operations, maintenance, repair and/or construction work; and to provide staff assistance to higher level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance and repair staff.

May provide supervision to technical support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Plan, prioritize, assign, supervise and review the work of staff involved in the operations, maintenance, repair and reconstruction of City facilities, infrastructure, equipment, grounds, and public area landscaping.

Coach and evaluate subordinate staff on work performance.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Assist in developing and administering work unit and/or Division budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

EXHIBIT "B"
Essential Functions: (Continued)

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate work unit safety program including ensuring that training is provided as appropriate.

Provide training for staff in the full range of operations, maintenance, repair and construction duties including performing the most difficult duties assigned to the work unit.

Oversee operation of a full range of heavy and light equipment as needed such as backhoes, loaders, dump trucks, rollers, tractors, vactor trucks, aerial towers and various trucks.

Oversee subordinate staff in the inspection of work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner.

Provide technical advice and assistance to subordinate staff.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of construction technology as they relate to the assigned operations, construction, maintenance and repair activities.

Types and level of maintenance and repair activities generally performed in a streets, water, wastewater collection, fleet, park or urban forestry program.

Principles of supervision, training and performance evaluation.
Safe work practices.

Pertinent sections of health, safety and labor codes.

Word processing and spreadsheet applications, and internet usage necessary for job performance.

English composition and technical report writing.

Cost accounting.

Ability to:

Plan, estimate, direct, coordinate, schedule and review the work of others.

Operate and maintain equipment and tools used in the field.

Identify and implement effective courses of action to complete assigned work; use lead by example methodology.

Keep records and make reports.

Supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Coordinate work assignments with other divisions, departments, agencies and volunteer groups.

Experience and Training Guidelines:

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

Experience:

Five years of increasingly responsible experience performing utility operations, construction and maintenance work in the assigned area of
Experience, Continued:

responsibility (such as facilities, infrastructure, fleet, parks, and urban forestry), including two years of supervisory or four years of lead responsibility.

Training:

Equivalent to completion of 30 college units is required, supplemented by specialized training in personnel supervision and/or subjects directly related to the specific position. (Completion of 60 college units is desirable).

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

When Assigned to Streets and Traffic Operations:

Possession of a work zone safety certificate from IMSA, TCSA, International Transportation Engineers (ITE), American Public Works Association (APWA), or the American Traffic Safety Services Association (ATSSA) at time of appointment.

Possession of, or the ability to obtain, a Level I and Level II signs and markings certification from the International Municipal Signal Association (IMSA) or the Traffic Control Supervisor Association (TCSA) within two years of appointment.

When Assigned to Water Distribution:

Possession of a Grade I water treatment certificate issued by the State of California at time of appointment.

Possession of a Grade II water distribution operator certificate issued by the State of California at the time of appointment.

Possession of a Grade II water treatment certificate issued by the State of California within one year of appointment.

Possession of a certificate issued by the American Water Works Association (AWWA) for backflow device testing and/or a Grade I Water conservation Practitioner is highly desirable.
When Assigned to Parks:

Possession of a Pesticide Applicator’s Certificate within one year of appointment.

Pest Control Advisor’s License issued by the State of California is highly desirable.

Playground Safety Certificate issued by the national Recreation Parks Association is highly desirable.

When Assigned to Urban Forestry:

Possession of a Pesticide Applicator’s Certificate within one year of appointment.

International Society of Arboriculture (ISA) certification as an Arborist is highly desirable.

When Assigned to Fleet:

Possession of Master ASE rating in either Heavy Truck or Automotive at time of appointment.

When Assigned to Wastewater Collections:

Possession of a Grade II certification in Wastewater Collection System Maintenance Technologist issued by the California Water Environment Association (CWEA) at time of appointment.

When Assigned to Wastewater Collections - Pumps:

Possession of a Grade II certification in Mechanical Technologist issued by the California Water Environment Association (CWEA) at time of appointment.

Possession of a Grade I certification in Wastewater Collection System Maintenance Technologist issued by the California Water Environment Association (CWEA) at time of appointment.
WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-171

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATION OF OPERATIONS AND MAINTENANCE SUPERVISOR AND TO REVISE THE SALARY RANGE FOR POLICE SUPPORT SERVICES SUPERVISOR AND ADMINISTRATIVE SERVICES OFFICER.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 99-175. Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective April 18, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Operations and Maintenance Supervisor (Range 432) to the Class Range Table and revises the salary range for Police Support Services Supervisor (Range 426) and Administrative Services Officer (Range 439).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 18, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
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<tr>
<td>403</td>
<td>Administrative Clerk (Confidential)</td>
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<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<td>412</td>
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<tr>
<td>413</td>
<td>Senior Personnel Clerk Administrative Technician (Confidential)</td>
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<tr>
<td>415</td>
<td>Secretary</td>
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<tr>
<td>418</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>419</td>
<td>Public Information Technician (Confidential) Police Training and Records Technician (Confidential)</td>
</tr>
<tr>
<td>RANGE</td>
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</tr>
</tbody>
</table>
| 420   | Accountant I (Confidential)  
|       | Employee Benefits Coordinator  
|       | Legal Services Technician  
|       | Deputy City Clerk  
|       | Executive Secretary  
|       | Systems Technician  
|       | Workers' Compensation Claims Examiner I |
| 421   |       |
| 422   | Office Supervisor |
| 423   | Custodian Supervisor |
| 424   | Assistant Planner  
|       | Assistant City Clerk/Auditor  
|       | Buyer  
|       | Workers' Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
|       | Executive Assistant |
| 426   | Stores Manager  
|       | Police Support Services Supervisor |
| 427   | Events Supervisor  
|       | Legal Services Administrator |
| 428   | Senior Buyer  
|       | Accountant II  
|       | Budget Analyst  
|       | Customer Services Specialist  
|       | Customer Services Supervisor  
<p>|       | Airport Operations and Maintenance Supervisor |</p>
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<tr>
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<tbody>
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</table>
| 430   | Associate Planner  
      | Junior Civil Engineer  
      | Junior Traffic Engineer  
      | Neighborhood Preservation Supervisor  
      | Senior Crime Analyst  
      | Social Services Program Supervisor |
| 431   | Administrative Analyst II  
      | Personnel Analyst  
      | Assistant Risk Manager  
      | Recycling Program Coordinator  
      | Senior Budget Analyst  
      | Senior Community Development Program Specialist  
      | Systems Analyst  
      | Equal Opportunity Officer |
| 432   | Plant Maintenance Supervisor  
      | Recreation Supervisor II  
      | Senior Accountant  
      | Youth Program Supervisor  
      | Industrial Waste Supervisor  
      | Water Quality Control Operations Supervisor  
      | Secondary Treatment Facilities Supervisor  
      | Operations and Maintenance Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Senior Programmer Analyst  
      | Electrical Supervisor  
      | Senior Housing Rehabilitation Specialist  
      | Operations Supervisor  
      | Arborist  
      | Land Surveyor  
      | Assistant Civil Engineer  
      | Assistant Traffic Engineer  
<pre><code>  | Geographic Information Systems Coordinator |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
       | Senior Personnel Analyst  
       | Integrated Waste Specialist  
       | Business Analyst  
       | Cultural Services Manager |
| 436   | Senior Planner |
| 437   | Deputy City Attorney I |
| 438   | Transportation Planner  
       | Housing Program Supervisor  
       | Parks Planning and Development Manager  
       | Communications and Marketing Manager  
       | Property Agent  
       | Budget Officer  
       | Financial/Investment Officer  
       | Systems Engineer  
       | Development and Operations Coordinator |
| 439   | **Administrative Services Officer** |
| 440   | Purchasing Officer  
       | Associate Civil Engineer  
       | Associate Traffic Engineer |
| 441   | Airport Manager  
       | Solid Waste Program Manager  
       | Transit Manager  
       | Streets Superintendent  
       | Parks Operations Superintendent  
       | Risk Manager  
       | Assistant Personnel Director  
       | Recreation Superintendent  
       | Fleet Manager  
       | Urban Forestry Superintendent  
       | Wastewater Collections Superintendent  
       | (Range 441 continues on next page) |
## CITY OF MODESTO

### Class Range Table – Management and Confidential Non-Sworn Classes

#### Page - 5

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</table>
| 441   | (Continued)  
        | Water Superintendent  
        | Building Maintenance Superintendent  
        | Police Records Manager  
        | Fire Marshal  
        | Golf Services Manager  
        | Deputy City Attorney II  
        | Senior Fire Equipment Mechanic |

| 442   | Supervising Building Inspector  
        | Supervising Construction Inspector  
        | Manager of Budget and Financial Analysis  
        | Information Services Manager  
        | Customer Services Division Manager |

| 443   | Deputy Chief Building Official  
        | Senior Deputy City Attorney I |

| 444   | General Services Manager  
        | Principal Planner |

| 445   | Accounting Division Manager  
        | Housing and Neighborhoods Division Manager |

| 446   | Water Quality Control Superintendent |

| 447   | Chief Building Official  
        | Assistant to City Manager  
        | Assistant Parks & Recreation Director – Civic Center  
        | Assistant Parks & Recreation Director – Parks  
        | Assistant Parks & Recreation Director – Recreation  
        | Business Development Division Manager  
        | Development Services Division Manager  
        | Strategic Planning Division Manager  
        | Senior Civil Engineer  
<pre><code>    | Traffic Engineer |
</code></pre>
<table>
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<th>TITLE</th>
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</tr>
<tr>
<td>449</td>
<td>Senior Deputy City Attorney II</td>
</tr>
<tr>
<td>450</td>
<td></td>
</tr>
<tr>
<td>451</td>
<td></td>
</tr>
</tbody>
</table>
| 452   | Deputy Director – Cultural and Enterprise Services  
       | Deputy Director – Recreation and Neighborhoods  
       | Deputy Director of Engineering and Transportation |
A RESOLUTION APPROVING A THREE-YEAR OPTION AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, DBA SKYTREK AVIATION FOR A HANGAR SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the three-year option agreement between the City of Modesto and Modesto Executive Air Charter, dba Skytrek Aviation for a hangar site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-173

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS AND INCREASE THE FY 2000-01 ABS TARGET AND ALLOCATION BY $25,000

WHEREAS, in 1992, the City Council approved the Youth Financial Assistance Program for the purpose of providing financial assistance to low-income youth; and

WHEREAS, staff is recommending that an additional $25,000 be allocated to increase the budget to $109,000 for the 1999-2000 fiscal year; and

WHEREAS, staff is further recommending that the allocation for this program, as well as the ABS target for the Department, for fiscal year 2000-01 be increased by $25,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From #0100-800-8000-8003 $(25,000)
To: #0100-370-3715-1060 $25,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHRI, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-174

A RESOLUTION APPROVING A POLICY FOR ACCEPTING, DISPLAYING AND DEACCESSIONING ARTWORK PRESENTED TO THE CITY OF MODESTO.

WHEREAS, the Culture Commission has proposed a formal policy to provide criteria and procedures for accepting, displaying and deaccessioning works of art presented to the City of Modesto, a copy of the proposed policy is marked Exhibit "A", attached hereto and incorporated herein by reference, and

WHEREAS, the Human Services Committee met on April 5, 2000, and supported the recommended policy, and

WHEREAS, the Recreation and Neighborhoods Department, by report dated April 11, 2000, to the Mayor and City Council, a copy of which is on file in the office of the City Clerk, recommended adoption of a resolution approving the proposed policy relating to artwork presented to the City of Modesto, and

WHEREAS, at its City Council meeting which was held on April 18, 2000, the Council considered the proposed policy relating to artwork presented to the City of Modesto as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed policy relating to artwork presented to the City of Modesto, a copy of which is marked Exhibit "A", attached hereto and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
City of Modesto Policy No. ____________

EXHIBIT "A"

ACQUISITION AND DEACCESSIONING CRITERIA AND PROCEDURES FOR WORKS-OF-ART GIVEN TO THE CITY OF MODESTO

Purpose:

To establish criteria and procedures for accepting, acquiring and deaccessioning art works for the City of Modesto.

Policy:

Objective: To provide a set of flexible criteria and procedures so that City of Modesto can present quality works of art in the best possible setting.

1. All art works will be accepted only as unconditional gifts.

2. All art works may not always be on exhibit.

3. The Culture Commission or its designated committee on Public Art will act as an acquisition committee. It will recommend to the City Council whether a work of art should be accepted based on the criteria below.

4. Criteria for accepting works of art:
   a. A work of art should be compatible with its intended setting whether this is a park or City of Modesto facility.
   b. Selected works of art should strive to be of the highest quality that can be afforded if purchased or selected. Before a group makes a purchase or selection with the intent of giving it to the City of Modesto, the group should consult the acquisition committee as to its appropriateness.
   c. The acquisition committee will determine the placement of works of art.

5. The acquisition committee, based on failure to meet the acquisition criteria, can recommend to the City Council the deaccessioning of works of art already owned by the City of Modesto. Upon approval by the City Council, the work of art can be given back to the donor or sold. If sold, the funds can only be used to acquire other artwork. The artwork acquired with the funds will credit the donor of the sold artwork “by exchange”.

6. Any acquisition committee member who is a member of a group presenting a work of art for consideration must step down due to a conflict-of-interest.
7. The Cultural Services Manager or staff will catalog all works of art owned by the City of Modesto or jointly owned by the City of Modesto and other agencies such as Stanislaus County.

8. The Cultural Services Manager or staff will monitor the condition of all works of art owned by the City of Modesto or jointly owned by the City of Modesto and other agencies such as Stanislaus County. The manager will notify the appropriate authorities concerning any adverse conditions.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-175

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SEVEN-UP BOTTLING COMPANY FOR INSTALLATION OF SODA VENDING MACHINES AT SEVEN ADDITIONAL PARK SITES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Seven-Up Bottling Company for installation of soda vending machines at seven additional park sites be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-176

A RESOLUTION APPROVING AN AMENDED AND
RESTATED PUBLIC AGENCY RETIREMENT SYSTEM
(PARS) TRUST AGREEMENT RELATING TO PROVIDING
TAX QUALIFIED RETIREMENT BENEFITS, APPOINTING
THE CITY'S PLAN ADMINISTRATOR FOR PARS, AND
AUTHORIZING THE ADMINISTRATOR TO EXECUTE PARS
LEGAL DOCUMENTS ON BEHALF OF THE CITY.

WHEREAS, the City of Modesto ("City") is a member of the Public Agency
Retirement System ("PARS"), which provides an alternate retirement system for our part-time,
seasonal and temporary employees who are ineligible for participation in CAL-PERS, and

WHEREAS, the City provides a Qualifying Retirement System for its employees,
thereby meeting the requirements of Section 11332 of the Omnibus Budget Reconciliation Act
(OBRA 90) and Section 3121(b)(7)(F) of the Internal Revenue Code, and

WHEREAS, PARS, a governmental trust, has been adopted by the City that
qualifies under California Government Code Sections 53,000 and 20,000, OBRA 90 Section
11332, IRC Sections 312(b)(7)(F) and 401(a), and meets the meaning of the term "retirement
system" as given by Section 218(b)(4) of the Federal Social Security Act, and

WHEREAS, the City is a member of the PARS TRUST, and

WHEREAS, by an Agenda Report to the City Council dated April 6, 2000, the
City Council considered the staff recommendations relating to approval of an Amended and
Restated PARS Trust Agreement, appointment of the Risk Manager as the Plan Administrator,
and authorizing the Plan Administrator to execute PARS legal documents on behalf of the City,
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(CITY CLERK)

APPROVED AS TO FORM:

By Michael Milich

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PATRICK T. PHILLIPS FROM THE GOLF COURSE COMMITTEE, EFFECTIVE APRIL 18, 2000

WHEREAS, Patrick Phillips was appointed a member of the Golf Course Committee on April 14, 1998; and
WHEREAS, Patrick Phillips has tendered his resignation from the Golf Course Committee, effective April 18, 2000; and
WHEREAS, Patrick Phillips has been a devoted and sincere public servant and has contributed greatly to our civic progress,
NOW, THEREFORE, BE IT RESOLVED that the resignation of Patrick Phillips from the Golf Course Committee be, and hereby is accepted with regret.
BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Patrick T. Phillips for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHN City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-178

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KELLER GROUP FOR PURCHASE OF FURNITURE FOR THE NEW POLICE HEADQUARTERS BUILDING AT 600 TENTH STREET FOR $283,384.43 AND APPROVING A 5% CONTINGENCY AUTHORIZATION ABOVE THE CONTRACT AMOUNT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Keller Group for purchase of furniture for the New Police Headquarters Building at 600 Tenth Street for $283,384.43 and approving a 5% contingency authorization above the contract amount be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KELLER GROUP FOR FURNITURE FOR THE EXISTING POLICE HEADQUARTERS AT 601 ELEVENTH STREET FOR $83,901.45 AND APPROVING A 5% CONTINGENCY AUTHORIZATION ABOVE THE CONTRACT AMOUNT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Keller Group for furniture for the existing Police Headquarters at 601 Eleventh Street for $83,901.45 and approving a 5% contingency authorization above the contract amount be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO.  2000-180

A RESOLUTION APPROVING THE PLEDGE OF $25,000 TO PURCHASE TICKETS FROM AMERICA WEST AIRLINES AND REQUESTING THE AIRPORT COMMITTEE TO RENEW DISCUSSIONS REGARDING SERVICE TO LOS ANGELES.

WHEREAS, at the request of Councilmember Smith, the City Council considered pledging money to purchase tickets from America West Airlines to encourage the service of 135 cities at the Stockton Airport, and

WHEREAS, said matter was considered by the City Council at its meeting held on April 18, 2000,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the pledge of $25,000 to purchase tickets from America West Airlines to encourage America West Airlines to provide service to the Stockton Airport.

BE IT FURTHER RESOLVED that the Airport Committee is hereby requested to renew discussions regarding service to Los Angeles.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED “WOODLAND LIFT STATION REHABILITATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Woodland Lift Station Rehabilitation, has been completed by Kirkwood-Bly Inc., in accordance with the contract agreement dated January 19, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Woodland Lift Station Rehabilitation be accepted from said contractor, Kirkwood-Bly Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $212,221.80 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "NORTH TRUNK SEWER – MARSALA TO BANGS TO CARVER" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled North Trunk Sewer – Marsala to Bangs to Carver, has been completed by K. J. Woods Construction Inc., in accordance with the contract agreement dated July 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that the North Trunk Sewer – Marsala to Bangs to Carver be accepted from said contractor, K. J. Woods Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $2,492,425.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-183

A RESOLUTION APPROVING A REVISED POLICY FOR
INVESTMENT OF PUBLIC FUNDS, POLICY NO. 1.019.

WHEREAS, pursuant to Section 2-3.401 of the Modesto Municipal Code, it is
the function of the City of Modesto ("City") Finance Department to deposit and invest funds
in accordance with sound treasury management, and

WHEREAS, the City is also governed by Sections 53600 et seq. of the
California Government Code, and

WHEREAS, by an Agenda Report to the Mayor and City Council dated April
12, 2000, from the Finance Director/Treasurer, the recommendation has been made to revise
Policy No. 1.019 relating to the Investment of Public Funds, and

WHEREAS, the proposed changes appear under "Authorized Investment
Personnel" on page 3 of said Policy, and reflect recent changes in Finance Department
personnel, a copy of the proposed policy is marked Exhibit "A", attached hereto and
incorporated herein by reference, and

WHEREAS, said Agenda Report provides that the recommended text revisions
provide for greater flexibility in the designation of Finance Department personnel authorized
to execute investments, and

WHEREAS, at its City Council meeting which was held on April 25, 2000, the
Council considered the proposed revised policy relating to Investment of Public Funds, Policy
No. 1.019,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in order to provide greater flexibility in the designation of personnel authorized to execute investments on behalf of the City of Modesto, the Council hereby approves the revised policy for Investment of Public Funds, Policy No. 1.019, a copy of which policy is marked Exhibit “A”, attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember _Frohman_, who moved its adoption, which motion being duly seconded by Councilmember _Fisher_, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________
MICHAEL D. MILICH, City Attorney
PURPOSE
The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

BACKGROUND
Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the "prudent investor" rule which states that:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not of speculation, but for investments, considering the probable safety of their capital as well as the probable cause to be derived."

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.

INVESTMENT REPORT
The Finance Director/Treasurer shall render a quarterly report to the City Council, City Manager and the internal auditor within 30 days following the end of the quarter. The report shall contain the following:

1. The type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and monies.

2. The weighted average maturity of the portfolio.
3. A description of any funds, investments or programs that are under management of contracted parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.

4. The market value as of the date of the report, and the source of the valuation.

5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.

6. A statement denoting the City’s ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.

INVESTMENT CRITERIA
Public funds are invested in the following manner in order of priority:

1. Safety of Principal
   The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. Liquidity
   The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. Yield
   Yield is the potential dollar earnings, or rate of return, an investment can provide. Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.

AUTHORIZED INVESTMENTS
Commencing with Section 53601 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

A. Bonds issued by the City.

B. United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.

C. Registered State of California warrants, treasury notes or bonds.

D. Bonds, notes, warrants or other evidence of indebtedness of any local agency within
California.

E. Obligations issued by a federal agency or United States government-sponsored enterprise.

F. Bills of exchange or time drafts (bankers acceptances) drawn on and accepted by a commercial bank.

G. Commercial paper of "prime" quality.

H. Certificates of deposit (CD) and negotiable certificates of deposit (NCD) issued by a nationally or state-chartered bank or a state or federal association or a state-licensed branch of a foreign bank.

I. Investment in repurchase agreements or reverse repurchase agreements of any authorized securities.

J. Medium-term corporate notes of a maximum of five years maturity issued by corporations operating within the United States.

K. Shares of beneficial interest issued by diversified management companies as defined in Section 23701(m) of the Revenue and Taxation Code (mutual funds).

L. State of California Local Agency Investment Fund (LAIF).

M. Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond of a maximum of five years maturity.

Detailed descriptions of investment instruments and terms are provided in Appendix A - Glossary.

AUTHORIZED INVESTMENT PERSONNEL
Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The Financial/Investment Officer, who is accountable to the Finance Director/Treasurer may designate an individual ("Designee") to be responsible for the daily management of the City's portfolio of treasury investments. The Financial/Investment Officer Designee may also be directed to will also monitor and forecast the City's cash flows, and prepare periodic investment reports that are submitted to the City Council. A Senior Accountant from the The Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity.
The Finance Director/Treasurer or Designee is authorized to make all investment transactions allowed by the Investment Policy. The Finance Director/Treasurer may authorize the Financial/Investment Officer Designee to enter into investments within specified parameters. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.

As part of each year's financial audit of the City, the external auditors shall review the Authorized Investment Personnel arrangement, and convey to the City Council any problems or recommended changes therein.

RESTRICTIONS SET BY GOVERNMENT CODE

A. General

   Maximum maturity of an authorized investment is limited to five years.

   Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.

   Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.

   Investment in any security that could result in a zero interest accrual if held to maturity is prohibited.

B. Bankers Acceptance (Bills of Exchange or Time Drafts)

   Required to be eligible for purchase by the Federal Reserve System.

   Must not exceed 270 days maturity.

   Must not exceed 40% of the City's surplus funds. No more than 30% of the City's surplus funds can be invested in the Bankers Acceptance of any one commercial bank.

C. Commercial Paper

   Must be "prime" quality of the highest ranking as provided by Moody's Investment Service, Inc. or Standard and Poor's Corporation (A-1, P-1).
Limited to issuing corporations that are organized and operating within the United States with total assets in excess of $500,000,000.

Must not exceed 180 days maturity.

Must not represent more than 10% of the outstanding paper of an issuing corporation.

Must not exceed 15% of the City's surplus funds.

May invest an additional 15% if the dollar-weighted average maturity of the entire amount of commercial paper outstanding does not exceed 31 days.

D. Certificates of Deposit

Require 110% government security collateralization by the institution.

E. Negotiable Certificates of Deposit

Must not exceed 30% of the City's surplus funds.

F. Repurchase Agreements

Must not exceed 365 days maturity.

Market value of collateral shall be 102 percent of the funds borrowed against those securities, adjusted at least on a quarterly basis.

G. Reverse Repurchase Agreements

Require prior approval of the City Council.

Must not exceed 20% of the City’s surplus funds.

Security must have been held for a minimum of 30 days.

Term must not exceed 92 days unless the agreement matches a matching codicil guaranteeing a minimum earning spread.

H. Medium Term Corporate Notes

Notes must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.
Issuer must be organized and operating within the U.S. or be a depository institution licensed by the U.S. or any state and operating within the U.S.

Must not exceed 30% of the City's surplus funds.

I. Diversified Management Companies (Mutual Funds)

Fund must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.

Must not exceed 15% of the City's surplus funds.

RESTRICTIONS SET BY THE FINANCE DIRECTOR/ TREASURER

A. Prior approval of the Finance Director is required for the following transactions:

Sale of securities
Swaps and trades
Purchase of collateralized mortgage obligations (CMO)
Purchase of mortgage-backed obligations
Purchase transaction in excess of $3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

Futures and options
Small Business Administration notes
APPENDIX A - GLOSSARY

Bankers Acceptances (BAs)
Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to finance the exchange of goods. When a bank "accepts" such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

Certificates of Deposit (CDS)
A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

A negotiable certificate of deposit may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

A non-negotiable certificate of deposit is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

Collateralized Mortgage Obligation (CMO)
A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

Commercial Paper (CP)
This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

Derivatives
A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term "derivative products" refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (IOs) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.

Federal Agency Securities
Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major
federal agencies are described as follows:

**Federal National Mortgage Association** (FNMA, "Fannie Mae") provides funds to the mortgage market primarily by purchasing loans from local lenders.

**Federal Home Loan Mortgage Corporation** (FHLMC, "Freddie Mac") purchases conventional mortgages and sells mortgage-backed securities.

**Student Loan Marketing Association** (SLMA, "Sallie Mae") facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

**Federal Farm Credit System** (FFCB) sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

**Federal Home Loan Bank** (FHLB) acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

**Futures**
Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against unfavorable price changes, and by speculators who hope to profit from such changes.

**Local Agency Investment Fund (LAIF)**
State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAIF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

**Medium-Term Notes**
Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

**Options**
A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock's price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

**Repurchase Agreement**
As authorized in Government Code Section 53601(l), these investment vehicles are (generally short-term) agreements between the local agency and seller for the purchase of Government
securities to be resold at a specific date and for a specific amount.

**Reverse Repurchase Agreement**
This transactions is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer interest for the use of the funds. The money "borrowed" on a "reverse repo" can be reinvested in higher yielding instruments.

**U.S. Treasury Securities**
The highest quality, most liquid debt investments available in the fixed income market-place; unconditionally backed by the "full faith and credit" of the U.S. Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.
WHEREAS, the City of Modesto ("City") Community Qualities Forum ("CQF") has developed a proposed Constitution and Bylaws, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Human Services Committee met on April 5, 2000, to discuss the proposed Constitution and Bylaws for the Modesto Community Qualities Forum, and the Human Services Committee has recommended that the CQF be composed of 23 members, with 7 members appointed at large, and four members appointed from each of the City's four areas, and

WHEREAS, by an Agenda Report to the Mayor and City Council dated April 17, 2000, from the Recreation and Neighborhoods Department, the Community Qualities Forum has recommended that it shall consist of 19 members, 7 of which are to be appointed at large by the City Council and the other 12 are to be appointed by the City Council based on neighborhood representation (three from each area as delineated by the Police and Recreation and Neighborhoods Departments), and

WHEREAS, the Community Qualities Forum has also recommended that the proposed Community Qualities Forum Constitution and Bylaws be approved, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, at its City Council meeting which was held on April 25, 2000, the Council considered the proposed Constitution and Bylaws relating to the Community Qualities
Forum,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby determines that in order to allow the Community Qualities Forum to function more efficiently and to address parliamentary issues and committee structure, the Council approves the Constitution and Bylaws, a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

4/28/00
CITY OF MODESTO COMMUNITY QUALITIES FORUM

CONSTITUTION AND BYLAWS

Article I

Definitions

Section 1 There is created a Committee to be known and designated as the City of Modesto Community Qualities Forum.

Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:

A. "Member" shall mean a member of the Community Qualities Forum.

B. "Community Qualities Forum" and "Forum" shall mean the City of Modesto Community Qualities Forum.

C. "Regular meeting" shall mean the monthly Forum meetings held on the second Wednesday of every month.

Section 3 The fiscal year shall coincide with the City's fiscal year, July 1 to June 30.

Article II

Objectives

Section 1 The mission of the Forum shall be to discuss and debate, from a citizen and neighborhood perspective, issues related to the improvement and enhancement of Modesto's urban environment.

Section 2 The Forum shall be charged with identifying potential solutions to major community needs, developing future representatives to boards, commissions and Forums, creating a diverse sounding board for policy issues of major importance, and empowering citizens to enhance their neighborhoods through proven problem solving techniques.

Section 3 The Forum shall act as liaison between the general public, the City of Modesto Recreation and Neighborhoods Department, and other City departments, and shall

1. serve as a sounding board for the Modesto City Council and as a forum for discussing public policy.

2. identify solutions to major community needs and ways to increase citizen involvement in decisions affecting the City.

3. explore and develop other means for gathering public input.
Section 4: The Forum shall encourage and promote high standards of citizen participation.

Section 5: The Forum shall perform such other duties relating to its mission as may be assigned by the City Council or suggested by the Director of Recreation and Neighborhoods.

Section 6: Nothing in this article shall be deemed to invest the Forum with any supervisory powers over the actions and duties of City employees, or of any its agents or officers.

Article III

Membership

Section 1: The City of Modesto Community Qualities Forum shall consist of 19 members.

Section 2: The Members of the Forum shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Forum.

Section 3: None of the members shall hold any paid office; employment; or be currently a contractor with the City of Modesto.

Section 4: Seven members of the Forum shall be appointed by the Modesto City Council to serve at large. Twelve members shall be appointed by the City Council on the basis of neighborhood representation, with three members being from each of the City’s four areas, as delineated by the Police Department and the Recreation and Neighborhoods Department Area Office boundaries.

Section 5: All appointments shall be approved by a majority vote of the City Council.

Section 6: The Director of Recreation and Neighborhoods or his/her designee will serve as staff to the Forum and represent the City of Modesto, within the limits dictated by fiscal constraints.

Section 7: Should a Forum member wish to resign, he/she shall write a letter of resignation to the Director of Recreation and Neighborhoods. The letter will then be forwarded to the City Council for action.

Article IV

Terms of Office

Section 1: The term of office shall be effective as of the first of January.
Section 2  The term of office shall be four years for each Member of the Forum. Members may be re-appointed after their initial term, but in no event shall any person who has served two consecutive terms on the Forum be eligible for re-appointment to the Forum. Forum members are eligible for re-appointment to the Forum after a two-year absence from the Forum has transpired.

Section 3  Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for re-appointment may continue to serve until their successors are appointed and meet all of the qualifications outlined in Article III Membership of these bylaws. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4  The Members of the Forum shall receive no compensation for the performance of their official duties.

Section 5  Appointments to fill vacancies on the Forum shall be handled in the same manner as 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 6  After a majority vote of the Forum, members of the Forum may be removed by a majority vote of the City Council for the following reason:

A. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude.

Members of the Forum may be removed by a majority vote of the City Council after a recommendation by the Director of Recreation and Neighborhoods for the following reasons:

A. Refusal to resign from the Forum when no longer a resident of the City of Modesto.

B. When a member is absent from three meetings within a 12-month period without official permission expressed in the official minutes (automatic removal from the Forum).

Article V

Attendance at Meetings

Section 1  It shall be the responsibility of each Member to know the dates and times of all regular meetings of the Forum. 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 Forum Chair or Staff Liaison at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.
Section 2

The minutes of each meeting will list those Members in attendance, those who are excused and those who are unexcused.

Section 3

Timely attendance at meetings is expected and necessary to carry out the mission of the forum.

Article VI

Officers and Their Duties

Section 1

Officers shall consist of Chair and Vice-chair, elected by a majority vote of the Members of the Forum. Officers shall serve a one-year term commencing on January 1. The election shall be held at the January meeting, or the first meeting of the year.

Section 2

All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 3

The Chair shall not serve more than two consecutive one-year terms. The Vice-chair shall not serve more than two consecutive one-year terms.

Section 4

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 Forum are properly enforced.

Section 5

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

The Recreation and Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings and such other duties as are usually performed by a secretary. He/she shall supply the Members of the Forum and the Director of Recreation and Neighborhoods and his/her designee(s) with copies of all records taken within three weeks after a meeting takes place. He/she shall also assist in publicity releases concerning Forum activities.

Article VII

Meetings

Section 1

Regular meetings of the Forum shall be held on the second Wednesday of every month.

Section 2

In the event that a regular meeting falls on a holiday, the meeting shall be scheduled by a vote of the Forum. Special meetings shall be called by the Chair as necessary.
Section 3 Notices of all meetings, including an agenda, shall be given to all members of the Forum, to the City Clerk, to the City Manager, to the Director of Recreation and Neighborhoods and to all others as provided by law. All such notices shall be furnished to the Forum in writing at least seventy-two hours prior to the time of such meeting.

Section 4 All meeting agendas will be posted at Tenth Street Place and will be available at the following public facilities: Tenth Street Place and at the Main Branch of the Stanislaus County Free Library.

Section 5 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 6 A quorum is necessary for the Forum to transact any business. A quorum shall be defined as a simple majority of active Forum members.

Section 7 All meetings of the Forum shall be open to the public and shall be held at a public facility which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII

Order of Proceedings

Section 1 Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Forum meetings.

Section 2 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

1. Call to order
2. Approval of Minutes
3. Written Communications
4. Old Business
5. New Business
6. Oral Communications
7. Matters Too Late for the Agenda
8. Adjournment

Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names and addresses before making any statement, which shall become a 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

Report to the City

Section 1 The Forum shall present a written Annual Report of its activities for the past year to the Mayor and City Council. The Annual Report may include new recommendations and shall include the following:

A. The name of the Forum
B. Its objectives and function
C. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council
D. The number of meetings held
E. Attendance records of all members
F. The number of public hearings conducted
G. A list of City personnel who regularly assisted the Forum.

Section 2 The City Clerk shall forward the annual Report to the City Council. Such reports shall be open to public inspection and made available through the Director of Recreation and Neighborhoods.

Article X

Amendments

Section 1 The Constitution and Bylaws may be recommended for amendment at a regularly scheduled meeting of the Forum. A written notice containing the proposed changes shall be provided to each member at least sixty (60) days prior to the meeting. When all other conditions are met, an amendment requires a simple majority vote of the active members of the Forum.

Section 2 The Constitution and 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 Forum by the City Council.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-185

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE
THE ALLOCATION OF FOUR LOTS PURCHASED WITH
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO
DESARROLLO-LATINO-AMERICANO.

WHEREAS, the City of Modesto ("City") has adopted a program to acquire
vacant and deteriorated properties in the Airport neighborhood, to eliminate blighted properties,
and to provide for the development of new single-family homes in the Airport neighborhood, and

WHEREAS, by an Agenda Report to the City Council dated April 17, 2000, from
the Recreation and Neighborhoods Department, the Council was advised that on March 6, 2000,
the Recreation and Neighborhoods Department distributed a request for notice of interest relating
to four city-owned lots located at 742 Kerry Avenue, 730 Benson Avenue, 634 South Conejo
Drive, and Parcel 035 45 17, and

WHEREAS, said notice of interest went to the City"s three designated
Community Housing Development Organizations and to other non-profit affordable housing
developers, and a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, on March 12, 2000, a legal notice was published in the Modesto Bee
soliciting proposals for these properties, and

WHEREAS, Desarrollo-Latino-Americano was the only organization that replied
and submitted a letter of interest, and

WHEREAS, at its City Council meeting which was held on April 25, 2000, the
Council considered the proposed recommendation to allocate four lots purchased with
Community Development Block Grant Funds to Desarrollo-Latino-Americano, a not for profit agency,

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

SECTION 1. That the City is committed to addressing the housing needs of low-income residents, alleviating blighting conditions, and providing home ownership opportunities.

SECTION 2. That the Council hereby authorizes City staff to negotiate an agreement for the allocation of four lots purchased with Community Development Block Grant Funds to Desarrollo-Latino-Americano, a not for profit agency, with the understanding that the agreement will be brought back to the City Council for final approval. Said lots are located as follows:

742 Kerry Avenue
730 Benson Avenue
634 South Conejo Drive
Parcel 035 45 17
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

[Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE TECHNICAL PROPOSAL REVIEW TEAM’S RECOMMENDATION THAT GAME RELATED MAINTENANCE ACTIVITIES AT JOHN THURMAN BASEBALL STADIUM CONTINUE TO BE PROVIDED BY CITY STAFF.

WHEREAS, the January 26, 1999, agreement between the Modesto A’s and the City of Modesto committed the City to initiate a Request for Proposals for game-related maintenance activities at John Thurman Baseball Stadium, consisting of the following:

- Pre-game and post-game field maintenance
- Clubhouse, press box, and box suites janitorial service
- Grandstand, concourse, parking lots, and public restroom cleaning, and

WHEREAS, the technical proposal evaluation was provided by the Modesto A’s and City staff, and based on the information provided in the proposal, the evaluation team concluded that the one vendor that responded to the proposal did not meet the experience or qualifications for stadium maintenance, and

WHEREAS, the vendor’s proposal for janitorial services were 64% higher than City costs for maintenance of the private areas, 20% higher than the City’s costs in the maintenance of grandstands and public areas, and no proposals were submitted by the vendor for field maintenance, and

WHEREAS, as a result of this process, the Modesto A’s expressed their desire to have maintenance services at John Thurman Baseball Stadium continue to be performed by City staff.
staff, and

WHEREAS, by an Agenda Report to the City Council dated April 11, 2000, from the Operations and Maintenance Director and the Recreation and Neighborhoods Director, the recommendation was submitted to consider accepting the Technical Proposal Review Team’s recommendation that game related maintenance activities at John Thurman Baseball Stadium continue to be provided by City staff, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, at its meeting which was held on April 25, 2000, the City Council considered the proposed recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Technical Proposal Review Team’s recommendation that game related maintenance activities at John Thurman Baseball Stadium continue to be provided by City staff, as requested by the Modesto A’s.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,
NOES: Councilmembers: Serpa, Mayor Sabatino
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-187

A RESOLUTION APPOINTING MEMBERS AND
AUTHORIZING EXPANSION OF THE MEMBERSHIP OF THE
MAYOR'S AD HOC DISTRICT ELECTIONS AND TERM
LIMITS COMMITTEE AND PROVIDING A CHARGE TO THE
COMMITTEE.

WHEREAS, by Resolution No. 2000-114 adopted on March 7, 2000, the City
Council appointed Councilmembers Tim Fisher, Armour Smith, and Vice-Mayor Kenni
Friedman to the Mayor's Ad Hoc District Elections and Term Limits Committee (hereafter
referred to as (“Committee”), and

WHEREAS, by an Agenda Report dated April 19, 2000, the Committee
recommended to the City Council that the membership of the Committee be expanded to include
interested citizens, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, the Committee recommended that certain citizens be appointed to
the Committee by the City Council as set forth in said Agenda Report, and

WHEREAS, in addition, said Committee also recommended that a charge be
given to the Committee as set forth in said Agenda Report, and

WHEREAS, at the Council Meeting held on April 25, 2000, the Council
considered the recommendations of the Committee to appoint citizens, expand the membership
of the Committee and to provide a charge to the Committee, as set forth in said Agenda Report,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby appoints the following citizens to the Mayor's Ad Hoc District Elections and Term Limits Committee as recommended in the Agenda Report, a copy of which report is on file in the office of the City Clerk, with the condition that Joel Broumas shall not serve on the Committee until Modesto Police Management Association negotiations are complete:

Pat Dobbs  
Dan Hopkins  
Frank Muratore  
Joel Broumas  
Bob Shook  
Gladys Williams  
Richard Navarro  
Kate Nygaard  
Megan Gowans  
Robert Fores

BE IT FURTHER RESOLVED that the Council hereby approves expansion of the membership of the Committee to include the appointment of four additional members from the four Councilmembers that are not members of said Committee.

BE IT FURTHER RESOLVED by the Council that the following charge is hereby submitted to the Committee:

The Committee is hereby charged by the City Council to provide the Council with the Committee's perspective on the following issues and report back to the City Council within ninety (90) days:

- What electoral process will result in the greatest amount of voter participation in Modesto?
- What is the best election system to ensure that the City Council is representative of the entire community?
What is the least expensive election system for Modesto?

What election system will result in the best allocation of City resources among all sectors of the community by the City Council?

BE IT FURTHER RESOLVED that the Council hereby directs the City Attorney to attend all meetings of the Committee serving in an advisory capacity.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,

NOES: Councilmembers: Conrad, Frohman, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-188


For many years, the City has had a policy to provide municipal water at no cost to all of its facilities, including parks, buildings and the City’s golf courses. Recently, the question has been raised as to whether this practice is in violation of Proposition 218, which requires that all users of utilities shall pay for the actual cost of their usage. Based on a review of this practice with the authors of Proposition 218, it has been determined that continuing to provide water to City facilities without charge is not within the spirit of the law. As a result, the City has undergone an audit of past water usage at facilities to determine what, if any, charge is warranted. Effective April 19, 2000, the City facilities that use municipal water will be charged for water usage at a rate consistent with municipal water rates. In that most facilities are not yet metered, an estimate of charges will be used until meters can be installed, and

WHEREAS, the Golf Courses Committee met on April 3, 2000, to consider a proposed green fee increase for Dryden Park and Creekside Golf Courses, and

WHEREAS, the Golf Courses Committee did not support staff’s recommendations to increase the green fees by $1.00 per round for Dryden Park and Creekside Golf Courses, and
WHEREAS, the Human Services Committee met on April 5, 2000, and supported the recommendations of City staff to increase green fees to $1.00 per round at Dryden Park and Creekside Golf Courses, and

WHEREAS, by an agenda report to the City Council from the Recreation and Neighborhoods Department, dated April 17, 2000, City staff recommended a rate increase of green fees at $1.00 per round for Dryden Park and Creekside Golf Courses in order for the Golf Fund to be self-supporting and in order to pay the new water charges, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on April 25, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed increased golf fees, and

WHEREAS, the Council of the City of Modesto finds that green fees for golfers at the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course need to be revised,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.
The rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of $2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Juniors Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are
on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Multiple Play Cards. Golfers can purchase a weekday 6, 8 or 10 multiple play card for Dryden/Creekside or Muni. The multiple play card will be good for the calendar month issued except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Valu-Play Discounts. Valu-Play Discounts are effective for sixty (60) days from the date of purchase.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Recreation and Neighborhoods Director or designee.
SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City’s Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 1, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by

Councilmember Fisher, who moved its adoption, which motion being duly

seconded by Mayor Sabatino, was upon roll call carried and the resolution

adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,

Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

4/28/00
## CITY OF MODESTO GOLF COURSES
### GREEN FEE SCHEDULE
**EFFECTIVE MAY 1, 2000**

### DRYDEN PARK MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
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<td>Weekdays Mid-day, 18-holes</td>
<td>$13.00</td>
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<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$7.00</td>
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<td>Weekdays afternoon League Play</td>
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<td>Weekends/Holidays Super-Twilight, 18-holes</td>
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<tr>
<td>6-play Valu-Play booklet</td>
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### CREEKSIDE MUNICIPAL GOLF COURSE

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*Available first 1½ hours of the day.*
## MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

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<tr>
<td>Weekdays Super-Twilight, 9-holes</td>
<td>$6.00</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
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<td>$6.50</td>
</tr>
<tr>
<td>Weekends/Holidays Mid-day, 9-holes</td>
<td>$9.00</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 9-holes</td>
<td>$7.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet</td>
<td>$42.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
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<td>8-play Valu-Play booklet</td>
<td>$56.00</td>
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<tr>
<td>8-play Valu-Play booklet (seniors/juniors/disabled)</td>
<td>$48.00</td>
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<tr>
<td>10-play Valu-Play booklet</td>
<td>$70.00</td>
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<tr>
<td>10-play Valu-Play booklet (seniors/juniors/disabled)</td>
<td>$60.00</td>
</tr>
</tbody>
</table>
### Tournament Fee Schedule and Policy

**Effective May 1, 2000**

#### Fee Schedule

<table>
<thead>
<tr>
<th></th>
<th>Creekside</th>
<th>Dryden</th>
<th>Muni</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Weekday</td>
<td>Weekend</td>
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<td>$28.00</td>
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<td>$31.00</td>
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<td></td>
<td></td>
<td>$35.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($18.00 weekdays/$25.00 weekends at Creekside, $16.00 weekdays/$22.00 weekends at Dryden and $10.00 weekdays/$12.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 144 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($22.00 weekdays/$30.00 weekends at Creekside, $20.00 weekdays/$27.00 weekends at Dryden and $12.00 weekdays/$14.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($22.00 weekdays/$30.00 weekends); cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.L.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.
PLAY DAY POLICY
FOR PLAY AT THE CITY’S
MUNICIPAL GOLF COURSES
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City’s municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;

2. They commit to use the City’s golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);

3. They have a minimum of twenty-four (24) players;

4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);

5. Their events do not promote a formal competition or championship; and

6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-189

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND CHRIS RICCI PRESENTS INC. FOR THE EXCLAMATION FEST IN DOWNTOWN MODESTO ON SATURDAY, JULY 22, 2000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and Chris Ricci Presents Inc. for the Exclamation Fest in downtown Modesto on Saturday, July 22, 2000 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET BY ADJUSTING THE CONTINGENCY RESERVES TO REIMBURSE THE BUILDING SERVICES FUND FOR EXPENSES RELATED TO TENTH STREET PLACE

WHEREAS, in November 1999, the City of Modesto and County of Stanislaus moved into Tenth Street Place; and

WHEREAS, at that time, a budget to pay for the City’s portion of building maintenance, utilities and custodial activities for the new building had not been established; and

WHEREAS, as the square footage occupied by the City at the new building is significantly higher than that at the prior sites, the costs for building maintenance, utilities and custodial services have increased.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From: #0100-800-8000-8003 $(200,000)
To: #7800-800-8000-8003 $200,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Sabatino, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-191

A RESOLUTION ESTABLISHING TELECOMMUNICATIONS POLICIES TO GUIDE THE MODIFICATIONS OF EXISTING ORDINANCES AND THE DEVELOPMENT OF NEW ORDINANCES FOR THE FUTURE DEVELOPMENT OF TELECOMMUNICATIONS WITHIN THE CITY THAT ARE CONSISTENT WITH THE TELECOMMUNICATIONS ACT OF 1996 AND THE NEEDS OF RESIDENTS AND BUSINESSES OF THE CITY.

WHEREAS, the Council of the City of Modesto ("City") desires to see the deployment of advanced telecommunications within the City to benefit residents, businesses and schools, and

WHEREAS, the Council recognizes the value of business and residential consumers having a variety of service options to meet telecommunication needs, and

WHEREAS, the Council recognizes the need to make special efforts to assure the deployment of advanced telecommunications technology, and

WHEREAS, the Council recognizes the value of improved access to, and better service from, government and education through advanced technology, and

WHEREAS, the Congress of the United States has enacted the Telecommunications Act of 1996 which has specific objectives of promoting competition and investment in telecommunications and changed the regulatory environment of the telecommunications industry,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
The following policies shall guide a review of existing ordinance provisions or development of new ones, as well as guide staff in carrying-out its daily responsibilities:

SECTION 1. As manager of certain public assets or as a regulator through its police powers or delegated authority, the City will not adopt policies, ordinances or regulations that prohibit or have the effect of prohibiting the entry of qualified competitors into its telecommunications marketplace. Further, consistent with the requirements of the Telecommunications Act of 1996, the City shall take every reasonable, legal and appropriate action to encourage the deployment of competitive telecommunications infrastructure within its boundaries.

SECTION 2. To reduce costs and improve marketability of the City to telecommunications competition, the City shall work with other governmental entities to develop shared ordinances, documents, facilities and processes, whenever it is reasonable and cost-effective to do so.

SECTION 3. As a user of telecommunications services, the City shall identify areas where new technology may enhance its provision of services to the public or reduce the costs of such services. The City recognizes that governmental expenditures may contribute to the development of the marketplace and may so include these factors in attracting telecommunications competitors.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-192

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET
APPROPRIATING FUNDS FROM THE GENERAL RESERVE

WHEREAS, staff has recognized a need to have access to high-speed telecommunications, which is becoming an infrastructure necessity to the City; and

WHEREAS, the City’s negotiations with Cable One focus on the provision of video services, with limited commitment for high-speed data services to the community; and

WHEREAS, staff believes that our community has the potential to attract high-tech companies. Additional funding is needed to contract with qualified legal and technical experts to provide guidance in this ever-changing arena.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From: #0100-800-8000-8003 $50,000
To: #0100-020-0201-0235 $50,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________

JEAN ZAHR, City Clerk
(seal)

APPROVED AS TO SUFFICIENCY:

By: _______________________

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-193

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A SERVICE AGREEMENT WITH THE LAW FIRM OF MC DONOUGH, HOLLAND & ALLEN, OR OTHER CONSULTANTS, AS DEEMED APPROPRIATE TO ASSIST WITH CABLE PROVIDER CONTRACT NEGOTIATIONS.

WHEREAS, the Federal Telecommunications Act of 1996 is revolutionizing marketplace competition, and

WHEREAS, the Council recognizes the value of business and residential consumers having a variety of service options to meet telecommunication needs, and

WHEREAS, on April 25, 2000, the City Council adopted Resolution No. 2000-191 establishing telecommunication policies to ensure that the future development of telecommunications within the City of Modesto are consistent with the Telecommunications Act of 1996 and the needs of residents and businesses of the City, and

WHEREAS, concurrently with the adoption of the above Resolution, the Council considered appropriating funding and authorizing the city Manager to negotiate a service agreement with the Law Firm of McDonough, Holland & Allen, Sacramento, California, or other consultants, as deemed appropriate to meet the objectives of Resolution No. 2000-191 and to assist with cable provider contract negotiations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the City Manager to negotiate a service agreement with the Law Firm of McDonough, Holland & Allen, Sacramento, California, or other consultants, as
deemed appropriate to meet the objectives of Resolution No. 2000-191, and to assist with cable provider contract negotiations.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the four tasks set forth in the staff report dated April 20, 2000, which is attached hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
City of Modesto
Office of the City Manager

MEMORANDUM

TO: City Council
FROM: Donna L. Hansen
Assistant to the City Manager

SUBJECT: Competitive Telecommunications Policy, Cable TV Franchise Renewal and Funding

DATE: April 20, 2000

RECOMMENDED COUNCIL ACTION

(1) Adopt the attached resolution establishing telecommunications policies to guide the modifications of existing ordinances and the development of new ordinances for future development of telecommunications within the city.

(2) Appropriate $50,000 from General Fund reserves and authorize the City Manager to negotiate service agreement with the Law Firm of McDonough, Holland & Allen, Sacramento, California, or other consultants as deemed appropriate to meet the objectives of the resolution and assist with cable provider contract negotiations.

REASON FOR RECOMMENDATION

We live in a changing world, where access to high-speed telecommunications for Internet, video and voice is becoming an infrastructure necessity similar to having water, power, storm drains, sewer treatment and roads. Internet traffic doubles every 100 days which has raised expectations in our community and region to connect to technology.

City negotiations with Cable One focus on the provision of video services, with limited commitment for high-speed data, (broadband) services to our Community. This franchise demonstrates the continuing frustration experienced with cable TV agreements without a full range of services.

The Federal Telecommunications Act of 1996 is revolutionizing marketplace competition. Just recently, the Sacramento Bee reported that Sacramento City and County, including the Cities of Citrus Heights, Galt and Folsom, successfully negotiated and awarded a license to a company intending to build a broadband, digital network to every home and business. Reports indicate that additional jurisdictions in the Sacramento area are also processing applications for telecommunications competition from the same company.
Staff believes that our area has the potential to attract the same or similar companies as Sacramento. To achieve that potential, it will be necessary to take some proactive steps.

Based on our research and recommendations to the Utility Services and Franchise Committee, we proposed the concept of a model Telecommunications resolution. This resolution establishes a policy encouraging deployment of competitive broadband telecommunications, in accordance with the Telecommunications Act of 1996, throughout the City, provides policy direction for staff to assertively market this community to competitors, and includes working cooperatively with other local government jurisdictions.

Funding in the amount of $50,000 will be needed to contract with qualified legal and technical experts to provide guidance in this fast paced ever-changing arena.

The following is an outline of tasks to be accomplished:

**Task I: Cable Television –Update and Expand Assessment: Provide Direction.**

This process would involve workshops on current cable television issues and services and would include the City Council, the Local Programming Cable Committee and other appropriate committees, and the cable franchise negotiating team. Issues likely to be presented are:

* Cable system design, and upgrade or rebuild of the system
* Expanded services
* Broadband services
* PEG, including services and channel capacity
* I-Net
* Customer service
* Franchise enforcement
* "Open Net" issues
* Timing commitments for new services

This is the "Get Educated" step of the renewal process. It will provide a good working understanding of current cable issues and developments and developing policy objectives for the renewal negotiations that reflect the values of the community.

**Task II: Community Input Plan**

The City will seek community input through a variety of sources and would include feedback from the Utility Services and Franchise Committee as well as other adjacent government entities that will be impacted by future decisions. Public meetings, development of questionnaires, seeking input via the Internet, and seeking input from existing community based groups could also be used to provide information and encourage community participation.

Among the issues that might be included in the community input process are public, education and government access and television broadcast capabilities, and access to cable or broadband Internet access by the citizens in their homes and businesses and the public facilities, including schools and libraries.
The community input process needs to be responsive to the City and the normal ways that the City seeks and obtains the input of its citizens.

**Task III: City Competitive Readiness Assessment**
The City staff need to identify the strategic steps necessary to make Modesto marketable thus laying the foundation for an overbuilder (a competing telecommunications company). This will likely include:

* Internal task force
* Complete inventory of broadband network in the City and County and include as part of the geographic information system (GIS) program.
* Review needs and trench cut mitigation
* Review subdivision requirements for broadband connectivity.
* Review and establish right-of-way (ROW) protection requirements
* View the process as an economic development venture as opposed to a franchise renewal.
* Establish right-of-way management tools to expedite deployment
* Cooperate with neighboring jurisdictions and develop consortium options similar to those uses by cities in the Bay area.
* Develop RFP for technically competent overbuilder.
* External assessment and coalition building.

**Task IV: Assist with the Current Cable TV Contract Negotiations**
The City's franchising ordinance may require updating to account for changes in the law and the policy directions that the City determines to pursue. City staff and Council, through the Ordinance update, discuss and set direction. This step may also include the City's vision for telecommunications and technology in its community.

What follows is the process of working through the issues with the current cable provider. This can be a time-consuming process and includes preparing and analyzing term sheets, and refining negotiating strategy and franchise documents. Numerous meetings and conference calls as well as numerous redrafts of documents prior to completion of the renewal process are likely.

**STEPS FOLLOWING COUNCIL REVIEW**
Staff will implement Council Directives

Prepared by:

[Signature]
Donna Hansen
Submitted by:

[Signature]
Paul Baxter
Deputy City Manager

DLH/dh
A RESOLUTION ACCEPTING THE BID OF SOUTHWEST RECREATIONAL INDUSTRIES INC. FOR THE PROJECT TITLED “DOWNEY PARK AND MODESTO HIGH SCHOOL TENNIS COURT RENOVATION”

WHEREAS, the bids received for Downey Park and Modesto High School Tennis Court Renovation were opened at 11:00 a.m. on April 18, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $74,811.00 received from Southwest Recreational Industries Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR ADMINISTERING STATE FUNDED TRANSPORTATION PROJECTS

WHEREAS, the City of Modesto has been the direct recipient of State Transportation Improvement Program (STIP) funding as a result of recent legislation, and;

WHEREAS, the source funds received under the STIP are considered to be State funds only, and;

WHEREAS, previous funding received for transportation projects was a mixture of State and Federal funds.

NOW, THEREFORE, a new master agreement shall be executed to address the State only funds that are being received, specifying the framework for administering the funds for these projects.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the master agreement between the City of Modesto and State of California for administration of State funded transportation projects be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE PROGRAM SUPPLEMENTS ON A PROJECT-BY-PROJECT BASIS BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR AUGMENTATION TO THE MASTER AGREEMENT FOR USE OF STATE TRANSPORTATION IMPROVEMENT PROGRAM FUNDS

WHEREAS, the City of Modesto has been the direct recipient of State Transportation Improvement Program (STIP) funding as a result of recent legislation, and;

WHEREAS, the source funds received under the STIP are considered to be State funds only, and;

WHEREAS, previous funding received for transportation projects was a mixture of State and Federal funds.

WHEREAS, a new master agreement has been executed to address the State only funds that are being received, specifying the framework for administering the funds for these projects.

NOW, THEREFORE, it is necessary to augment the master agreement specifically for each project on a project-by-project basis.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the program supplements to the master agreement between the City of Modesto and the State of California on a project-by-project basis be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-197  

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in
accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, 
(Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of 
the City of Modesto held on the __2nd__ day of __May__, 2000, by 
Councilmember __Friedman__, who moved its adoption, which motion being duly 
seconded by Councilmember __Fisher__, was upon roll call carried and the resolution 
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __Jean Zahr__

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __Michael D. Milich__

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-198

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS NO. 1 & 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 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 No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows
Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and
Transportation Director, the person designated by this Council as the Engineer of Work for
Assessment District No. 2, is hereby directed to prepare and file an annual report in
accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended,
(Streets and Highways Code Sections 22500 through 22679.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the _______ day of _________, 2000, by
Councilmember ________, who moved its adoption, which motion being duly
seconded by Councilmember ________, was upon roll call carried and the resolution
adopted by the following vote:

AYES:         Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa,
               Smith, Mayor Sabatino

NOES:         Councilmembers: None

ABSENT:       Councilmembers: None

ATTEST:       ____________________________
               JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER & COMPANY TO EXPAND THE SCOPE OF ENGINEERING SERVICES FOR THE 9TH STREET RAILROAD RELOCATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and DeLeuw, Cather & Company to expand the scope of engineering services for the 9th Street Railroad Relocation project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHIR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-200

A RESOLUTION PROCLAIMING MAY 14-20, 2000 “BIKE COMMUTE WEEK 2000”.

WHEREAS, traffic congestion and air quality issues are of concern to the citizens of Modesto, and bicycle commuting is an effective means to reduce air pollution, and

WHEREAS, biking as a means of alternative transportation can reduce traffic congestion as well as fuel consumption, thereby conserving energy, and

WHEREAS, bicycle transportation is an integral part of the multi-modal transportation system planned for by the federal, state, regional, and local transportation planning agencies, and

WHEREAS, the California Bicycle Coalition, the American Lung Association of California, and the California Department of Transportation have worked cooperatively with many public and private groups and individuals to promote a single day of bicycle commuting, and

WHEREAS, the California Bicycle Coalition, the American Lung Association of California’s efforts to promote air quality, and

WHEREAS, the month of May is also the National Month to promote the bicycle as a means of transportation and recreation, and

WHEREAS, May 20, 2000, will be celebrated with the “Modesto Family Cycling Festival”,

5/2/00
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council urges all citizens to recognize the importance and benefits of bicycling as a zero-polluting transportation alternative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-201

A RESOLUTION APPROVING THE MODESTO CITY/COUNTY AIRPORT USED OIL RECYCLING PROGRAM POLICY.

WHEREAS, for the past several years, Modesto residents have been able to recycle their used motor oil by a variety of grant-funded programs, with one of the main factors for developing the various programs being to reduce the amount of illegal dumping in the City’s rockwells, positive storm drains and retention basins, and,

WHEREAS, essentially, all three systems affect the City’s drinking water in one way or another, and

WHEREAS, the City recently received $94,000 in Used Oil Opportunity Grant funds from the California Integrated Waste Management Board, and

WHEREAS, in part, the funds are designated to establish an oil recycling program at the City-County Airport, and a formal policy regarding participation in the program has been developed, and

WHEREAS, by an Agenda Report dated April 21, 2000, to the City Council from the Engineering and Transportation Department, City staff recommended establishing a formal Airport Oil Recycling Program Policy, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, at its City Council meeting which was held on May 2, 2000, the Council considered the proposed policy relating to said matter,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Modesto City/County Airport Used Oil Recycling Program Policy dated March 15, 2000, a copy of which policy is marked Exhibit “A”, attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

5/2/00
MODESTO CITY/COUNTY AIRPORT
USED OIL RECYCLING PROGRAM POLICY
March 15, 2000

Scope: This policy covers the procedures for general aviation aircraft owners to participate in the Used Oil Recycling Program.

Purpose: The Program provides aircraft owners and pilots with a safe, proper, and convenient means of disposing their used oil and used oil filters. It is imperative to keep hazardous materials out of the storm drains as the airport is located adjacent to the Tuolumne River Regional Park, a sensitive environmental area. This grant-funded Program provides a safe alternative for the disposal of used oil and oil filters.

Location: The used oil recycling tank and filter collection container is located on the west end of T-Hangar C. Exhibit A, attached as part of this policy, identifies the specific location.

Procedure: The Used Oil Recycling Program is available to general aviation hangar and tie-down tenants only. The private aircraft owners may dispose of their used oil and filters for free via this grant-funded Program. The Program is provided as a courtesy to the owners and rules of proper disposal must be adhered to, or otherwise the privilege will be revoked.

The 400-gallon oil tank will operate on a double lock system. Airport maintenance personnel will unlock one side of the tank each day and during operational hours, aircraft owners can open the other side to dispose of their oil and filters with a City issued key. Keys will be distributed to each participant by Airport Administration staff. A deposit of $5.00 will be required. Keys may not be duplicated or loaned to others.

The hours of operation are as follows:
Monday – Friday, 8AM – 8PM
Saturday – Sunday and holidays, 10AM – 3PM
No after hours disposal of oil or filters is allowed. There will be no disposal allowed during the collection procedure by the waste hauler.

Participants will be responsible to ensure that proper disposal methods are followed so that no excessive maintenance or clean up is necessary. Specific disposal steps are listed at the site. Each participant is responsible for locking the container when disposal is completed.

The first 200 participating T-Hangar tenants will receive a free 15qt. oil drain pan. The pan will be labeled with the corresponding hangar number and should remain with the hangar when the tenant vacates or relocates to another hangar. Tie-down tenants must contact Airport Maintenance staff to obtain a drain pan for temporary use. When finished
servicing their aircraft, they must clean the pan and return it. Airport Maintenance staff will direct tie-down tenants to a specified location where they can service their aircraft.

This policy was approved by the Modesto City Council on ______________________.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-202

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE HIGHLANDS 4, PHASE 1, SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, INLAND VILLAGE, a California general partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.56 acres, known as VILLAGE HIGHLANDS 4, PHASE 1 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th day of June, 1999, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said VILLAGE HIGHLANDS 4, PHASE 1, SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California.
Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember [Friedman], who moved its adoption, which motion being duly seconded by Councilmember [Fisher], was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Jean Zahr], City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By [Alison A. Barratt-Green], Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-203

A RESOLUTION AUTHORIZING THE USE OF A BANNER PROGRAM FOR THE MODESTO CERTIFIED FARMERS MARKET IN AND NEAR THE DOWNTOWN AREA FOR DIRECTIONAL AND/OR INFORMATIONAL PURPOSES.

WHEREAS, on May 2, 2000, the City Council considered the request of the Modesto Certified Farmer’s Market for authorization to hang four (4) two-sided banners from light posts in the downtown area, identical to those banners currently used by the Downtown Improvement District (“DID”), said banners being deemed informational signs pursuant to Section 10-2.2102(qq)(2) of the Modesto Municipal Code, and

WHEREAS, Article 21, of Chapter 2 of Title X provides for the regulation of signs in the City of Modesto, and Section 10-2.2102(qq) of the Modesto Municipal Code defines signs, and Section 10-2.2102(qq)(2) exempts directional, warning or informational signs authorized by federal, state or municipal authority or public utility, and

WHEREAS, at its meeting on April 19, 2000, the Community Development and Housing Committee recommended approval of said banners,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Certified Farmer’s Market is hereby authorized to hang four (4) two-sided banners from downtown light posts, said banners being deemed informational signs pursuant to Section 10-2.2102(qq)(2) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-204


WHEREAS, the City of Modesto ("City") Community Qualities Forum ("CQP") has developed proposed Bylaws, using the constitution and bylaws of several other City Council appointed committees as examples, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Human Services Committee met on April 5, 2000, to discuss the proposed Bylaws for the Modesto CQP, and the Human Services Committee has recommended that the CQP be composed of 23 members, with 7 members appointed at large, and four members appointed from each of the City’s four areas, and

WHEREAS, by an Agenda Report to the Mayor and City Council dated April 26, 2000, from the Recreation and Neighborhoods Department, the CQP has recommended that it shall consist of 19 members, 7 of which are to be appointed at large by the City Council and the other 12 are to be appointed by the City Council based on neighborhood representation (three from each area as delineated by the Police and Recreation and Neighborhoods Departments), and

WHEREAS, the CQP has also recommended that the proposed CQP Bylaws be approved, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, at its City Council meeting which was held on May 2, 2000, the Council considered the proposed Bylaws relating to the CQP,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby determines that in order to allow the Community Qualities Forum to function more efficiently and to address parliamentary issues and committee structure, the Council approves the Bylaws, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that effective May 2, 2000, Resolution No. 2000-184 adopted on April 25, 2000, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO COMMUNITY QUALITIES FORUM

BYLAWS

Article I

Definitions

Section 1 There is created a Committee to be known and designated as the City of Modesto Community Qualities Forum.

Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:

A. "Member" shall mean a member of the Community Qualities Forum.

B. "Community Qualities Forum" and "Forum" shall mean the City of Modesto Community Qualities Forum.

C. "Regular meeting" shall mean the monthly Forum meetings held on the second Wednesday of every month.

Section 3 The fiscal year shall coincide with the City's fiscal year, July 1 to June 30.

Article II

Objectives

Section 1 The mission of the Forum shall be to discuss and debate, from a citizen and neighborhood perspective, issues related to the improvement and enhancement of Modesto's urban environment.

Section 2 The Forum shall be charged with identifying potential solutions to major community needs, developing future representatives to boards, commissions and Forums, creating a diverse sounding board for policy issues of major importance, and empowering citizens to enhance their neighborhoods through proven problem solving techniques.

Section 3 The Forum shall act as liaison between the general public, the City of Modesto Recreation and Neighborhoods Department, and other City departments, and shall

1. serve as a sounding board for the Modesto City Council and as a forum for discussing public policy.

2. identify solutions to major community needs and ways to increase citizen involvement in decisions affecting the City.

3. explore and develop other means for gathering public input.
Section 4 The Forum shall encourage and promote high standards of citizen participation.

Section 5 The Forum shall perform such other duties relating to its mission as may be assigned by the City Council or suggested by the Director of Recreation and Neighborhoods.

Section 6 Nothing in this article shall be deemed to invest the Forum with any supervisory powers over the actions and duties of City employees, or of any its agents or officers.

Article III

Membership

Section 1 The City of Modesto Community Qualities Forum shall consist of 23 members.

Section 2 The Members of the Forum shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Forum.

Section 3 None of the members shall hold any paid office, employment, or be currently a contractor with the City of Modesto.

Section 4 Seven members of the Forum shall be appointed by the Modesto City Council to serve at large. Sixteen members shall be appointed by the City Council on the basis of neighborhood representation, with four members being from each of the City's four areas, as delineated by the Police Department and the Recreation and Neighborhoods Department Area Office boundaries.

Section 5 All appointments shall be approved by a majority vote of the City Council.

Section 6 The Director of Recreation and Neighborhoods or his/her designee will serve as staff to the Forum and represent the City of Modesto, within the limits dictated by fiscal constraints.

Section 7 Should a Forum member wish to resign, he/she shall write a letter of resignation to the Director of Recreation and Neighborhoods. The letter will then be forwarded to the City Council for action.

Article IV

Terms of Office

Section 1 The term of office shall be effective as of the first of January.
Section 2  The term of office shall be four years for each Member of the Forum. Members may be re-appointed after their initial term, but in no event shall any person who has served two consecutive terms on the Forum be eligible for re-appointment to the Forum. Forum members are eligible for re-appointment to the Forum after a two-year absence from the Forum has transpired.

Section 3  Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for re-appointment may continue to serve until their successors are appointed and meet all of the qualifications outlined in Article III Membership of these bylaws. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4  The Members of the Forum shall receive no compensation for the performance of their official duties.

Section 5  Appointments to fill vacancies on the Forum shall be handled in the same manner as 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 6  After a majority vote of the Forum, members of the Forum may be removed by a majority vote of the City Council for the following reason:

A. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude.

Members of the Forum may be removed by a majority vote of the City Council after a recommendation by the Director of Recreation and Neighborhoods for the following reasons:

A. Refusal to resign from the Forum when no longer a resident of the City of Modesto.

B. When a member is absent from three meetings within a 12-month period without official permission expressed in the official minutes (automatic removal from the Forum).

Article V

Attendance at Meetings

Section 1  It shall be the responsibility of each Member to know the dates and times of all regular meetings of the Forum. 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 Forum Chair or Staff Liaison at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.
The minutes of each meeting will list those Members in attendance, those who are excused and those who are unexcused.

Timely attendance at meetings is expected and necessary to carry out the mission of the forum.

Article VI
Officers and Their Duties

Section 1 Officers shall consist of Chair and Vice-chair, elected by a majority vote of the Members of the Forum. Officers shall serve a one-year term commencing on January 1. The election shall be held at the January meeting, or the first meeting of the year.

Section 2 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 3 The Chair shall not serve more than two consecutive one-year terms. The Vice-chair shall not serve more than two consecutive one-year terms.

Section 4 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 Forum are properly enforced.

Section 5 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 The Recreation and Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings and such other duties as are usually performed by a secretary. He/she shall supply the Members of the Forum and the Director of Recreation and Neighborhoods and his/her designee(s) with copies of all records taken within three weeks after a meeting takes place. He/she shall also assist in publicity releases concerning Forum activities.

Article VII
Meetings

Section 1 Regular meetings of the Forum shall be held on the second Wednesday of every month.

Section 2 In the event that a regular meeting falls on a holiday, the meeting shall be scheduled by a vote of the Forum. Special meetings shall be called by the Chair as necessary.
Section 3  Notices of all meetings, including an agenda, shall be given to all members of the Forum, to the City Clerk, to the City Manager, to the Director of Recreation and Neighborhoods and to all others as provided by law. All such notices shall be furnished to the Forum in writing at least seventy-two hours prior to the time of such meeting.

Section 4  All meeting agendas will be posted at Tenth Street Place and will be available at the following public facilities: Tenth Street Place and at the Main Branch of the Stanislaus County Free Library.

Section 5  All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 6  A quorum is necessary for the Forum to transact any business. A quorum shall be defined as a simple majority of active Forum members.

Section 7  All meetings of the Forum shall be open to the public and shall be held at a public facility which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII

Order of Proceedings

Section 1  Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Forum meetings.

Section 2  The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

1. Call to order
2. Approval of Minutes
3. Written Communications
4. Old Business
5. New Business
6. Oral Communications
7. Matters Too Late for the Agenda
8. Adjournment

Section 3  Members of the public shall not speak unless recognized by the Chair and shall state their names and addresses before making any statement, which shall become a 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

Report to the City

Section 1 The Forum shall present a written Annual Report of its activities for the past year to the Mayor and City Council. The Annual Report may include new recommendations and shall include the following:

A. The name of the Forum
B. Its objectives and function
C. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council
D. The number of meetings held
E. Attendance records of all members.
F. The number of public hearings conducted
G. A list of City personnel who regularly assisted the Forum.

Section 2 The City Clerk shall forward the annual Report to the City Council. Such reports shall be open to public inspection and made available through the Director of Recreation and Neighborhoods.

Article X

Amendments

Section 1 The Bylaws may be recommended for amendment at a regularly scheduled meeting of the Forum. A written notice containing the proposed changes shall be provided to each member at least sixty (60) days prior to the meeting. When all other conditions are met, an amendment requires a simple majority vote of the active members of the Forum.

Section 2 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 Forum by the City Council.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-205

A RESOLUTION AUTHORIZING THE TRANSFER OF CITY OWNED PROPERTY LOCATED AT 308 RUBERTO STREET TO THE Y.M.C.A. FOR DEVELOPMENT OF A CHILDCARE AND YOUTH PROGRAM CENTER, AND AUTHORIZING CITY STAFF TO NEGOTIATE ALL NECESSARY BINDING AGREEMENTS, SUBJECT TO CERTAIN CONDITIONS AND SUBJECT TO RETURNING TO THE CITY COUNCIL FOR FINAL APPROVAL.

WHEREAS, the City acquired property located at 308 Ruberto Street in the City of Modesto when the property was recorded as a foreclosure at the Stanislaus County Recorder's Office on December 17, 1999, and

WHEREAS, on January 6, 2000, Notices of Interest and Proposed Use for the property was sent to approximately 90 non-profit agencies including the Housing Authority of the County of Stanislaus in an effort to solicit information for the proposed use of the property, and

WHEREAS, upon receiving proposals relating to the uses for this property, the Housing Rehabilitation Loan Committee met on March 16, 2000, and the Community Development and Housing Committee met on April 19, 2000, and said Committees recommended approval of transferring the City-owned property located at 308 Ruberto Street to the Y.M.C.A. for the purpose of developing the property as a Childcare and Youth Program Center, based on certain conditions, and

WHEREAS, by an Agenda Report dated April 27, from the Recreation and

1/5/00
Neighborhoods Department, the City Council considered this matter at its meeting which was held on May 2, 2000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the transfer of City-owned property located at 308 Ruberto Street to the Y.M.C.A. for development of a Childcare and Youth Program Center, subject to the following conditions:

1. Any lead-based paint concerns shall be addressed and brought into compliance with appropriate regulations.

2. Zoning approval shall be addressed and brought into compliance with the Modesto Municipal Code.

3. The City shall not be requested to provide funding in relation to acquisition, operation or rehabilitation of the property.

4. Rehabilitation of the property shall be completed and the proposed program shall be operational within one year of approval.

5. An Agreement shall be entered into to bind the City and the Y.M.C.A. until "1 through 4 above have been completed, after which time title to the property would transfer to the YMCA organization.

BE IT FURTHER RESOLVED that City staff is hereby authorized to negotiate all necessary binding Agreements, subject to returning to the City Council for approval of the final agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 2nd day of May, 2000, by
Councilmember Conrad, who moved its adoption, which motion being
duly seconded by Mayor Sabatino, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS AND
TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 93-352

WHEREAS, upon request, documents and transcripts are made available to the public by
various department of the City, and;

WHEREAS, City staff has recommended an increase in said fees and charges to reflect
increased costs, and;

WHEREAS, the City Council held a public hearing at its regular meeting on May 2, 2000 to
consider the recommended changes;

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

SECTION 1. The fees and charges set forth on Exhibit A, which is attached hereto and made
a part hereof as if set forth herein, are hereby established for the documents and transcripts listed
thereon, and which are obtained from the City of Modesto.

SECTION 2. The City Clerk may charge governmental agencies for copies of documents as
mandated by law except when required to produce such documents in the performance of an official
service.

SECTION 3. Resolution No. 93-352 adopted by the Council on July 1, 1993 is hereby
rescinded.

SECTION 4. Rates established by this resolution shall become effective on and after May 2,
2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 2nd day of May, 2000, by Councilmember Conrad, who moved its adoption,
which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
Exhibit A

Modesto Municipal Code ................................................................................ $125.00/+tax
Continuing Code Service, per year ................................................................. $129.00/year
City Council Agendas or Minutes .................................................................. $61.25/year

Copies of any official City documents ............................................................. $.35/pg
(Other than maps or plates)
(FPPC regulation sets $.10 each for copies of Economic Interest and campaign statements)

(The City Clerk is authorized to not charge persons requesting a small number of individual code pages)

Council Meeting Cassette Tape Copy ............................................................. $10.00/+ 
.................................................................................................................. $2.00/tape
Council Meeting Video Tape Copy ................................................................ $10.00/tape

City Street Maps ........................................................................................... Free/1st one
Additional street maps to same person ........................................................ $1.50 ea

Request To Continue Public Hearings Concerning Rezoning, Prezoning, Conditional Use Permit, Unclassified Use Permit or Variance............................... $18.50

Transcripts -- Actual Cost & Indirect Costs

Base Map/Zoning Map ................................................................................ $9.00/ea+tax

Notice of Intent to Circulate Initiative Petition ............................................... $200.00
To be refunded after Clerk certifies sufficiency of petition
A RESOLUTION APPROVING A PROPERTY TAX SHARING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PROPOSED NORTH 99/WOODLAND REORGANIZATION AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the property tax sharing agreement between the City of Modesto and Stanislaus County for the proposed North 99/Woodland reorganization be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-208

A RESOLUTION APPROVING THE CLOSURE OF TENTH STREET BETWEEN J STREET AND K STREET TO VEHICULAR TRAFFIC AND APPROVING THE INSTALLATION OF REMOVABLE BOLLARDS AT BOTH J STREET AND K STREET SO THE STREET CAN BE OPENED UP FOR SPECIAL NEEDS AND EVENTS.

WHEREAS, since the early stages of the Brenden Theater and Tenth Street Place construction, Tenth Street, located between J Street and K Street, has been closed to vehicular traffic, and

WHEREAS, since the opening of Brenden Theater, other commercial establishments and Tenth Street Place, all tenants along Tenth Street have enjoyed pedestrian traffic only and having the street closed to vehicular traffic, and

WHEREAS, City staff is recommending the closure of Tenth Street between J Street and K Street to vehicular traffic, and

WHEREAS, City staff is also recommending that removable bollards be installed on Tenth Street at both J Street and K Street so the street can be opened up for special needs and events, and

WHEREAS, pursuant to California Vehicle Code Division 11, Section 21101(1), the local authority, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution, and

WHEREAS, Section 21101(1)(a), provides for “closing any highway to vehicular traffic when, in the opinion of the legislative body having jurisdiction, the highway is . . . no longer needed for vehicular traffic”, and
WHEREAS, staff solicited comments from the tenants along Tenth Street about keeping Tenth Street closed between J Street and K Street to vehicular traffic, and

WHEREAS, the proposal includes the recommendation for a loading zone to be established on K Street west of Tenth Street, Monday through Sunday, 6:00 a.m. – 11:00 a.m. for delivery trucks, and

WHEREAS, the Transportation Policy Committee considered the closure of Tenth Street between J Street and K Street to vehicular traffic at their meeting of March 16, 2000, and endorsed the proposed recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the closure of Tenth Street between J Street and K Street to vehicular traffic, subject to the following conditions:

1. That removable bollards shall be installed on Tenth Street located at both J Street and K Street so the street can be opened up for special needs and events.

2. That, pursuant to Section 21103 of the California Vehicle Code, this resolution shall not become effective until signs giving notice of the local traffic laws are posted at entrances to Tenth Street at J Street and Tenth Street at K Street.

3. That a loading zone on K Street west of Tenth Street, Monday through Sunday, 6:00 a.m. – 11:00 a.m. shall be established.

4. That the Human Services Committee shall develop guidelines for the use of Tenth Street between J and K Streets.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-209

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO TRANSFER FUNDS TO ESTABLISH A NEW CIP PROJECT FOR RAILROAD CONCRETE CROSSING WORK

WHEREAS, in February 2000, the Union Pacific Railroad announced plans to install concrete crossings on all its crossings from Chowchilla to Sacramento; and

WHEREAS, the UPRR has requested the cities to provide the traffic control, preparation work, off haul of asphalt and excess dirt and repaving; and

WHEREAS, to pay for this new project, funds need to be transferred and a new CIP account needs to be established.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

Expenses:
#0700-430-L036-6040  $(54,240)
#0100-480-4612-0360  $(41,760)
#0700-430-L128-6040  $  96,000

Transfer:
#0700-700-7000-9010  $  41,760
#0100-700-7000-7070  $  41,760

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION ACCEPTING THE BID OF SEMCO FOR THE PROJECT TITLED “COLLEGE AVENUE STORM DRAIN – M.I.D. LATERAL NO. 4 TO PRINCETON AVENUE”

WHEREAS, the bids received for College Avenue Storm Drain – MID Lateral No. 4 to Princeton Avenue were opened at 11:00 a.m. on April 24, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $353,740.00 received from SEMCO be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-211

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $288,413.20 TO FULLY FUND A PROJECT TITLED "COLLEGE AVENUE STORM DRAIN – M.I.D. LATERAL NO. 4 TO PRINCETON AVENUE"

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

FROM: 6280-480-1091 6040; $110,413.20  
Annual Catch Basin & Valley Gutter

TO: 628-480-K013 6040; $100,413.20  
College/Coldwell Storm Lift Station

FROM: 628-480-K014 6040; $100,000.00  
Cavil Drain Study

TO: 628-480-K013 6040; $100,000.00  
College/Coldwell Storm Lift Station

FROM: 628-480-H085 6040; $78,000.00  
Drain Rock Recycling

TO: 628-480-K013 6040; $78,000.00  
College/Coldwell Storm Lift Station

Additional funds are needed because the original project concept was an upgrade to the existing storm drain lift station. However, during the detailed design of the project it was determined that it would be more efficient in the long term to replace the existing lift station with a gravity storm drain line. The storm drain line requires more initial capital but will reduce maintenance and provide better service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-212

A RESOLUTION ACCEPTING THE PROJECT TITLED “CALIFORNIA AVENUE SEWER LIFT STATION REHABILITATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled California Avenue Sewer Lift Station Rehabilitation, has been completed by Conco-West Inc., in accordance with the contract agreement dated May 4, 1999.

NOW, THEREFORE, BE IT RESOLVED that the California Avenue Sewer Lift Station Rehabilitation be accepted from said contractor, Conco-West Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $214,533.10 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
JBAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-213

A RESOLUTION ACCEPTING THE PROJECT TITLED “TULLY ROAD SEWAGE LIFT STATION REPLACEMENT” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Tully Road Sewage Lift Station Replacement, has been completed by Howk System Inc., in accordance with the contract agreement dated June 22, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Tully road Sewage Lift Station Replacement be accepted from said contractor, Howk System Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $218,500.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR STOP SIGN REPLACEMENT

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Stop Sign Replacement, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 20, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:  Jean Zahr
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-215

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR STREET NAME SIGN REPLACEMENT

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Street Name Sign Replacement, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 27, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JEAN ZAHR, City Clerk

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) conducted a meeting on April 3, 2000, and recommended that the City Council approve the proposed Amendment to the Annual Action Plan as recommended by City staff, a copy of which is attached hereto as Exhibit "A", and

WHEREAS, the City must notify the community of any substantial amendments to the Annual Action Plan, and

WHEREAS, a 30-day comment period began on April 3, 2000, and will end on May 9, 2000, at the City Council meeting, and

WHEREAS, notice of a public hearing was duly published in the local newspaper on Friday, March 31, 2000, and Sunday, April 9, 2000, and

WHEREAS, said duly noticed public hearing was held by the City Council at its meeting of May 9, 2000, to consider submittal of the Amendment to the Regional Office of the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, except for the capital improvement projects, staff has completed the carryover financial analysis for FY 1998-99 CDBG funds, and
WHEREAS, said excess funds are not the result of additional program income received, but are the result of unspent CDBG funds, and

WHEREAS, said funds should be allocated to eligible activities during this fiscal year or carried over to the next fiscal year, and

WHEREAS, on April 28, 2000, the final de-obligation amount of HOME funds was finalized from $344,000 to $292,298.95, said change being incorporated into the approved amendment to the Annual Plan, and

WHEREAS, new projects have emerged that require CDBG funding for success,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves items 1 and 2 of Exhibit “A” of the Amendment to the 1999/2000 Annual Action Plan relating to the STANCO Project and the Randazzo Avenue Housing Authority Project, and authorizes City staff to forward items 1 and 2 of Exhibit “A” of said Amendment to the 1999/2000 Annual Action Plan to the Regional Office of the U.S. Department of Housing and Urban Development (HUD).

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all agreements necessary in relation to items 1 and 2 of Exhibit “A” of the Amendment to the 1999-2000 Annual Action Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Fisher

APPROVED AS TO FORM:

By ______________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ______________________________
JEAN ZAHR, City Clerk

(SEAL)
Exhibit A

Proposed Amendment to the City of Modesto 1999/2000 Annual Action Plan

Housing Rehabilitation Projects:

1. Property located at the corner of Fifth and F streets (STANCO) $290,000

   This is a project that involves funding allocations for property acquisition and property rehabilitation of a proposed STANCO project. The project is an affordable housing apartment complex that will serve transitional and homeless households. Specifically, the amendment consists of a $200,000 allocation of CDBG funds for rehabilitation purposes and $90,000 for acquisition purposes. This will be accomplished by committing $200,000 from the Revolving Loan Fund and adding and committing $90,000 in grant funds to this project from the already adopted Nonprofit Acquisition Program.

2. Properties located along Randazzo Avenue (Housing Authority) $200,000

   This is a housing rehabilitation project involving properties located on Randazzo Avenue. Initially $500,000 in CDBG funds was committed to this project. Recent repair estimates project that an additional $200,000 will be needed to complete the project. Together, the Randazzo Avenue rehabilitation project should be allocated a total of $700,000. This additional funding will come from carryover housing loan program income.

3. Loan Guarantee – Prescott Estates $30,000

   This is a project that supports the private housing rehabilitation efforts in the Prescott Estates neighborhood. The proposed funding would serve as security to guarantee a private rehabilitation loan. The funds would serve to pay for the debt service for the balance of the fiscal year. The projected debt service for each fiscal year will be approximately $150,000. A loan guarantee for the whole year will be considered as part of the FY 2000-20001 Annual Action Plan. The last quarter of this fiscal year will require a loan guarantee of approximately $30,000. This funding for this project will be committed from the carryover of the housing loan program income.

4. Emergency Home Repair Program (city-wide) $30,000

   The Emergency Home Repair Program was used extensively this year and additional funding is needed to meet current application cases. The program was originally budgeted with $75,000. The funding for this program will come from 1998-99 housing rehabilitation program carryover.
Elimination of Slum/Blight

5. Disaster Relief Project – in the Airport Neighborhood located in Southeast Modesto
$290,000

This project involves the close out of the Disaster Relief Grant (DRG) project. The City initially received a DRG amount of $650,426. The estimated cost to complete all project components totals $1,240,300. A total of approximately $590,000 CDBG funds will be needed to complete this project. Of this amount, $300,000 in CDBG funds has already been committed and spent. The balance of $290,000 needs to be committed to complete this project. Funding from this project will come from the down payment assistance program allocation and from carryover 98/99 CDBG funds.

The amendment also includes a proposal to eliminate the provision of a community garden as part of the project. The entire acquired territory will be transferred to the Tuolumne River Regional Park and maintained as open space. Staff is proposing relocating the community garden to the planned park site south of Orville Wright Elementary school.

6. Crime Free Multi-housing Program
$21,000

The Modesto Police Department is proposing a new crime free multi-housing program that will address illegal activity and blighting conditions in low-income neighborhoods. The policing activity is eligible under the public service category. The enforcement of building codes is eligible under code enforcement. A total of $21,000 of unspent 1998-99 public services funds is available to pay for the Police Department’s administrative costs to set-up the program. The police department will be proposing this program as part of the next Annual Action Plan.

Economic Development

7. Creation of Community Development Based Organization Program
$0

This is the introduction of a new program that will be eligible for CDBG funding. The Community Based Development Organization program will enable local nonprofit organizations to propose and implement activities that increase economic opportunities in low-income neighborhoods. The funding for this program will be considered outside of the public services funding cap. Presently, there are a couple of efforts that are developing a workforce development program for west Modesto residents. Creating this program will enable this agency and similar agencies to apply for funding under this HUD approved activity during this and subsequent fiscal years.
8. Funding of a Workforce Development Program $90,000

The City Council approved funding a workforce development effort last spring. This activity was not reflected in the adopted Annual Action Plan. A total of $44,000 in CDBG funding was allocated and spent on developing this program. This amendment is simply a housekeeping item.

The amendment also involves allocating an additional $90,000 from the economic loan activity to fund the implementation of the workforce development program during this and the next fiscal year. The $90,000 in economic funds are expected to be replaced with next year’s grant funding.

CDBG Administration

9. Funding of Debt Service for Administrative Office Space $42,000

The costs for office space for the Housing and Neighborhoods Division in Tenth Street Place is approximately $85,000 per year. This cost increased from $21,000 at the previous location. The office costs for this FY is just under $42,000 since the Housing & Neighborhoods Division moved in after the first quarter of the fiscal year. This cost will increase the administrative costs but will not reach the 20% cap. This cost will be funded from carryover CDBG grant funds previously earmarked for housing rehab.

10. Funding of partial cost for a vehicle used by the Code Enforcement Staff $7,500

The Neighborhood Preservation Unit has five Code Enforcement Officers that enforce the City’s municipal codes. The staff has used vehicles that were surplused by other departments. These vehicles have not been scheduled for replacement and a new vehicle is needed. This cost represents half of the cost for a new vehicle, the balance of the cost will be provided for by the Recreation and Neighborhoods Department budget. These funds will be committed from the public services carry-over funds of FY1998-99.

11. Administrative costs for Consultants $92,000

Due to the vacancies of three administrative staff members since the end of the last fiscal year, staff has had to contract with two consultants to assist in the administration of the Community Development Block Grant and HOME programs. One consultant, Wes Kulm was hired to assist in the review and execution of loan agreements for affordable housing proposals. His Contract for $34,000 was funded out of the HOME administrative cap. A second Consultant, Vernazza-Wolfe Associates was contracted to assist in the development of update to the five-year Consolidate Plan. The contract amount for this consultant is $15,000. This consultant will be funded from the salary savings of vacant staff positions.
Staff is also proposing to hire a consultant to assist in the recruitment of the vacant Recreation and Neighborhoods Deputy Director position. CDBG funds were used to pay for 60% ($18,000) of the consultant’s contract of $30,000. The funding for this consultant was provided from 98/99 carry-over of Public Services. This cost allocation is an administrative expense and should be included in the administrative cap.

Lastly, staff is proposing to contract with an accounting firm to provide an accounting and status of all CDBG, HOME and ESG expenditures for the activities during the last three years. With the departure of key staff and the loss of institutional knowledge, the Recreation and Neighborhoods Department desires to have a firm accounting of all funded projects and the status of actual expenditures to date. The cost for this effort is estimated at $25,000. This proposal if approved will be funded from the carryover CDBG grant allocation to housing rehab program.

HOME Program

12. Funding of a non profit Affordable Housing Developer $66,600

During FY 1998-99, DLA was awarded $66,600 in HOME funds to carry out affordable housing development activities. It included a $29,000 operating grant, a $14,600 loan for predevelopment costs, and a $23,000 loan for site acquisition. This activity was not specifically identified and carried forward in the 1999-2000 Annual Action Plan and will need to be included. A balance of $37,600 remains and the entire amount should be identified as an activity. Funds were already budgeted and this is a housekeeping item.

13. Recognition of the Recapture of 98/99 HOME funds. -$344,000

HUD has been in a position to recapture $344,000 in HOME funds because the City and a developer were unable to enter into binding agreements and commit HOME funds within the two-year limit. This involved the two sweat-equity project proposed by Self-help Enterprises (SHE). SHE experienced great difficulty in finding eligible families. Only after the City increased the amount of individual household assistance and agreed to more favorable terms for the project participants, was the project able to proceed. This loss, although still not official, appears to be eminent and should eventually be reflected in the 1999-2000 Annual Action Plan.

(On April 28, 2000, HUD reported that the final de-obligation amount would not be $344,000, but $292,298.25)

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-217

A RESOLUTION APPROVING AN AMENDMENT TO THE
CITY OF MODESTO 1999-2000 ANNUAL ACTION PLAN
ALLOCATING BOTH 1999-2000 PROGRAM FUNDING, AND
1998-1999 CARRYOVER FUNDS TO OTHER COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE
ACTIVITIES, WITH THE EXCEPTION OF ITEMS 1 AND 2 OF
EXHIBIT “A” OF SAID AMENDMENT RELATING TO THE
STANCO PROJECT AND THE RANDAZZO AVENUE
HOUSING AUTHORITY PROJECT.

WHEREAS, the Citizens Housing and Community Development Committee
(CH&CDC) conducted a meeting on April 3, 2000, and recommended that the City Council
approve the proposed Amendment to the Annual Action Plan as recommended by City staff, a
copy of which is attached hereto as Exhibit “A”, and

WHEREAS, the City must notify the community of any substantial amendments
to the Annual Action Plan, and

WHEREAS, a 30-day comment period began on April 3, 2000, and will end on
May 9, 2000, at the City Council meeting, and

WHEREAS, notice of a public hearing was duly published in the local newspaper
on Friday, March 31, 2000, and Sunday, April 9, 2000, and

WHEREAS, said duly noticed public hearing was held by the City Council at its
meeting of May 9, 2000, to consider submittal of the Amendment to the Regional Office of the
U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, except for the capital improvement projects, staff has completed the
carryover financial analysis for FY 1998-99 CDBG funds, and
WHEREAS, said excess funds are not the result of additional program income received, but are the result of unspent CDBG funds, and

WHEREAS, said funds should be allocated to eligible activities during this fiscal year or carried over to the next fiscal year, and

WHEREAS, on April 28, 2000, the final de-obligation amount of HOME funds was finalized from $344,000 to $292,298.95, said change being incorporated into the approved amendment to the Annual Plan, and

WHEREAS, new projects have emerged that require CDBG funding for success,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the 1999/2000 Annual Action Plan as set forth in Exhibit “A” attached hereto, with the exception of items 1 and 2 of Exhibit “A” of said Amendment relating to the STANCO Project and the Randazzo Avenue Housing Authority Project, and authorizes City staff to forward said Amendment to the 1999/2000 Annual Action Plan, with the exception of items 1 and 2 of Exhibit “A” as stated above, to the Regional Office of the U.S. Department of Housing and Urban Development (HUD).

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all agreements necessary in relation to the Amendment to the 1999-2000 Annual Action Plan, with the exception of items 1 and 2 of Exhibit “A” as stated above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Proposed Amendment to the City of Modesto 1999/2000 Annual Action Plan

Housing Rehabilitation Projects:

1. Property located at the corner of Fifth and F streets (STANCO) $290,000

This is a project that involves funding allocations for property acquisition and property rehabilitation of a proposed STANCO project. The project is an affordable housing apartment complex that will serve transitional and homeless households. Specifically, the amendment consists of a $200,000 allocation of CDBG funds for rehabilitation purposes and $90,000 for acquisition purposes. This will be accomplished by committing $200,000 from the Revolving Loan Fund and adding and committing $90,000 in grant funds to this project from the already adopted Nonprofit Acquisition Program.

2. Properties located along Randazzo Avenue (Housing Authority) $200,000

This is a housing rehabilitation project involving properties located on Randazzo Avenue. Initially $500,000 in CDBG funds was committed to this project. Recent repair estimates project that an additional $200,000 will be needed to complete the project. Together, the Randazzo Avenue rehabilitation project should be allocated a total of $700,000. This additional funding will come from carryover housing loan program income.

3. Loan Guarantee – Prescott Estates $30,000

This is a project that supports the private housing rehabilitation efforts in the Prescott Estates neighborhood. The proposed funding would serve as security to guarantee a private rehabilitation loan. The funds would serve to pay for the debt service for the balance of the fiscal year. The projected debt service for each fiscal year will be approximately $150,000. A loan guarantee for the whole year will be considered as part of the FY 2000-2001 Annual Action Plan. The last quarter of this fiscal year will require a loan guarantee of approximately $30,000. This funding for this project will be committed from the carryover of the housing loan program income.

4. Emergency Home Repair Program (city-wide) $30,000

The Emergency Home Repair Program was used extensively this year and additional funding is needed to meet current application cases. The program was originally budgeted with $75,000. The funding for this program will come from 1998-99 housing rehabilitation program carryover.
Elimination of Slum/Blight

5. Disaster Relief Project – in the Airport Neighborhood located in Southeast Modesto $290,000

This project involves the close out of the Disaster Relief Grant (DRG) project. The City initially received a DRG amount of $650,426. The estimated cost to complete all project components totals $1,240,300. A total of approximately $590,000 CDBG funds will be needed to complete this project. Of this amount, $300,000 in CDBG funds has already been committed and spent. The balance of $290,000 needs to be committed to complete this project. Funding from this project will come from the down payment assistance program allocation and from carryover 98/99 CDBG funds.

The amendment also includes a proposal to eliminate the provision of a community garden as part of the project. The entire acquired territory will be transferred to the Tuolumne River Regional Park and maintained as open space. Staff is proposing relocating the community garden to the planned park site south of Orville Wright Elementary school.

6. Crime Free Multi-housing Program $21,000

The Modesto Police Department is proposing a new crime free multi-housing program that will address illegal activity and blighting conditions in low-income neighborhoods. The policing activity is eligible under the public service category. The enforcement of building codes is eligible under code enforcement. A total of $21,000 of unspent 1998-99 public services funds is available to pay for the Police Department’s administrative costs to set-up the program. The police department will be proposing this program as part of the next Annual Action Plan.

Economic Development

7. Creation of Community Development Based Organization Program $0

This is the introduction of a new program that will be eligible for CDBG funding. The Community Based Development Organization program will enable local nonprofit organizations to propose and implement activities that increase economic opportunities in low-income neighborhoods. The funding for this program will be considered outside of the public services funding cap. Presently, there are a couple of efforts that are developing a workforce development program for west Modesto residents. Creating this program will enable this agency and similar agencies to apply for funding under this HUD approved activity during this and subsequent fiscal years.
8. Funding of a Workforce Development Program  $90,000

The City Council approved funding a workforce development effort last spring. This activity was not reflected in the adopted Annual Action Plan. A total of $44,000 in CDBG funding was allocated and spent on developing this program. This amendment is simply a housekeeping item.

The amendment also involves allocating an additional $90,000 from the economic loan activity to fund the implementation of the workforce development program during this and the next fiscal year. The $90,000 in economic funds are expected to be replaced with next year's grant funding.

CDBG Administration

9  Funding of Debt Service for Administrative Office Space  $42,000

The costs for office space for the Housing and Neighborhoods Division in Tenth Street Place is approximately $85,000 per year. This cost increased from $21,000 at the previous location. The office costs for this FY is just under $42,000 since the Housing & Neighborhoods Division moved in after the first quarter of the fiscal year. This cost will increase the administrative costs but will not reach the 20% cap. This cost will be funded from carryover CDBG grant funds previously earmarked for housing rehab.

10. Funding of partial cost for a vehicle used by the Code Enforcement Staff  $7,500

The Neighborhood Preservation Unit has five Code Enforcement Officers that enforce the City's municipal codes. The staff has used vehicles that were surplused by other departments. These vehicles have not been scheduled for replacement and a new vehicle is needed. This cost represents half of the cost for a new vehicle, the balance of the cost will be provided for by the Recreation and Neighborhoods Department budget. These funds will be committed from the public services carry-over funds of FY1998-99.

11. Administrative costs for Consultants  $92,000

Due to the vacancies of three administrative staff members since the end of the last fiscal year, staff has had to contract with two consultants to assist in the administration of the Community Development Block Grant and HOME programs. One consultant, Wes Kulm was hired to assist in the review and execution of loan agreements for affordable housing proposals. His Contract for $34,000 was funded out of the HOME administrative cap. A second Consultant, Vernazza-Wolfe Associates was contracted to assist in the development of update to the five-year Consolidate Plan. The contract amount for this consultant is $15,000. This consultant will be funded from the salary savings of vacant staff positions.
Staff is also proposing to hire a consultant to assist in the recruitment of the vacant Recreation and Neighborhoods Deputy Director position. CDBG funds were used to pay for 60% ($18,000) of the consultant’s contract of $30,000. The funding for this consultant was provided from 98/99 carry-over of Public Services. This cost allocation is an administrative expense and should be included in the administrative cap.

Lastly, staff is proposing to contract with an accounting firm to provide an accounting and status of all CDBG, HOME and ESG expenditures for the activities during the last three years. With the departure of key staff and the loss of institutional knowledge, the Recreation and Neighborhoods Department desires to have a firm accounting of all funded projects and the status of actual expenditures to date. The cost for this effort is estimated at $25,000. This proposal if approved will be funded from the carryover CDBG grant allocation to housing rehab program.

**HOME Program**

12. Funding of a non profit Affordable Housing Developer $66,600

During FY 1998-99, DLA was awarded $66,600 in HOME funds to carry out affordable housing development activities. It included a $29,000 operating grant, a $14,600 loan for predevelopment costs, and a $23,000 loan for site acquisition. This activity was not specifically identified and carried forward in the 1999-2000 Annual Action Plan and will need to be included. A balance of $37,600 remains and the entire amount should be identified as an activity. Funds were already budgeted and this is a housekeeping item.

13. Recognition of the Recapture of 98/99 HOME funds. -$344,000

HUD has been in a position to recapture $344,000 in HOME funds because the City and a developer were unable to enter into binding agreements and commit HOME funds within the two-year limit. This involved the two sweat-equity project proposed by Self-help Enterprises (SHE). SHE experienced great difficulty in finding eligible families. Only after the City increased the amount of individual household assistance and agreed to more favorable terms for the project participants, was the project able to proceed. This loss, although still not official, appears to be eminent and should eventually be reflected in the 1999-2000 Annual Action Plan.

(On April 28, 2000, HUD reported that the final de-obligation amount would not be $344,000, but $292,298.25)

Attachment
<p>| DESC                                      | Admin 1452 | Public Services 1454 | Flood Mitigation 1455 | Housing Rehab 1456 | Small Business Program 1457 | CIP 1462 | Total FD 113 | Rental Rehab 1465 | Total 114 | Housing Loan 1466 | Total 115 | Housing Econo Dev 1467 | Total 116 | Housing Development 1458 | Total 117 | Home Housing Rehab 1459 | Total 118 | Total 2,442,611 | Total 9,881,703 |
|------------------------------------------|------------|----------------------|-----------------------|-------------------|-----------------------------|----------|--------------|------------------|----------|-------------------|-----------|----------------------------|-----------|----------------------------|----------|------------------|-----------------|
| COBG-Operating Grant                    | 534,035    | 1,199,644            | 0                     | 747,321           | 0                           | 0        | 2,481,000    | 0                | 550,000  | 0                 | 10,000    | 1,050,000                   | 0         | 1,050,000                  | 0        | 4,111,000        |
| &quot;HOME&quot; Grant                            | 88,000     |                      |                       |                   |                             |          |              | 0                | 0        | 0                 |           | 0                          |           | 0                          |          | 88,000           |
| Emergency Shelter Grant                 |            |                      |                       |                   |                             |          |              | 0                | 0        | 0                 |           | 0                          |           | 0                          |          | 0                |
| Glendale                                |            |                      |                       |                   |                             |          |              | 0                | 0        | 0                 |           | 0                          |           | 0                          |          | 0                |
| State Share of Street Project           |            |                      |                       |                   |                             |          |              | 0                | 0        | 0                 |           | 0                          |           | 0                          |          | 0                |
| Carryover Revenue                       | 0          | 311,820              | 259,608               | 0                 | 0                           | 1,145,932| 1,717,360    | 0                | 648,973  | 451,208           | 1,373,188 | 0                          | 1,373,188 | 4,190,729                   | 0         | 0                |
| Interest                                | 0          |                      |                       |                   |                             |          |              | 0                | 0        | 0                 |           | 0                          |           | 0                          |          | 0                |
| Miscellaneous Revenue                   | 0          |                      |                       |                   |                             |          |              | 0                | 0        | 0                 |           | 0                          |           | 0                          |          | 0                |
| Working Capital 98-99                   | 0          | 0                    | 0                     | 1,347             | 0                           | 0        | 1,347        | 5,695            | 1,009,643| 228,531           | 19,423    | 0                          | 19,423    | 1,264,630                   | 0         | 0                |
| <strong>TOTAL REVENUE</strong>                       | <strong>622,015</strong>| <strong>1,511,464</strong>        | <strong>239,608</strong>           | <strong>745,608</strong>       | <strong>0</strong>                       | <strong>1,172,863</strong>| <strong>1,814,660</strong>| <strong>0</strong>            | <strong>709,739</strong>| <strong>1,422,611</strong>   | <strong>0</strong>     | <strong>2,442,611</strong>                 | <strong>0</strong>     | <strong>9,881,703</strong>                |
| Salaries &amp; Wages, Regt                  | 178,184    |                      |                       | 354,196           | 532,380                     |          |              | 48,654           |          |                    |           | 48,654                      |           | 581,034                    |
| Salaries &amp; Wages, O/T                   | 467        |                      |                       | 1,267             | 1,734          |          |              | 52               |          |                    |           | 52                          |           | 1,786                      |
| Fringe Benefits plus                    | 47,966     |                      |                       | 74,694            | 122,660         |          |              | 10,135           |          |                    |           | 10,135                      |           | 132,795                    |
| Obj5 0162/0163/0189                     | 0          | 0                    | 0                     | 0                 | 0                          |          |              | 0                |          |                    |           | 0                          |           | 0                          |
| <strong>TOTAL APPR UNIT</strong>                     | <strong>226,617</strong>| <strong>0</strong>                | <strong>430,157</strong>           | <strong>0</strong>             | <strong>636,774</strong>               |          |              | <strong>58,841</strong>       | <strong>0</strong>    | <strong>58,841</strong>        |           | <strong>715,615</strong>                 |           |                             |          |                             |</p>
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| SUBTL APPR                                |       | 2,442,611       | 8,211,542        | 0             | 0                      | 0   | 0     | 0           | 0            | 0                | 0                   | 0                | 8,211,542 |

| SUBTL NEW CIP                            | 0     | 0               | 0               | 0             | 0                      | 0   | 0     | 0           | 0            | 0                | 0                   | 0                | 0     |

| SUBTL NEW CIP                            | 0     | 0               | 0               | 0             | 0                      | 0   | 0     | 0           | 0            | 0                | 0                   | 0                | 0     |
| DESC | Admin | Public Services | Flood Mitigation | Housing Rehab | Business Program | CIP | Total | Admin | Public Services | Flood Mitigation | Housing Rehab | Business Program | CIP | Total | Housing Loan | Housing Econo Dev | Housing Devlopent | Home Housing | Total | CIP | Total |
|------|-------|----------------|------------------|---------------|-----------------|-----|-------|-------|----------------|-----------------|---------------|-----------------|-----|-------|-------------|-----------------|-----------------|-------------|-------|-------|-----|-------|
| CARRYOVER— | 0 | 0 | 0 | 0 | 0 | 26,933 | 26,933 | 0 | 576,529 | 320,000 | 0 | 0 | 0 | 923,462 |
| Transfers for CIP | | | | | | | | | | | | | | | |
| 113-140-K017 Street Paving | 0 | 0 | 0 | 0 | 0 | 190,724 | | 190,724 | | | | | | | |
| 113-140-K018 Economic Development | | | | | | | | | | | | | | | |
| 113-140-K020 T/Signal SiskiEarl | | | | | | | | | | | | | | | |
| 113-140-K021 T/Signal PrasontiChrysler | | | | | | | | | | | | | | | |
| 113-140-K022 Street Lights | | | | | | | | | | | | | | | |
| 113-140-K024 Curb Ramps | | | | | | | | | | | | | | | |
| 113-140-K025 Monterey/Empire Imps | | | | | | | | | | | | | | | |
| 113-140-K026 Audible Pedestrian Signals | | | | | | | | | | | | | | | |
| 113-140-K027 Flashing Beacon | | | | | | | | | | | | | | | |
| 113-140-K028 Sidewalk Improvements | | | | | | | | | | | | | | | |
| 113-140-K160 Handicap Barrier Removal Curbs | | | | | | | | | | | | | | | |
| CIP | 0 | 0 | 0 | 0 | 0 | 505,767 | 505,767 | 0 | 0 | 0 | 0 | 0 | 0 | 505,767 |
| 113-430-J026 Sisk Road Landscaping | 0 | 0 | 0 | 0 | 0 | 23,000 | 23,000 | 0 | 0 | 0 | 0 | 0 | 23,000 |
| 113-480-J233 Hillside Drive Fencing | | | | | | | | | | | | | | |
| 113-480-J234 Airport (con. ben, kerr) | | | | | | | | | | | | | | |
| 113-480-J238 Hillside Dr Street Improvements | | | | | | | | | | | | | | |
| 113-480-J239 Street Paving | | | | | | | | | | | | | | |
| SUBTL CARRYOVER CIP | 0 | 0 | 0 | 0 | 0 | 532,700 | 532,700 | 0 | 576,529 | 320,000 | 0 | 0 | 0 | 1,429,229 |
| TOTAL APPR | 622,035 | 1,511,604 | 259,608 | 708,138 | 0 | 1,172,865 | 4,274,110 | 5,695 | 2,208,616 | 709,739 | 2,442,611 | 0 | 2,442,611 | 9,640,771 |
| TRANSFER OUT | 0 | 0 | 40,510 | 0 | 0 | 40,510 | | | | | | | | 40,510 |
| Contingency Reserve for Project | | | | | | | | | | | | | | |
| EXPENSES OVER/ (UNDER) REVENUE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-218


WHEREAS, the third quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1999-00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations and revenue for the 1999-00 budget have been adjusted as shown in Attachment C.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feather, Budget Officer
## Fiscal Year 1999-2000 Third Quarter Budget Adjustments

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<tr>
<th>Adjustment</th>
<th>App/ Rev</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Unit</th>
<th>Object</th>
<th>Budget</th>
<th>New Budget</th>
<th>Adjustment</th>
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<td>7000</td>
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<td>35,962</td>
<td>14,580</td>
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<td>700</td>
<td>7000</td>
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<td>21,382</td>
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BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 23, 2000, at 7:00 p.m., in the Council Chambers, Basement Level, Tenth Street Place, 1010 Tenth Street, Modesto, California, is hereby set as the time and place for a hearing to adopt the 2000-2001 Operating Budget and 2000-2001 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr, City Clerk
CITY OF MODESTO
RESOLUTION 2000-220

WAS NOT USED
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR RESERVATION SOFTWARE FOR THE RECREATION AND NEIGHBORHOODS DEPARTMENT TO BE OPENED ON JUNE 20, 2000 AT 11:00 A.M.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for reservation software for the Recreation and Neighborhoods Department, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 20, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

JEAN ZAHR, City Clerk
RESOLUTION AUTHORIZING CALL FOR BIDS FOR TRAFFIC CONTROL SIGN REPLACEMENT FOR ENGINEERING & TRANSPORTATION DEPARTMENT ON JUNE 27, 2000 AT 11:00 A.M.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for traffic control sign replacement for Engineering and Transportation Department, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 27, 2000 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-223

A RESOLUTION ACCEPTING THE PROJECT TITLED “BRIGGSMORE AVENUE ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Briggsmore Avenue Road Construction and Drainage Improvements, has been completed by George Reed Inc., in accordance with the contract agreement dated July 6, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Briggsmore Avenue Road Construction and Drainage Improvements project be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,676,164.52 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-224

A RESOLUTION ACCEPTING THE BID OF VALLEY COLOR GRAPHICS FOR
FURNISHING PRINTING OF THE MONTHLY NEWSLETTER FOR FISCAL YEAR 2000-
2001 AND AUTHORIZING PRINTING OF THE MONTHLY NEWSLETTER FOR TWO
YEARS, UP TO AND INCLUDING FISCAL YEAR 2000-2003

WHEREAS, the bids received for printing of the monthly newsletter, were opened at
11:00 a.m. on April 11, 2000, and later tabulated by the Finance Director for the consideration of
the Council; and

WHEREAS, the Finance Director has recommended that the bid of Valley Color
Graphics for a total amount of $29,694 for FY 2000-2001 and an additional two years, up to and
including FY 2002-2003, for a total three-year cost of $89,670 be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-225

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION, OR THROUGH THE INTERNET.

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

WHEREAS, the City possesses an HP9000 Server which has been placed into surplus, and

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

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

WHEREAS, a description of the HP9000 Server to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the HP9000 Server, a
description of which is on file in the City Clerk's office and which is hereby found to be surplus.

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

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

SECTION 4. If said property cannot be sold on a sealed bid process, or at a public auction then said property may be sold through the internet.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
SURPLUS

1  Attorney
1  Purchasing
2

A RESOLUTION AUTHORIZING THE PURCHASE OF THE BRASS BUDGET SOFTWARE AND IMPLEMENTATION SERVICES FROM AMERICAN MANAGEMENT SYSTEMS INC.

WHEREAS, Finance Department staff conducted an informal nationwide search for suitable municipal budgeting systems; and

WHEREAS, it has been determined that BRASS emerged as the premier independent budgeting solution, interfacing with most of the larger financial systems, including our current Financial/Human Resource system providers, American Management Systems; and

WHEREAS, the Finance Director has recommended that the bid of American Management Systems for the BRASS software for a total amount of $226,000 be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-227

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY OFFICE OF EDUCATION FOR USE OF THE SURFACE PARKING LOT AT 11TH AND H STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Office of Education for use of the surface parking lot at 11th and H Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO
AND D'ANDRE, PETERSON, BOBUS & BRUSCINO TO REPRESENT THE CITY IN
WORKERS’ COMPENSATION LITIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement
between the City of Modesto and D’Andre, Peterson, Bobus & Bruscino to represent the City in
workers’ compensation litigation be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 16th day of May, 2000, by Councilmember Serpa, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-229

A RESOLUTION APPROVING THE SUBMITTAL OF TWO AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT APPLICATIONS TOTALING $650,000.00 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) TO COMPLETE AN UPDATE OF THE AIRPORT MASTER PLAN AND ENVIRONMENTAL IMPACT REPORT, AND TO COMPLETE REPAVING OF TAXIWAY A & B, FOR EXPANSION OF AIR CARRIER AND TRANSIENT APRON, AND SEAL COATING THE GENERAL AVIATION AND TERMINAL SERVICE ROAD AT THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID APPLICATIONS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, the City recently submitted to the Federal Aviation Administration (FAA) an Airport Capital Improvement Plan (ACIP) for which federal funds will be needed to complete future Modesto City-County Airport improvements, and

WHEREAS, the FAA has notified the City that funding allocation has been approved in the amount of $650,000 for the AIP program for FY 2000, which includes $270,000 for the completion of an update to the airport master plan and environmental impact report, and $380,000 to complete repaving Taxiway A and B, for the expansion of the air carrier and transient apron, and seal coating the general aviation and terminal service road, and

WHEREAS, the City's request for funds to expand the air carrier and transient apron was only partially funded, and the remainder of the project will be received in FY 2001, and

WHEREAS, the Transportation Policy Committee recommended in September,
1999, that the City submit to the FAA an ACIP, which included the aforementioned projects,

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

that it hereby authorizes the submittal of two federal fund applications to the FAA, one in the

amount of $270,000 for completing an update to the airport master plan and environmental

impact report, and the other in the amount of $380,000 to complete repaving of Taxiway A & B,

for the expansion of the air carrier and transient apron, and seal coating the general aviation and

terminal service road.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee,
is hereby authorized to execute said applications on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the

City of Modesto held on the 16th day of May, 2000, by Councilmember

Frohman, who moved its adoption, which motion being duly seconded by

Councilmember Friedman, was upon roll call carried and the resolution adopted by the

following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

5/12/00
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-230

A RESOLUTION APPROVING THE FINAL MAP OF
NOTTINGHAM 5 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, McHENRY RANCH JOINT VENTURE, a California Joint Venture,
is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of
9.096 acres, known as NOTTINGHAM 5 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 26th day of January, 1998, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final
map of said NOTTINGHAM 5 SUBDIVISION meets all of the provisions of the California
Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions,
and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved; that the dedications for streets, alleys and easements as shown
thereon within the boundaries of said tract be accepted on behalf of the public for public use; and
that the City Clerk be authorized to certify the map of said tract on behalf of the City of
Modesto after the fees and deposits required by the Modesto Municipal Code in amounts
determined by the City Engineer have been paid; and after subdivider has furnished securities,
as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the

Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREEN

Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-231

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF RIGHTS UNDER THE DEVELOPMENT AGREEMENT BETWEEN COSTA LIMITED PARTNERS AND THE CITY OF MODESTO, RELATED TO THE DEVELOPMENT OF P-D(532), TO LOWE’S HOME IMPROVEMENT STORE.

WHEREAS, on December 16, 1999, the City Council approved a Development Agreement with Costa Limited Partners relating to the development of P-D(532), Costa’s retail center, which includes the new Lowe’s home improvement store, and

WHEREAS, the Development Agreement (a copy of which is on file in the Office of the City Clerk) dated February 3, 2000, allows for the assignment of the provisions of the Development Agreement to another party, provided said assignment has the written approval of the City Council, and

WHEREAS, Lowe’s is in the process of purchasing the property upon which said home improvement store is being developed and wishes to close escrow in the near future, and

WHEREAS, Lowe’s desires to have the rights and obligations of the previous Development Agreement assigned to it, and

WHEREAS, Lowe’s is a well-established, financially responsible business with the ability and willingness to carry out its responsibilities under said Development Agreement, and

WHEREAS, said assignment of rights under the Development Agreement between Costa Limited Partners and the City of Modesto, related to the development of P-D(532), to Lowe’s will allow Lowe’s and the City to implement the provisions of the
Development Agreement, consistent with the approved zoning for said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the assignment of rights under the Development Agreement between Costa Limited Partners and the City of Modesto, related to the development of P-D(532), to Lowe's home improvement store.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JBAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-232

A RESOLUTION APPROVING REVISING THE METHOD OF ASSESSMENT OF STREET TREE FEES IN SUBDIVISIONS.

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code requires each subdivider of a subdivision to pay the City for street trees required in subdivisions, at the time of approval of the final map, as a condition of such approval, and

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code also provides that the Council may establish by resolution the fee imposed for street trees required in subdivisions, and

WHEREAS, Resolution No. 96-227 adopted by the City Council on May 7, 1996, provides that for each street tree required to be planted in a subdivision, the fee shall be $66.00, and

WHEREAS, a proposal has been made by City staff to revise the method of assessment for the $66.00 street tree fees charged to developers in subdivisions, and

WHEREAS, the City’s Financial Policy Committee reviewed and endorsed the proposal to revise the method of assessment of street tree fees, and

WHEREAS, City staff and the BIA are in agreement in relation to revising the method of assessing the $66.00 street tree fee at the time of final map filing, and said proposal is consistent with the proposed revision of the City's Street Tree Plan, which is scheduled to be considered by the City Council in July 2000, and parallels the Modesto Municipal Code relating to Street Tree Planting, and

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2012-384

SEP 25 2012

1/5/00
WHEREAS, by an Agenda Report dated May 1, 2000, to the Mayor and Councilmembers from the Operations and Maintenance Director, City staff recommended to the Council accepting staff’s recommendation to revise the method of assessing the $66.00 street tree fee at the time of final subdivision map filing, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, a duly noticed public hearing was held by the Council on May 16, 2000, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which public hearing all interested persons were given an opportunity be heard relative to the proposal to revise the method of assessing the $66.00 street tree fee,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the proposal to revise the method of assessing the $66.00 street tree fee at the time of final subdivision map filing, to prevent overcharges from occurring, is hereby approved and the following calculations shall be used:

1. Residential and commercial lots with less than 70 feet of frontage, shall be charged for one tree per lot.

2. Residential, commercial and other lots with greater than 70 feet of frontage, shall be charged for one tree per every 55 feet of frontage.

3. Backup landscape walls, shall be charged for one tree per every 40 feet of frontage.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _____ day of May 2000, by Councilmember ____________, who moved its adoption, which motion being duly seconded by Councilmember ____________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By ________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-233

A RESOLUTION LIMITING ADMINISTRATIVE COSTS TO BINGO OPERATORS OF NO MORE THAN ONE (1) PERCENT OF EACH OPERATION’S ANNUAL GROSS.

WHEREAS, California Penal Code Section 326.5 permits a municipal entity to impose a fee for law enforcement and public safety costs that are directly related to bingo operations, and

WHEREAS, said fee shall not exceed the actual costs incurred in providing the services, and

WHEREAS, City staff is recommending administrative costs to bingo operators of no more than one (1) percent of each operation’s annual gross, and

WHEREAS, the Financial Policy Committee met on April 25, 2000, and supported the recommendation of City staff, and

WHEREAS, on May 16, 2000, a duly noticed public hearing was held by the City Council, at which time the City Council considered this matter, including the introduction of an ordinance amending Article 10 of Chapter 1 of Title 4 of the Modesto Municipal Code to regulate bingo operations in the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the administrative costs to bingo operators of no more than one (1) percent of each operation’s annual gross.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after the effective date of Ordinance No. 3176-C.S. adopted May 16, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
Distribution List For
Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney’s Office
1 - Finance Department
1 - Police Department - Judy Tognolini
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-234

A RESOLUTION ACCEPTING WITH STATEMENTS OF CONCERN THE REVISED CITIES/COUNTY VISION FOR THE CITIES AND COUNTY OF STANISLAUS.

WHEREAS, in September 1999, the City Council adopted Resolution 99-460 approving the 1999 Visioning Project, which represents countywide effort to develop a collaborative vision for the future of Stanislaus County and its nine incorporated cities, and

WHEREAS, the 1999 Visioning Project for the Cities and County of Stanislaus is broadly worded and open to varied interpretation, and

WHEREAS, during the adoption process, concerns were expressed about some of the action statements found within the Vision document, and

WHEREAS, further clarification and intent of the Vision are needed prior to agreement on implementation, and to address these concerns, the Vision Team (composed of the Mayors and City Managers of all nine cities in the County, the County’s Executive Officer, and a Board of Supervisors Representative) convened a subcommittee to develop revised statements, and

WHEREAS, following the Vision Team’s endorsement of proposed revisions, representatives were asked to take the revised Vision back to their governing bodies for consideration, and

WHEREAS, on January 13, 2000, City staff took the revised Vision to the
Economic Development Community and Intergovernmental Relations (EDCIR) Committee for review and recommendation to the City Council, and

WHEREAS, the revised Vision was also considered at the Council retreat for further discussion, and

WHEREAS, following the Council retreat, City staff was directed to modify the Vision so that Transportation was a separate section (removing this section from the Economy portion of the Vision), and

WHEREAS, at its meeting held on February 15, 2000, the City Council considered adoption of the revised Vision; however, during the Council meeting, the Council identified certain concerns regarding some of the action statements, and

WHEREAS, the City of Modesto has been an active participant in the Countywide Visioning process, and Visioning Project 2000 represents an important first step toward achieving collaborative planning for the future of Stanislaus County and its residents, and also supports several ongoing projects the City Council has already endorsed including the Regional Revenue Sharing Agreement, a Countywide Expressway System and a Regional Sports complex, and

WHEREAS, by an Agenda Report, dated May 8, 2000, to the City Council from the Engineering and Transportation Director, City staff recommended approval of the revised Visioning Project 2000, a copy of said Agenda Report is on file in the office of the City Clerk, and

1/5/00
WHEREAS, at its meeting held on May 16, 2000, the City Council considered the Revised Cities/County Vision for the Cities and County of Stanislaus, California, a copy of which document is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the City-County Visioning Statement, subject to the following understanding, reservations and concerns:

1. That the Visioning Project 2000 document may be amended from time to time by the participant cities and the County.

2. That residential land uses in the absence of a proportionate share of commercial and industrial land uses represent a revenue drain for cities.

3. That revenue-generating land uses in non-urban areas should not be implemented without first having a county-wide tax-sharing agreement in place.

4. That the City Councils for all nine cities in Stanislaus County and the County Board of Supervisors are encouraged to convene a meeting to discuss the Visioning Project 2000 document prior to embarking on the implementation phase of the project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST:

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
CITIES/COUNTY VISION
for the Cities and County of Stanislaus, California

OUR CHALLENGE

With an existing county population of over four hundred thousand and predictions of another ten million people expected to arrive in the Central Valley from all over the world within the next thirty years, how will we in Stanislaus County cope with the scale, complexity and pace of these changes? We can succeed if citizens act now to endorse a set of shared visions that will serve as guiding principles for governmental and citizen actions now and in the future.

Below is a set of visions highlighting key factors that affect our ability to become the most desirable region in the Valley for investment, employment and residential living. In creating visions we understand that they represent the ideal condition and therefore may not be totally achievable. However, they will keep us focussed as we address the variety of issues, problems and opportunities that will arise incrementally over time. They will also serve as the barometer for assessing progress toward achieving our goals.

Following each vision are action statements that describe implementation steps for achieving the vision. The vision and action statements serve as interdependent guiding principles that, when combined, can lead to a regional plan of action.
CITIES/COUNTY VISION

LAND USE

VISION: We will demonstrate our resolve to produce a world class example of "DOING IT RIGHT" so that Stanislaus County remains blessed with a bounty of fertile land for agriculture. Population growth will be accommodated in communities of varying sizes ranging from larger metropolitan areas to mid-sized cities, to small rural towns and enclaves. Communities will plan, grow and evolve in a compact, efficient fashion. Large expanses of agricultural land and other open space will secure buffers between urban areas and preserve the beauty of views and vistas throughout the County.

Actions: The cities and County of Stanislaus will adopt general plans, policies and agreements that will achieve the following:

1. More compact and clearly defined urban boundaries that avoid unnecessary conversion of farmlands.
2. Protection of farmland outside the urban boundaries.
3. Expansion of city limits to include urbanized unincorporated areas that are substantially surrounded by a city.
4. Compact urban development which encourages redevelopment of blighted areas, "in fill" development of vacant and underutilized land, and a variety of affordable housing.
5. Urban limit lines, providing for areas of open space, agriculture, very low density, rural development, or green belts in which urban development cannot occur.
6. Tax and revenue policies that will support and encourage good land use decisions.
7. Transportation policies that support and implement the land use vision.

ENVIRONMENT

VISION: Our precious natural resources will be used wisely. The air will be healthy to breathe, the water pure to drink and sufficient for our needs. We will enjoy an abundance of open space and a diversity of plant and animal life that is sustained in a variety of natural habitats.

Actions: The cities and County of Stanislaus will protect and enhance the environment by:

1. Restoration of riparian environments and preservation of river corridors for public access and use including regional park facilities and trail systems.
2. Ensuring that environmental policies affecting the region are developed with the involvement of local governments in Stanislaus County.
CITIES/COUNTY VISION

3. Protection, conservation and development of water resources for local domestic use and irrigation.

ECONOMY

VISION: We will have a highly competitive, vibrant and diverse regional economy that provides economic opportunity for everyone close to home and results in both individual and regional prosperity.

Actions: A. The cities and County of Stanislaus will foster economic growth and develop a diversified economic base which provides maximum employment opportunities and jobs/housing balance, including:

1. Stanislaus County serving as a hub for large-scale business and financial services such as agribusiness and other regional-serving facilities in the northern San Joaquin valley. The economic strength of Stanislaus County will be enhanced by a strong central city.
2. New jobs in a variety of industries and at all wage levels.
3. Adequate housing for all residents of the County.
4. A competitive workforce prepared to meet the needs of a world class economy.
5. A tourist destination attraction highlighting the region’s major products and natural resources.
6. Regional retail commercial centers along Highway corridors in urbanized areas.
7. Expansion of other major economic sectors which are compatible with agriculture.
8. Development of freeway-oriented industrial and commercial uses in the I-5 corridor at the Westley, Patterson, Crows Landing, and Newman interchanges to provide expanded employment centers for the residents of Stanislaus County. (See Government, Sections B.1. and B.2.)
9. Conversion of rural areas into large urban residential communities will be avoided. New residential development will be located within incorporated cities, Diablo Grande and other existing planned development communities.

B. The cities and County of Stanislaus will develop policies to maintain a strong agricultural economy including:

1. Preservation of farming, food processing and agricultural business services.
2. Ongoing research and analysis of the agriculture industry in order to sustain it as a major economic engine and source of employment.
CITIES/COUNTY VISION

C. The cities and County of Stanislaus will adopt policies and practices to take full advantage of advances in communication technologies including:

1. Establishment and maintenance of a state-of-the-art network serving all areas of the county.
2. Use of technology to engage citizens more actively in public issues and to improve inter-agency communication.
3. Establishment of sites and services to attract technology-based business.

TRANSPORTATION

VISION: We will have an efficient, integrated transportation system that provides internal and external linkages and facilitates economic growth.

Actions: The cities and County of Stanislaus will develop a regional transportation system that will include the following:

1. A countywide expressway system with connector roads to provide access to other regions and to enhance mobility within Stanislaus County.
2. An efficient, well-coordinated countywide public transportation system.
3. Bicycle and pedestrian trails linking neighborhoods and regional bikeways using existing public rights of way.
4. Development of the abandoned military airfield at Crows Landing, including air cargo facilities to expand the market for Stanislaus County agricultural products.
5. Enhancement of major regional air passenger service at the Modesto Airport.
6. A system of rail passenger services including inter-urban light rail and access to interregional commuter rail services.

EDUCATION

VISION: Everyone, especially our children, will have opportunities to stimulate the mind, inspire the spirit and develop healthy bodies.

Actions: All the educational institutions of Stanislaus County will provide:

1. Facilities that will adequately accommodate the growth in student population.
2. Pre-school and childcare facilities that address the needs of both parents and children.

3. An education at all levels taught by competent and qualified instructors for the student to achieve academic success or to exercise choice whether it be occupational, vocational, apprentice, or literacy training programs as options for career success.

4. A workforce capable of meeting the needs of employers by providing graduates with core skills, a proper work ethic, and the ability to learn new skills.

5. Affordable and accessible continuing education programs for adults.

6. Academically-competitive college/university preparatory students who gain admission to the nation’s best schools.

7. A safe environment on all campuses in compliance with existing law.

COMMUNITY

VISION: Stanislaus County will contain diverse, interesting and unique social and cultural characteristics that strengthen the bonds within and between our communities, preserve local identity and enhance regional pride. Individuals and groups will commit to contributing to the well being of their community.

Actions:

A. The cities and County of Stanislaus will support local and regional cultural, library, recreation and parks facilities which provide a unique and rich quality of life, including:

1. A wide variety of cultural events, including the performing and visual arts, in modern facilities.
2. Community and regional facilities for community recreation including sports complexes for soccer, softball, baseball, track and field, etc.
3. A responsive, customer-oriented countywide library system.

B. The cities and County of Stanislaus support a positive socio-economic environment that will include the following:

1. All cultures fully incorporated into the social and economic fabric of the region.
2. An integrated system of community and social services focused on cooperative efforts among public, private and volunteer organizations to provide a “safety net” for those in need.
3. A network of satellite medical and social services in the outlying communities.
CITYS/COUNTY VISION

4. Well-trained, staffed, and equipped public safety providers that are proactive in promoting preventative measures and are responsive to all emergency situations.

GOVERNMENT

VISION: Our local governments will govern based on the principle of stewardship. Elected officials and government employees will hold public resources and processes in trust for citizens and they will act in service of citizens and the community, not in self-interest.

Actions:

A. The cities and County of Stanislaus will collaborate and cooperate in conducting the public’s business, including:

1. Developing service delivery strategies such as contracting out or consolidating duplicated services in cases where benefits to customer service, efficiency, effectiveness, and accountability would be realized.

2. Agreement on a countywide framework for implementation of the land use and transportation visions.

B. The cities and County will be sustained by reliable funding sources for essential public services, and will collaborate to accomplish:

1. Revenue investment agreements among cities, special districts, and the County which:
   a. Encourage cooperation on economic development projects of benefit to the entire region;
   b. Encourage good land use decisions;
   c. Address differences in financial capacity while providing sufficient resources to meet basic responsibilities.

2. A broad based regional financing system for regional serving capital projects (transportation, recreation, cultural facilities and flood control projects).
DISTRIBUTION LIST

2 - Clerk
1 - Attorney
1 - Related Department - E & T, Jana Coons
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-235

A RESOLUTION REJECTING BIDS FOR THE PROJECT TITLED "PRIMARY CLARIFIERS NO. 1 & 2 RENEWAL", OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 11, 2000

WHEREAS, the bids received for Primary Clarifiers No. 1 & 2 Renewal were opened at 11:00 a.m. on April 11, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing was for equipment that does not meet the specifications, therefore staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Primary Clarifiers No. 1 & 2 Renewal, opened in the office of the City Clerk on April 11, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-236

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE FUNDS TO CAPITAL PROJECT, MCHENRY MUSEUM STAIRS

WHEREAS, there is a capital improvement project to replace the exterior stairs at the McHenry Museum; and

WHEREAS, part of the funding for this project will be from a donation from the McHenry Museum Society, which was placed in Fund 130 and needs to be transferred to the appropriate account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

To: #1300-510-9510-8107 $40,466
To: #130-310-H006-6040 $40,466

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer

(Seal)
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-237

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST UNDER THE CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT TO THE CALIFORNIA DEPARTMENT OF CONSERVATION'S DIVISION OF RECYCLING.

WHEREAS, the people of the State of California have enacted the California Beverage Container Recycling and Litter Reduction Act that provides funds to cities and counties for beverage container recycling and litter cleanup activities, and

WHEREAS, the California Department of Conservation’s Division of Recycling has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures for cities and counties or their designees under the program, and

WHEREAS, per Section 14581(a)(4)(E) of the California Beverage Container Recycling and Litter Reduction Act, the eligible participant must submit the Funding Request Form by the due date and time in order to request funds from the Department of Conservation’s Division of Recycling.

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council hereby authorizes the submittal of the Funding Request Form to the Department of Conservation’s Division of Recycling.

BE IT FURTHER RESOLVED by the Modesto City Council that the City Manager, Mr. Jack Crist, is hereby authorized and empowered to execute in the name of the City of Modesto all necessary forms hereto for the purposes of securing payments and to
implement and carry out the purposes specified in Section 14581(a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act and provide information regarding this program to the Division upon request.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LEE DELAMARE FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE MAY, 2000

WHEREAS, Lee DeLaMare was appointed a member of the Landmark Preservation Commission on April 8, 1997; and
WHEREAS, Lee DeLaMare has tendered his resignation from the Landmark Preservation Commission, effective May 23, 2000; and
WHEREAS, Lee DeLaMare has been a devoted and sincere public servant and has contributed greatly to our civic progress,
NOW, THEREFORE, BE IT RESOLVED that the resignation of Lee DeLaMare from the Landmark Preservation Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE NEW REVENUE IN THE CAPITAL IMPROVEMENT PROGRAM AND CREATE EIGHT NEW PROJECTS

WHEREAS, staff successfully applied for Congestion Management and Air Quality (CMAQ) funding for fourteen projects. Six existing projects need to be adjusted to amend the appropriation and estimate the additional grant funds; and

WHEREAS, there are eight new CIP projects that need to be created, and additional grant funding estimated. The appropriation for the four existing CIP projects will need to be decreased to provide for additional matching funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Frohman, Fisher, Friedman, Serpa, Smith and Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: \underline{Jean Zahr}, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: \underline{Stan Feathers}, Budget Officer
### Gas Tax Fund

**Amending CIP**
- 0700-160-L905: 15,000
- 0700-160-L907: 20,000
- 0700-160-L908: 20,000
- 0700-160-L921: 5,000
- 070-160-L904: 139,000

**New CIP**
- 0700-160-L129: 230,000
- 0700-160-L130: 805,000
- 0700-160-L131: 85,000
- 0700-160-L132: 200,000
- 0700-160-L134: 90,000
- 0700-160-L130: 173,746

**Decreasing CIP**
- 0700-160-L023: (50,000)
- 0700-160-L034: (22,500)
- 0700-160-L032: (752)

### CFF Streets

**Amending CIP**
- 1410-160-L903: 20,000
- 1410-160-L133: 90,000
- 1410-160-L135: 460,000

**Decreasing CIP**
- 1410-160-L001: (16,088)

### Revenue

- 0700-510-3504: 1,534,094
- 0700-510-3138: 127,400
- 1410-510-3504: 553,312
- 1410-510-3138: 48,600
A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO ALLOW DISCHARGE OF STORM WATER FROM THE KIERNAN BUSINESS PARK DRAINAGE BASIN TO THE MODESTO IRRIGATION DISTRICT LATERAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District to allow discharge of storm water from the Kiernan Business Park Drainage Basin to the Modesto Irrigation District lateral be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-241

A RESOLUTION DESIGNATED DESARROLLO LATINO-AMERICANO, INC. AS A COMMUNITY BASED DEVELOPMENT ORGANIZATION.

WHEREAS, Desarrollo Latino-Americano, Inc. (hereafter referred to as “DLA”) has applied for Community Based Development Organization (hereafter referred to as “CBDO”) status, and

WHEREAS, formed in 1992, DLA is a 501(c)(3) nonprofit organization committed to producing affordable housing to low-income Stanislaus County Residents, and

WHEREAS, City staff has reviewed DLA’s application and has determined that the organization meets the basic CBDO requirements, and

WHEREAS, by an Agenda Report dated May 12, 2000, to the Mayor and City Council from the Community Development Department, City staff recommended designating DLA as a CBDO,

WHEREAS, approval of DLA as a CBDO will allow DLA to continue to apply for funding for the workforce development program, outside of the 15% public services funding cap, and

WHEREAS, at the Council meeting held on May 23, 2000, the City Council considered this matter,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, as recommended, the Council hereby designates Desarrollo Latino-Americano, Inc. (referred to as “DLA”) as a Community Based Development Organization (referred to as “CBDO”).

The foregoing resolution was introduced at a regular meeting to the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
DISTRIBUTION LIST
RESOLUTION - COMMUNITY DEVELOPMENT

2 - Clerk
1 - Attorney
1 - Laurie Smith - CDD
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR A GRANT IN THE AMOUNT OF $90,000 BETWEEN THE CITY OF MODESTO AND DESARROLLO LATINO-AMERICANO FOR THE WORKFORCE DEVELOPMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for a grant in the amount of $90,000 between the City of Modesto and Desarrollo Latino-Americano for the Workforce Development Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]  
JEAN ZAHR, City Clerk